

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 093-02

A By-Law of The Corporation of the Town of Innisfil to provide for the licensing, regulation and governing of certain business, trade or occupation carrying on, or engaged in, within the Town of Innisfil and to repeal all former by-laws.

NOW THEREFORE the Council of the Corporation of the Town of Innisfil enacts as follows:

1. **TITLE AND SCOPE**

This by-law shall be known as a by-law for the licensing, regulating and governing of trades, businesses or occupations or the persons carrying on, or engaged in and may be cited by its short title, "The Business Licensing By-law".

2. **AUTHORITY**

Municipal Act R.S.O. 1990, Chapter M-45, (as may be amended from time to time), Sections 224, 225, 257, 320, 326, 327, 329, 330, and other applicable sections. Bill 26, Savings and Restructuring Act, Schedule M. Chapter 1, Statutes of Ontario 1996, Section 257.2. Authority for Penalty - Chapter P.33, Section 61 Provincial Offences Act R.S.O. 1990, Chapter P-33 (as may be amended from time to time).

3. **DEFINITIONS**

For the purpose of this by-law:

"Adult Entertainment Parlour" means any premises, or part thereof, in which the business carried on 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 Stores" means any premises or part thereof in which the principal business carried on is provided in pursuance of a trade, calling, business or occupation, goods appealing to or designed to appeal to erotic or sexual appetites or inclinations.

"Adult Magazine" means any magazine designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities, or by an emphasis on the display of human specified body areas.

"Adult Video Tapes" means any tapes, movies, film, graphic records, pre-recorded magnetic tape or any other viewing or listening matter which is classified by the Ontario Film Board as restricted with the added information piece, adult sex film.

"Advertise" means to advise, announce, apprise, command, give notice of, make known, publish any oral, written or graphic statement made by the seller in any manner in connection with the solicitation 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 Issuer of Licenses and shall include a licensee.

"Attendant" means when used in reference to an adult entertainment parlour means any person who provides, at or in an adult entertainment parlour, services designed to appeal to erotic or sexual appetites or inclinations.

"Body-rub" means kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

"Body-rub Parlour" means any premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

"Business" means a trade, business or occupation and includes the sale or hire of goods or services on an intermittent or one-time basis, the showing for the purpose of sale or hire of samples, patterns or specimens of any goods and an activity or thing a local municipality may license under the provision of the Municipal Act but does not include:

- i) a manufacturing activity or an industry, except to the extent that it sells its products or raw material by retail;
- ii) the selling of goods by wholesale; or
- iii) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.
- iv) for the purposes of this by-law, a business shall be deemed to be carried on within a municipality if any part of the business is carried on within the municipality even if the business is being carried on from a location outside the municipality;
- v) subject to the Theatres Act and the Retail Business Holidays Act, the Council of a local municipality may pass by-laws for the licensing, regulating and governing any business carried on within the municipality;
- vi) An activity that is conducted for profit or with a reasonable expectation of profit.

"Chief Building Official" means the person who may, from time to time, be appointed by Council to the position of Chief Building Official in conformity with the provisions of the Building Code Act R.S.O. 1990 and amendments thereto, or his designate.

"Chief Fire Official" means the person who may, from time to time, be appointed by Council to the position of Chief of the Fire Department of the Town or his designate.

"Comparative Advertising" means advertising that specifically compares the advertised brand with other brands of the same product.

"Compensation or Fee" means compensation to make equivalent return to, to pay for and receive service.

"Competitive Advertising" means advertising that contains basically little information

and is used to allow a producer to maintain a share of the market for that product.

"Constable" means a police officer who is a member of the South Simcoe Police Service.

"Corporation" means The Corporation of the Town of Innisfil.

"Fee" means a payment for services and remuneration paid for goods or other property.

"Goods" as it relates to Adult Entertainment Parlour Stores means books, adult magazines, adult video tapes, pictures, slides, film, phonographic records, pre-recorded magnetic tape or any other reading, viewing or listening matter appealing to or designed to appeal to erotic or sexual appetites or inclinations.

"Health Unit" means the Simcoe County District Health Unit.

"Informative Advertising" means advertising that gives information about the suitability and quality of products.

"Issuer of Licenses" means the Town Clerk or any other person duly authorized by the Clerk of the Town of Innisfil.

"License" means a business license issued pursuant to By-Law 093-02.

"Licensee" means a person who has been issued a license pursuant to this by-law either in the current calendar year or in a previous calendar year and shall include an applicant.

"Massagist" means a person who, in pursuance of a trade, calling, business, or occupation, performs massages in a massage parlour.

"Motor Vehicle" means an automobile, motor cycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric railways or other motor vehicles running, only upon rails or traction engines, farm tractor, self propelled implement of husbandry or road-building machines.

"Officer" means a Municipal Law Enforcement Officer appointed by By-law by the Town of Innisfil for the purposes of carrying out the enforcement of municipal by-laws.

"Operator - Adult Entertainment Parlour" means a person who alone or with others has the right to possess or occupy an adult entertainment parlour and includes the manager or his or her delegate who shall be on the premises at all times and who shall be at least nineteen (19) years of age.

"Operator - Adult Entertainment Parlour Stores" means every person who provides, in any premises or part thereof, in pursuance of a trade, calling, business or occupation, in which adult magazines or adult video tapes are provided, or who operates any premises or part thereof in which such magazines or video tapes are so provided.

"Owner - Adult Entertainment Parlour" means a person who alone or with others has the right to possess or occupy an adult entertainment parlour and includes the manager or his or her delegate who shall be on the premises at all times and who shall be at least nineteen (19) years of age.

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"Person" means any human being members of the public, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

"Premise" means land including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business and premise shall have the same meaning.

"Profession" means a vocation or occupation requiring special usually advanced education, knowledge and skill.

"Recreational Service" means a trade, business or occupation where members of the public enjoy any pleasurable interest, pastime or amusement after paying a fee. This definition shall also apply to places of amusement, arcades, fitness clubs, public halls, circuses, menageries, bowling alleys, roller rinks, arenas, tourist camps, campgrounds, and private contractors who may be contracted from time to time to operate recreational properties and programs.

"Refreshment Vehicle" means any vehicle from which food stuffs and/or refreshments are sold for consumption by the public and shall include, but is not limited to push carts, wheeled vehicles and catering trucks. Includes mobile preparation wheeled vehicles from which food prepared therein is offered for sale to the public.

"Service" means to provide or perform work done and benefit conferred upon another for a fee and profit.

"Services" designed to appeal to erotic or sexual appetites or inclinations means services of which the 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", "nu" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

"Services" as it relates to Adult Entertainment Parlours means activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of a film approved under the Theatres Act.

"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.

"Specified Body Areas" means in the case of a female person, her areola; and in the case of all persons the genitals and the anus.

"Specified Sexual Activities" means one or more of the following actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, anal intercourse, oral intercourse and direct physical stimulation of unclothed genital organs.

"To Provide" means when used in relation to any goods, magazines or video tapes, means to sell, offer to sell or display for sale, by retail or otherwise including renting or barter for trade such magazine or video tape, and "provider", "providing" and "provision" have corresponding meanings.

"Town" means The Corporation of the Town of Innisfil.

"Trader" means a merchant retailer who makes it his business to buy merchandise, goods or chattels to sell the same at a profit. One who sells goods substantially in the form in which they are bought; one who has not converted the goods into another form of property by skill and labour.

"Trailer" - means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodations of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed, but shall not include vehicles generally classified as "mobile homes".

"Transient Trader" - means a person, firm, corporation or otherwise, whose name has not been entered on the assessment roll in respect of business assessment for the then current year and who offers goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offers merchandise, and is for sale in any other manner.

"Vehicle" - means a conveyance provided with wheels or runners used for the carriage of persons or goods and shall include, but not be limited to a car, motorcycle, carriage, cart, wagon, trailer, truck, snow mobile or all terrain vehicle.

"Zoning Administrator" - means a person or delegate who may be appointed from time to time by Council to administer the Town Zoning By-law.

4. **PENALTIES**

Any person who contravenes any provision of this by-law unless otherwise provided herein is guilty of an offence, and

- 4.1. each day that a breach of this by-law continues shall constitute a separate offence, and
- 4.2. is guilty of an offence and upon conviction is liable to a fine of up to \$5,000.00 for each day upon which the contravention continues. Should the maximum fine under the Provincial Offences Act be raised subsequent to the date of passage of this by-law, to a fine of up to such amount.

5. **OFFENCES AND PENALTIES**

The offences and penalties for contravention of Schedules 3, 4 and 5 shall be as follows:

- 5.1 Every person who contravenes any provisions of the Schedules 3, 4 and 5 of the by-law and every director or officer of a Corporation who concurs in such contravention by the Corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00 or to imprisonment for a term of not exceeding one year, or both as provided for under **Section 329(1) of the Municipal Act, R.S.O. 1990, Chapter M45.**
- 5.2 Notwithstanding sub-section 4.1, where a Corporation is convicted of an offence under the provisions of this by-law the maximum penalty that may be imposed on the Corporation is \$50,000, and not as provided therein - Section 329(2) of the Municipal Act R.S.O. 1990, Chapter M45.

5.3 Where an owner is convicted of knowingly carrying on or engaging in a trade, calling, business or occupation on, in, or in respect of any premises of part thereof without a license required by a by-law passed under the **Municipal Act, R.S.O. 1990, Chapter M45** the court shall order that the premises or part thereof be closed to any use for any period not exceeding two years. Section 330(1) Municipal Act, R.S.O. 1990, Chapter M45.

6. Where a person is convicted of a contravention of a by-law passed under Sections 224 or 225 of the Municipal Act, R.S.O., Chapter M45, the court may order that the premises or part thereof be closed to any use for any period not exceeding two years. Section 330(2) Municipal Act R.S.O. 1990, Chapter M45.

7. **VALIDITY**

Should any section, sub-section, clause, paragraph or provisions of this by-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole.

7.1 Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time, provided however, if what is known as "daylight saving time" has been generally adopted in the regional area for any period of the year, under any statute, order-in-council, by-law, resolution or proclamation whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this by-law.

7.1.1 The schedules to this by-law shall form part of this by-law and each entry in a column of such a schedule shall be read in conjunction with the entry or entries across therefrom and not otherwise.

7.1.2 Words used in the singular shall have corresponding meanings when used in the plural.

7.1.3 "May" shall be construed as permissive.

7.1.4 "Shall" shall be construed as imperative.

8. **ENFORCEMENT**

This by-law shall be enforced by the officers of the Town's Municipal Law Enforcement Officers and the South Simcoe Police Service.

9. **ADMINISTRATION**

This by-law shall be administered by the Clerk or his duly authorized representative.

10. **FORCE AND EFFECT**

10.1 This by-law shall come into force and take effect on and from the day it is finally passed by Council.

10.2 Every license issued under this by-law shall expire at 12:00 midnight one year from the day on which the business license was issued in each calendar year.

11. **IDEM**

Unless the contrary intention appears in this by-law, words importing the masculine gender only shall include females as well as males and the converse.

12. **GENERAL PROVISIONS**

12.1 **Licenses**

No person shall carry on, conduct, operate, maintain, keep or engage in any business set forth in this by-law, without first having obtained a license from the Issuer of Licenses of the Town of Innisfil to do so.

12.2 **Application for License**

Any person wishing to obtain a license shall:

12.2.1 apply in writing on the appropriate application form as set out in Schedule "1" of this by-law,

12.2.2 deposit the required license fee as set out in Schedule "2" of this by-law, and

12.2.3 deposit an application fee for each new business as set out in Schedule "1" of this by-law, with the Issuer of Licenses prior to the issuance of any such license.

12.3 The Issuer of Licenses shall not issue a license until the new application and license is paid, and all requirements have been met.

12.4 Every type of business as the same company at the same location set forth in this by-law shall not require a separate application form to be completed and filed with the issuer of Licenses.

12.5 Upon receipt of an application the Issuer of Licenses shall make or cause to be made, any investigation which he deems advisable relative to the application, and any costs incurred in such inspection shall be at the applicant's expense.

12.6 The applicant shall be responsible for obtaining all necessary inspections and approvals as set out in this by-law.

12.7 Applicant shall show proof that all outstanding realty taxes, where applicable due on the premises issued in connection with licensed activity are paid up to date.

- 12.8 Upon receipt of a completed application and the appropriate fees for a license, the Issuer of Licenses shall:
- 12.8.1 make, or cause to be made, any inquiries to any municipal official or employee who has carried out inspections relative to the business under application, and
 - 12.8.2 receive reports from such municipal officials and employees as may be deemed necessary, and
 - 12.8.3 inquire into all relevant matters in order to ascertain if the applicant is entitled to a license under the provisions of this by-law, and
 - 12.8.4 ensure that all other provisions of this by-law have been complied with by the applicant prior to the issuance of any such license.
- 12.9 **Application for Renewal License**
- Any person wishing to renew a license previously granted under this by-law, shall:
- 12.9.1 submit a renewal application form to Customer Serve, section of Clerk Services.
 - 12.9.2 deposit the required license fee as set out in Schedule "2" with the Issuer of Licenses prior to the renewal of any such license.
- 12.10 Where the Issuer of Licenses receives an application for renewal of a license previously granted under this by-law and the appropriate fees he shall:
- 12.10.1 ensure that all inspections and approvals, as may be required have been obtained,
 - 12.10.2 make inquiries into all relevant matters in order to ascertain if the applicant is entitled to obtain a renewed license under the provisions of this by-law,
 - 12.10.3 inquire into any and all relevant changes in circumstances since the previous license was issued to the applicant,
 - 12.10.4 make any inquiries to any municipal official or employee who has carried out inspections or investigations relative to the business under application,
 - 12.10.5 receive reports from such municipal officials and employees as may be deemed necessary, prior to the issuance of any such renewal license.
 - 12.10.6 ensure whether or not the applicant or licensee has any fines (due and unpaid for fifteen days or more) imposed under the Provincial Offences Act for the contravention of the applicable section of this by-law under which the license was granted.

12.10.7 whether or not the applicant or licensee has paid all business and realty taxes due on the premises used in connection with the licensed activity.

12.10.8 provide proof of insurance.

12.11 Where all necessary inspections and approvals have been obtained and where the Issuer of Licenses is satisfied that the applicant is entitled to the renewal of a license, the Issuer of Licenses shall prepare and issue a license to the said applicant.

12.12 Form of License

Every license shall show therein:

12.12.1 the operating name of the business or person to whom the license is issued, and

12.12.2 the operating address of the premises or location for which the license is issued, and

12.12.3 the kind or class of license granted, and

12.12.4 the date of issue, and

12.12.5 the date of expiration, and

12.12.6 the signature of the Issuer of Licenses or his designate, and

12.12.7 be affixed with the Town seal.

12.13 Lost or Destroyed

In the event that a license issued under this by-law is lost or destroyed the applicant shall:

12.13.1 submit satisfactory proof of such loss or destruction,

12.13.2 submit payment for a replacement fee of fifteen dollars (\$15.00),

12.13.3 on receipt of the foregoing, the Issuer of Licenses shall issue a duplicate license with the word "duplicate" stamped or marked on it.

12.14 Change of Name, Ownership or Location

Every licensee shall, upon change of ownership of the licensed business, return and surrender his current license to the Issuer of Licenses. The new owner shall make application for a new license as outlined in Section 12 of this by-law. For the purpose of this section, any change in share ownership of a corporate owner shall constitute a change of ownership under this clause.

12.15 Where a currently licensed business changes premises, such new premises shall not be deemed to be licensed. The applicant must immediately make application for a new business license under the provisions as set out in Section 12.12.2 and shall surrender to the Issuer of Licenses the license issued to his previously licensed location.

12.16 **Licenses Personal**

No person shall enjoy a vested or property right in any license or the continuance of any license and such license and such rights shall remain the property of the Town.

12.17 **Nuisance Abatement**

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

12.17.1 at all times maintain and keep safe and clean and in good condition and repair any object, amusement, vehicle, place or premises for which the license is issued,

12.17.2 shall not cause, suffer, or permit any breach of any by-law of the corporation or of any local board thereof, or of any statute, order-in-council, or regulation of the legislature of the Province of Ontario or the Parliament of Canada or of any agency, board or commission of either of them, in, upon, or in connection with the object, amusement, place or premises for, or in relation to which such license was issued.

12.17.3 shall not cause, suffer or commit any nuisance to arise in, on, or in connection with the object, amusement, vehicle, place or premises for which the license was issued.

12.17.4 shall not cause, suffer or permit any shouting, noise or other disturbance on, in, or in connection with the object, amusement, vehicle, place or premises for which the license was issued, which is unnecessary, unreasonable or contrary to any municipal by-law prohibiting the same.

12.17.5 shall not cause, suffer, or permit any obstruction on any highway, lane or public place in front of, or adjoining the place or premises for which the license was issued.

12.17.6 shall not cause, suffer or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any vehicle, place or premises for which the license was issued.

12.18 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 and by his employees and all other persons in, or upon the premises which is licensed under the provisions of this by-law.

12.19 **Inspection**

The Issuer of Licenses, or his designate and without limiting the generality thereof shall include the Chief Fire Official, Fire Fighter, Provincial Offences Officers, Municipal Law Enforcement Officers, Chief of Police, Police Inspectors or Police Officers, or any agent, servant or employee of such servants as designated by Council, may at all reasonable times, inspect or cause to be inspected the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the carrying on of a business which is licensed or which is required to be licensed pursuant to this by-law.

12.20 Every person obtaining a license under this by-law, where the same applies to the occupation of such person, shall carry his license with him when engaged in the occupation for which the license is issued and every person so licensed shall, when so requested by any person authorized by the council, produce the license for inspection.

12.21 Every person obtaining a license under this by-law, where the same applies to ***premises, shall keep his license posted*** up in some conspicuous place on the premises in respect of which the license is issued and every person so licensed shall, when so requested by any person authorized by the council, produce the license for inspection.

12.22 **Refusal to Grant a License**

The Issuer of Licenses may refuse to issue a license to any applicant who, in his opinion, should not be licensed because of past breaches of this by-law or because of failure to comply with the requirements of this by-law or other applicable by-laws of the Town or of any local board thereof, or of any statute, order-in-council, or regulation of the Provincial Legislature or the Parliament of Canada or of any Agency, or Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity.

12.23 The Issuer of Licenses may refuse to issue a license to any applicant who has committed past breaches of this by-law or other applicable by-laws.

12.24 Notice of revocation of any license may be given by registered letter mailed to the address on the license and upon such mailing the license shall terminate.

12.25 Upon revocation and/or suspension of a license the licensee shall:

- 12.25.1 return all certificates and badges issued with reference to such license, and
- 12.25.2 permit any officer to enter the premises, vehicle or other property of the licensee for the purpose of receiving or taking the certificates or badges,
- 12.25.3 in no way hinder, prevent or obstruct the officer from carrying out his duties.

12.26 Notice and Appeal

- 12.26.1 Where the Issuer of Licenses refuses to issue, suspends or revokes a license the said Issuer of Licenses shall notify the applicant, in writing, of such decision and the said notice shall set out the grounds upon which the issue of the said license is refused and shall state that the applicant or licensee may appeal such decision by filing an appeal with the Clerk of the municipality within fifteen days as set out in this by-law.
- 12.26.2 Where the Issuer of Licenses refuses to grant a license, suspends or revokes a license under this by-law, the applicant or licensee may appeal this decision to the Council of the Corporation by filing with the Clerk, an appeal in writing, of the said decision within fifteen days of being notified of the decision of the Issuer of Licenses.
- 12.26.3 Upon receipt of an appeal from the applicant the Clerk and Council shall follow the procedure set out in this by-law.
- 12.26.4 The Council of The Corporation may, after the appropriate hearing is conducted, grant a license, refuse to grant a license, revoke a license or suspend a license and may make any suspension of license subject to such terms or conditions as Council may prescribe and a decision made pursuant to the exercise of these powers is final and binding upon the applicant or any license.
- 12.26.5 Council, in considering whether or not to grant a license, refuse to grant a license, or to revoke or suspend a license may have regard to the following:
- 12.26.5.1 whether or not the applicant or licensee and the premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of a business which is licensed or which is required to be licensed, pursuant to this by-law, complies with all requirements of this by-law.
- 12.26.5.2 whether or not the applicant or licensee has failed to promptly remedy any reasonable concern with regard to those matters set out in this by-law or has committed past breaches of this by-law.
- 12.26.5.3 whether or not the applicant or licensee has failed to comply with any requirements of any other applicable by-law of the Town or any local board thereof or of any statute, order-in-council or regulation of the Provincial Legislature or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon or in connection with the licensed activity or the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity.

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- 12.26.5.4 whether or not the applicant or licensee has any fines (due and unpaid for fifteen days or more) imposed under the Provincial Offences Act for the contravention of the applicable section of this by-law under which the license was granted.
 - 12.26.5.5 whether or not the applicant or licensee has paid all business and realty taxes due on the premises used in connection with the licensed activity.
- 12.27 Council shall comply with the following procedure in granting a license, refusing to grant a license, revoking or suspending any license issued under this by-law:
- 12.27.1 where Council wishes to consider whether or not to issue a license or to grant a license or to suspend or revoke a license issued under this by-law, the Clerk shall fix a date and time for such matter to be considered by Council and shall mail a Notice of Hearing to the licensee (at his last address as shown in the records of the Issuer of Licenses or the current year's assessment roll) and to any other person who has applied to be heard with regard to the matter.
 - 12.27.2 such notice shall be mailed at least fifteen days prior to the date and time fixed for such hearing.
 - 12.27.3 at such hearing Council shall receive a report, either verbally, or in writing, from the Issuer of Licenses and from such other officers or employees of the Corporation who considered by Council.
 - 12.27.4 at the hearing before Council, the licensee, either personally or through his agent or solicitor, shall be afforded an opportunity to present such material and evidence relevant to the issue before Council as he may deem expedient and he may ask questions of any person presenting evidence or a report to Council relevant to the said issue.
 - 12.27.5 Council may, in its sole discretion, afford any other person who applied to be heard and who appears to have an interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before Council and to ask questions of any person presenting evidence or a report to Council relevant to the said issues.
 - 12.27.6 for the purposes of this section, a quorum of Council shall be a majority of the members of Council and a decision by the majority of members present shall be the decision of Council.
 - 12.27.7 Council may, after having heard all of the evidence and submissions made to it by the applicant/licensee and the Issuer of Licenses resolve into the Committee of the Whole, to debate the matter and to reach its decision.

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- 12.27.8 the decision made by Council sitting as the Committee of the Whole shall be confirmed in open Council by resolution immediately following the meeting of the Committee of the Whole and a certified copy of such resolution shall be mailed to the licensee, to any person who has appeared before Council and requested that a copy of the resolution be provided to them and to the Issuer of Licenses.
- 12.28 The decision of Council to keep a license, refuse to issue a license, revoke a license or suspend a license may be subject to such terms as Council shall impose and shall be final.
- 12.29 No person shall engage in, or continue to conduct, or permit any person to engage in or continue to conduct, a business for which a license is required under the by-law while such license is suspended or revoked under the provisions of this by-law.
- 12.30 Every person engaging in any business for which he is required to be licensed by the provisions of this by-law shall be responsible that all the provisions of this by-law with respect to the same are complied with.
- 12.31 No person shall knowingly make a false statement on an application for a license or a renewal
- 12.32 No license issued under this by-law is transferable.
13. **Repeal Existing By-laws**
- In the event that any by-law or part of any by-law passed by the former municipalities of the Township of Innisfil, Village of Cookstown, Township of West Gwillimbury, Township of Essa and the Township of Tecumseth which are in conflict with the provisions of this by-law the provisions of this by-law shall take precedence or shall govern.
14. By-Law's 64-95, 110-91 and 062-02 are hereby repealed and replaced with By-Law 093-02.
15. This by-law shall come into force and take effect immediately upon the final passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 18TH, DAY OF DECEMBER, 2002.

Brian H. Jackson, Mayor

Paul G. Landry, Clerk

TOWN OF INNISFIL
APPENDIX 'A'

CATEGORY: _____

BUSINESS LICENSE APPLICATION

FILE: _____

LIC.# _____

NEW BUSINESS: _____ RENEWAL: _____ LICENSE FEE: _____

CLIENT IDENTIFICATION:

Registered Name of Business: _____

Name of Applicant: _____

Address of Applicant: _____

Operating Business Address: _____

Roll# of address where business is being conducted: _____

Mailing Address: _____

Class of Business: (ie: trade - electrician) _____ Zoning:(ie: C2) _____

Phone No's: Res.: _____ Bus.: _____ Cell: _____

Contact Name/Position: _____

Insurance Company Name: _____ Policy # _____
(Copy of policy must accompany this application)

Broker Name & Phone #: _____ Policy Period: _____

Ministry of Labour Certification (if applicable) _____

Ministry of Environment & Energy No. (if applicable) _____

Trades Qualification Act #: _____

Do you agree to have your business name published on the Town's Economic Development Web Page for public use? Yes _____ No _____

(Office Use Only)

DATED this _____ day of _____

Signature of Owner or Authorized Agent _____

DATE LIC. MAILED: _____

Witnessed by:(Town Staff) _____

**APPENDIX 'B'
SCHEDULE OF FEES**

BUSINESS	SCHEDULE	COMMENTS	FEES
Adult Entertainment Parlour	(Schedule 1)	(Pg.17-22)	10,000.00
Adult Entertainment Parlour Store	(Schedule 2)	(Pg. 23-26)	10,000.00
Amusement (Place of)	(Schedule 3)	(Pg. 27)	300.00
Auctioneer	(Schedule 4)	(Pg.28-29)	25.00
Bill Distributor	(Schedule 5)	(Pg. 30)	100.00
Billiard, Pool	(Schedule 6)	Facilities inspected annually by MLE Dept. for ea. billiard, pool, or bagatelle table (Pg. 31)	100.00 10.00
Body-rub Parlour	(Schedule 7)	(Pg. 32-34)	10,000.00
Firearms - Sales/Repairs	(Schedule 8)	(Pg.35-36) Sales, Service, Repairs	100.00
Hawker/Peddler	(Schedule 9)	(Pg. 37-38) (each individual)	100.00
Menageries	(Schedule 10)	Facilities inspected annually by MLE Dept. (Pg. 39)	300.00
Motor Vehicle Dealer	(Schedule 11)	Motor Vehicle Dealers Act Registration Certificate (Pg. 40-41)	100.00
Newspaper Box	(Schedule 12)	(Pg. 42) plus required per box	50.00 15.00
Pawn Shop	(Schedule 13)	\$2,000 Letter of Credit required to be maintained (Pg. 43)	100.00
Public Address System	(Schedule 14)	(Pg. 44)	50.00
Racing Vehicles	(Schedule 15)	(Pg. 45)	300.00
Refreshment Vehicle	(Schedule 16)	Propane Inspector - approval where applicable (Pg. 46)	300.00
Transient Trader	(Schedule 17)	(Pg. 47) Not renewable	300.00
Tow Truck	(Schedule 18)	(Pg.48-53) Business Operator	100.00

SCHEDULE '1'

ADULT ENTERTAINMENT PARLOUR

Authority: Municipal Act, R.S.O. 1990 Chapter M-45, Section 225 as may be amended from time to time. Bill 26, Savings and Restructuring Act, Schedule M. Chapter 1, Statutes of Ontario 1996.

No person shall operate, permit or maintain the business, trade or occupation of an adult entertainment parlour within the Town without first having obtained a licence to do so.

DEFINITIONS

2. The definitions in this section shall govern:

- 2.1 **"Adult Entertainment Parlour"** - means any premises, or part thereof, in which the business carried on 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;
- 2.2 **"Attendant"** when used in reference to an adult entertainment parlour means any person who provides, at or in an adult entertainment parlour, services designed to appeal to erotic or sexual appetites or inclinations;
- 2.3 **"Operator"** means a person who alone or with others has the right to possess or occupy an adult entertainment parlour and includes the manager or his or her delegate who shall be on the premises at all times and who shall be at least nineteen (19) years of age;
- 2.4 **"Owner"** means a person who alone or with others has the right to possess or occupy an Adult Entertainment Parlour and includes a lessee of an Adult Entertainment Parlour or of premises upon which an Adult Entertainment Parlour is located;
- 2.5 **"To Provide"** when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provisions" have corresponding meanings;
- 2.6 **"Services"** includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of a film approved under the Theatres Act;
- 2.7 **"Services Designed to Appeal to Erotic or Sexual Appetites or Inclinations"** -(as defined under Adult Entertainment Parlour) includes services of which the 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", "nu" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.
- 2.8 **"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.

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3. If the applicant is an individual, the applicant shall file with the application, his full name, birth date, and mailing address.
4. If the applicant is a corporation, the applicant shall file with the application the full name and birth date of every shareholder or other person having an interest of any kind in the shares of the corporate applicant and shall also provide the mailing address of the corporation. The applicant shall be responsible for maintaining a current list of shareholders with the Issuer of Licences at all times.
5. If the applicant is a partnership, the applicant shall file with the application the full name of every partner, the birth date of every partner and the mailing address of the partnership. The applicant shall be responsible for maintaining a current list of the members of the partnership with the Issuer of Licences.
6. Any person to whom this section relates shall notify the Issuer of Licences immediately of any change in any of the particulars required to be filed with the Issuer of Licences.
7. In the event of a sale, lease, or disposal in any other manner of the licensed premises, the new owner, purchaser, lessee or other person obtaining the premises and intending to utilize the same for the purpose of an adult entertainment parlour, shall apply as a new business in accordance with the Bylaw.
8. Every person carrying on the business of an adult entertainment parlour shall prominently display at each entrance to the premises sufficient signage reading:
9. No person shall provide services in any adult entertainment parlour unless such premises are licensed under the provisions of this Bylaw.
10. Every licensee shall provide and maintain, with the Issuer of Licences at all times, and as may be required, a current list of all entertainers, the professional name under which they perform, their legal name, current residing address, and current mailing address.
11. The license fee for an adult entertainment parlour shall be ONE THOUSAND AND FIVE HUNDRED (\$1,500.00) DOLLARS. All licenses issued under this by-law shall expire at 12 midnight one year from the day on which the business license was issued in each calendar year.
12. The license issued pursuant to the provisions of Schedule 3 of this by-law to an owner or operator of an adult entertainment parlour is not transferrable to any other owner or operator.

13. Conditions for issuance for an Adult Entertainment Parlour license:
- 13.1 No license shall be issued to an owner or operator of an adult entertainment parlour unless:
- 13.1.1 the applicant is at least nineteen (19) years of age, and
- 13.1.2 the Chief of Police has reported in writing that the Applicant has not received a conviction under one of the following sections of the **Criminal Code of Canada** or the **Narcotics Act** or the **Food and Drug Act.**
- S.173 of the Criminal Code (indecent acts)
 - S.212 of the Criminal Code (procuring)
 - S.213 of the Criminal Code (prostitution)
 - S.4 of the Narcotics Control Act (trafficking)
 - S.39 S.47, and S.48 of the Food and Drug Act (trafficking), and
- 13.1.3 the premises comply with the zoning by-law regulations or any other applicable requirements of the Town, Fire Code, Building Code and Public Health Act, and
- 13.1.4 the Chief Fire Official has reported in writing that the premises comply with fire regulations, and
- 13.1.5 The Health Unit has reported in writing that the premises in connection with which the license is sought are suitable for the purpose of the license application and are in a sanitary condition, and
- 13.1.6 in the case of an operator's license, the operator provides the name of the owner whose entertainment parlour the operator intends to operate, and
- 13.1.7 the adult entertainment parlour is located in an area referred to in Section 17. of this Schedule, and
- 13.1.8 the applicant has paid to the Town the license fee prescribed by this by-law;
- 13.2 The Issuer of Licenses shall cause such investigation to be made as is required to be satisfied that there has been compliance with the provisions of this by-law prior to the issuance or renewal of an owner's or operator's adult entertainment parlour license.

AGE RESTRICTION

14. No owner or operator shall permit any person under the age of eighteen (18) years to enter or remain in the adult entertainment parlour owned or operated by the owner or operator.

HOURS OF OPERATION

- 15.1 No owner and/or operator shall, in respect of an adult entertainment parlour owned or operated by such person, open the 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 from the hours of 2:00 o'clock (a.m.) in the forenoon of any day to 6:00 o'clock afternoon (p.m.) of the same day.
- 15.2 During the hours of business of an adult entertainment parlour, it shall be the responsibility of the owner or the operator, if any, to ensure that the door or doors or other principal means of access into the adult entertainment parlour shall be kept unlocked.

ATTENDANTS

16.1 Criminal Offence

No owner or operator shall permit or allow any attendant on the premises to take part in any criminal activity relating to drug trafficking, stolen property or any other criminal offence provided for under the Criminal Code of Canada, the Narcotics Control Act, the Food and Drug Act, and/or any provision of this by-law, failing which the owner and/or operator shall be subject to suspension or revocation of the license held pursuant to this by-law.

16.2 Age Restriction

No owner or operator shall permit any attendant under the age of eighteen (18) years to enter or remain in the adult entertainment parlour owned or operated by the owner or operator.

16.3 Proof of Age and Photo ID

No owner or operator shall permit any attendant on the premises licensed pursuant to this Schedule and by-law without first having been provided with the appropriate photo identification and proof of age. Until this proof of age is submitted, the attendant shall not be permitted on the premises and failing which the owner and/or operator shall be subject to suspension or revocation of the license held pursuant to this schedule.

LOCATION

17. Number

17.1. Licenses for adult entertainment parlors shall be restricted on the basis of ratio of licenses population and for the purpose of this by-law that ratio shall be one license for each 12,000 persons population residing in the Town pursuant to the most recent annual census count.

17.2 Location

17.2.1 No adult entertainment parlour shall be operated closer than 300 metres measured in a continuous path over the shortest horizontal distance from a residence, or residential zone as established in the Town Zoning By-law, or a public park or school as defined under the Education Act, Chapter E2, R.S.O. 1990;

17.2.2 No adult entertainment parlour shall be located closer than 300 metres from any other adult entertainment parlour;

17.2.3 "Adult Entertainment Parlors may operate within Lot 6, Concession 7 and Lots 6, 7 and Part of the North half of Lot 8, Concession 8; provided they comply with the provisions stipulated within Zoning By-law No. 24-83. No Adult Entertainment Parlour shall be operated within 300 metres from Innisfil Beach Road and Provincial Highway No. 400.

17.2.4 Notwithstanding anything to the contrary, an adult entertainment parlour may be operated at the premises described as Lot 1, Plan 1167, Conc. 7, so long as renewal of the current license to the same owner continues.

SIGNAGE

18. No owner or operator of an adult entertainment parlour shall place or permit placement of any sign or other advertising device within the Town of Innisfil that includes any of the following words:

18.1 "Nude", "naked", "topless", "bottomless", "sexy", "nu", or any other word or any picture, symbol or representation having like meaning or implication.

GROUND FOR REFUSAL TO LICENSE, RENEW OR REVOKE

19. An applicant whose application meets all the requirements of this by-law is entitled to a license, except where:

19.1 the applicant is carrying on activities that are, or will be if licensed, in contravention of this by-law or any other law, by-law or statute.

19.2 The provisions of Sections 12 of this by-law shall apply to all matters regarding the grounds for refusal to license, renew or revoke a municipal business license.

INSPECTION

- 20.1 On receipt of an application for a license or for any renewal of a license or at any time during the period when the business is open for operation and all times thereafter, the Issuer of Licenses, Chief Fire Official or designate, Chief Building Official, any Police Officer or Municipal Law Enforcement Officer may at any reasonable time enter upon the premises of the applicant or licensee to make an inspection to ensure that all the provisions of this by-law have been satisfied, and upon entry, all employees and attendants shall identify themselves to verify compliance with provisions of this by-law.
- 21.2 No person shall obstruct the Issuer of Licenses or designate, Chief Building Official, any Police Officer or Municipal Law Enforcement Officer from inspecting premises or withhold, destroy, conceal or refuse to furnish any information or thing required by any one the aforesaid official(s) conducting the inspection.

PROHIBITIONS

- 22.1 No attendant shall, while providing services as an attendant, touch or be touched by or have any physical contact with any other person, in any manner whatsoever involving any part of any person's body.
- 22.2 No owner or operator shall, in respect of any Adult Entertainment Parlour owned or operated by such person, knowingly permit any attendant, while providing services as an attendant, to touch or be touched by, or have any physical contact with any other person, in any manner whatsoever involving any part of any person's body.
- 22.3 No attendant shall provide any service which is not within view of the main stage area without obstruction by walls, curtains or any other enclosures whatsoever. No attendant shall provide any service within any area whatsoever which is not open to view by all customers.
- 22.4 No owner or operator shall, in respect of any Adult Entertainment Parlor owned or operated by such person, allow any service to be provided by any attendant within any area whatsoever which is not open to view by all customers, and in the same manner as set out in 22.3.
- 22.5 No owner shall permit any person other than the dancers (performers) to be on the performance stage while adult entertainment is being performed.

INSURANCE

- 23.1 The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
- 23.2 Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under 23.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '2'

ADULT ENTERTAINMENT PARLOR STORES

Authority: Municipal act, R.S.O. 1990 Chapter M-45, Section 225 as may be amended from time to time. Bill 26, Savings and Restructuring Act, Schedule M, Chapter 1, Statutes of Ontario 1996.

3. No person shall operate or permit to be operated any adult entertainment parlor store in which goods are provided without first obtaining a license from the Issuer of Licenses of the Town of Innisfil.
4. A separate owner's license shall be required for each adult entertainment parlor store.
5. The license issued pursuant to the provisions of Schedule 4 of this by-law to an owner or operator of an adult entertainment parlor store is not transferable to any other person or corporation.
6. The license fee for the license required shall be ONE THOUSAND AND FIVE HUNDRED (\$1,500.00) DOLLARS. All licenses granted under this by-law shall expire at 12 midnight one year from the day in which the business license was issued in each calendar year.

DEFINITIONS

5. The definitions of this Section shall govern:
 - 5.1 "**Adult Entertainment Parlor Stores**" means any premises or part thereof in which the principal business carried on is provided in pursuance of a trade, calling, business or occupation, goods appealing to or designed to appeal to erotic or sexual appetites or inclinations;
 - 5.2 "**Goods**" includes books, adult magazines, adult video tapes, pictures, slides, film, phonographic records, pre-recorded magnetic tape or any other reading, viewing or listening matter appealing to or designed to appeal to erotic or sexual appetites or inclinations.
 - 5.3 "**Adult Magazine**" means any magazine designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities, or by an emphasis on the display of human specified body areas.
 - 5.4 "**Adult Video Tapes**" means any tapes, movies, phonographic records, pre-recorded magnetic tape or any other viewing or listening matter appealing to or designed to appeal to erotic or sexual appetites or inclinations, through the viewing of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities, or by an emphasis on the display of human specified body areas.

- 5.5 **"Operator"** means every person who provides, in any premises or part thereof, in pursuance of a trade, calling, business or occupation, in which adult magazines or adult video tapes are provided, or who operates any premises or part thereof in which such magazines or video tapes are so provided.
- 5.6 **"To Provide"** when used in relation to any goods, magazines or video tapes, means to sell, offer to sell or display for sale, by retail or otherwise including renting or barter for trade such magazine or video tape, and "provider", "providing" and "provision" have corresponding meanings.
- 5.7 **"Specified Body Areas"** means in the case of a female person, her areola; and in the case of all persons the genitals and the anus.
- 5.8 **"Specified Sexual Activities"** means one or more of the following, actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, anal intercourse, and oral intercourse, direct physical stimulation of unclothed genital organs., and flagellation or torture in the context of a sexual relationship or activity.

LOCATION

6. No adult entertainment parlor store shall be operated:
- 6.1 Closer than 300 metres measured in a continuous path over the shortest distance from a residence or residential zone as established in the zoning by-law for the Town of Innisfil, or a public park, or a school as defined by Section 1(1) of the Education Act, Chapter E2, R.S.O. 1990.
- 6.2 No adult entertainment parlor store shall be located closer than 300 metres from any other adult entertainment parlor in the Town of Innisfil.
- 6.3 Notwithstanding the provisions of sub-sections 6.1 and 6.2, but included in sub-section 6.1 hereof, Adult Entertainment Parlors Stores may not be operated in the following location:
- 6.3.1 Premises known municipally as Concession 7, Plan 1167, Lot 1, Town of Innisfil.
- 6.4 Adult entertainment parlour stores may only operate in the following locations:
- Within Lots 6 & 7, Concession 7, provided they comply with the zones as established in the Zoning By-law for the Corporation of the Town of Innisfil. However, the maximum number of licenses that may be granted in the Town of Innisfil in respect of adult entertainment parlors stores shall be limited to two. Notwithstanding the defined area provisions of this by-law, licenses for body-rub parlors and adult entertainment parlors shall be restricted in number on a basis of ratio of licenses to population and for the purpose of this by-law, that ratio shall be one license for each 12,000 persons population residing within the Town of Innisfil pursuant to the most recent annual census count.

GROUNDINGS FOR REFUSAL TO LICENSE, RENEW OR REVOKE

7. An applicant whose application meets all the requirements of this by-law is entitled to a license, except where:
- 7.1 the applicant is carrying on activities that are, or will be if licensed, in contravention of this by-law or any other law, by-law or statute.

CONDITIONS FOR ISSUANCE OR AN ADULT ENTERTAINMENT PARLOR STORE LICENSE:

8. No license to an owner or operator of an adult entertainment parlor store shall be issued unless:
- 8.1 the applicant is at least nineteen (19) years of age;
- 8.1.2. the Chief of Police has reported in writing as to the good character of the applicant. Good character includes, but is not restricted to, evidence that the applicant has not received a conviction under one of the following sections of the **Criminal Code of Canada** or the **Narcotics Control Act** or the **Food and Drug Act**.
- s.173 of the Criminal Code (indecent acts)
 - s.212 of the Criminal Code (procuring)
 - s.213 of the Criminal Code (prostitution)
 - s.4 of the Narcotics Control Act (trafficking)
 - s.39 s.47, and s.48 of the Food and Drug Act (trafficking);
- 8.1.3. the premises comply with the zoning by-law regulations or any other applicable property standards requirements of the Corporation;
- 8.1.4. the Chief Fire Official has reported in writing that the premises comply with fire regulations;
- 8.1.5. the Medical Officer of Health has reported in writing that the premises in connection with which the license is sought are suitable for the purpose of the license application and are in a sanitary condition;
- 8.1.6. in the case of an operator's license, the operator provides the name of the owner whose entertainment parlor store the operator intends to operate;
- 8.1.7. the adult entertainment parlor store is located in an area referred to in sub-section 6 of Schedule 4 of this by-law; and
- 8.1.8. the applicant has paid to the Town the license fee prescribed by this by-law;
- 8.2 The Manager of Municipal law shall cause such investigation to be made as are required to satisfy himself that there has been compliance with the provisions of this by-law prior to the issuance or renewal of an owner's or operator's adult entertainment parlor store license.

9. Every operator shall post and keep posted at every entrance to such adult entertainment parlor store and in a prominent location inside such store, signs sufficient to indicate clearly to any person approaching or entering the store and to every person in the store that no person under the age of EIGHTEEN (18) years is permitted to enter or remain in such store or any part thereof.
10. Every operator who provides goods, adult magazines or adult video tapes in any premises or part thereof within a minimum floor area of 25 square feet, other than an adult entertainment parlor store, or who operates such premises or part thereof, shall comply with the following regulations in respect of such premises or part:
 - 10.1 No goods, adult magazines or adult video tapes shall be displayed at a height of less than 1.5 metres above floor level, unless such magazines or video tapes are in a part of the premises to which the public is not permitted physical access.
 - 10.2 All goods, adult magazines or adult video tapes offered for sale or displayed in such premises or part shall be placed behind an opaque barrier of a size and nature which shall ensure that the cover of every such magazine while so displayed, except for the name thereof, may not be seen by any member of the public.

INSPECTION

- 11.1 On receipt of an application for a license or for any renewal of a license, or at any time during the period when the business is open for operation, the Issuer of Licenses, Chief Building Official, any Police Officer or a Municipal Law Provincial Offences Enforcement Officer may at any reasonable time enter upon the premises of the applicant or licensee to make an inspection to ensure that all the provisions of this by-law have been satisfied.
- 11.2 No person shall obstruct the Manager of Municipal Law Enforcement or designate, Chief Building Official, any Police Officer or a Municipal Law Enforcement Officer from inspecting premises or withhold, destroy, conceal or refuse to furnish any information or thing required by any one of the aforesaid official(s) conducting the inspection.

INSURANCE

- 12.1 The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
- 12.2 Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 12.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '3'

AMUSEMENT (Places of)

Authority: Municipal Act R.S.O. 1990 Chapter M-45, Section 236.6, as may be amended from time to time.

1. No person shall operate or maintain, a place of amusement within the Town without first having obtained a licence to do so.

2. **DEFINITIONS**

The definitions in this Section shall govern:

- 2.1 "Amusement" (Place of) means any location or premises which shall include any room or area in which are offered facilities for the playing of:

- 2.1.1 three or more games of chance, or

- 2.1.2 three or more games of mixed chance and skill, or

- 2.1.3. a combination of three or more mixed games of chance and games of chance and skill for the amusement of the public, which games are not contrary to the Criminal Code of Canada. Shall include but shall not be limited to video games, pinball games, tabletop hockey games, tabletop soccer games, electronic games, miniature golf, automatic batting cages and other similar devices. Shall not include billiard, pool and bagatelle tables, or bowling alleys.

3. The licence, where required by the Chief Fire Official, shall reflect a maximum occupant load which shall be determined by the Fire Department for the Town.

4. Every person who holds a current licence shall display in a prominent place at the entrance and inside the place of amusement the maximum occupant load (where applicable) as authorized under the licence issued by the Issuer of Licences.

5. Every person who holds a current licence shall not permit a greater number of persons than authorized by the licensed capacity to enter or be in the place of amusement.

6. Every person who holds a current licence shall:

- 6.1 ensure that a person who has attained the age of eighteen years is present at all times when the premises is open to the public to supervise the use of the premises.

- 6.2 ensure that within the licensed premises there are no pay-offs, betting or the offering or any article or things as prizes in contravention of the Criminal Code.

INSURANCE

- 7.1 The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).

- 7.2 Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 7.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '4'

AUCTIONEER

Authority: Municipal Act, R.S.O. 1990, Chapter M-45, Section 234-7 as may be amended from time to time.

1. No person shall operate, maintain or engage in the business, trade or occupation of Auctioneer within the Town without first having obtained a license to do so.

DEFINITIONS

2. The definitions of this Section shall govern:
 - 2.1 "Auction" means a sale to persons in which bids on goods, articles merchandise, effects, etc. are received by an auctioneer and where each bid offers more than the last previous bid, the article being put up being sold to the highest bidder.
 - 2.2 "Auctioneer" means a person who conducts a sale by auction.
3. No person shall sell or put up for sale, goods, wares, merchandise or effects by auction within the Town without first having obtained a license to do so.
4. The auctioneer shall, at each auction, prominently display his license issued subsequent to this section, and shall in all public advertisements of any nature used by him in the course of his business, include his municipal license number.
5. No auctioneer shall:
 - 5.1 permit any disorder in his auction room or offices;
 - 5.2 conduct or permit to be conducted any mock auction;
 - 5.3 knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale by him;
 - 5.4 give away articles or sell them for nominal amounts for the purpose of stimulating bidding;
 - 5.5 do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he pays for any article(s);
 - 5.6 avail himself to the services of, or acts in concert with, persons known in the trade as "beaters", "boosters" or "shells" for the purpose of raising or stimulating bids;
 - 5.7 sell or put up for sale by auction any goods, wares, merchandise or effects held on a reserve bid basis without first announcing to those in attendance.

6. Every auctioneer shall:
 - 6.1 keep proper books of account of the business transacted by him as an auctioneer;
 - 6.2 list the names and addresses of the owners of the goods, wares, merchandise or effect to be sold, the description of the same, the price for which the same may be sold, and
 - 6.3 list the names and addresses of the persons purchasing such goods, wares, merchandise or effects or any portion thereof, the price for which the same was sold, and, forthwith, after the sale of same, or any portion thereof, account for the proceeds and pay the same to the person(s) entitled to such proceeds, less the auctioneer's legal and proper commissions and charges and he shall, in case no sale is made of such goods, on payment of his proper costs and charges, return such goods to the person(s) entitled to receive such goods on proper demand being made for such goods.
7. Every auctioneer shall advise the Issuer of Licenses a minimum of seven (7) days in advance of the time, date and location of every auction scheduled by such auctioneer.
8. Service clubs and registered charitable organizations conducting Silent Auctions and Chinese Auctions, and as approved by the Issuer of Licenses shall be exempt from the provisions of this Schedule.
9. Nothing herein contained shall apply to a Sheriff or Bailiff sale.

INSURANCE

- 10.1. The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
- 10.2. Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 10.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '5'

BILL DISTRIBUTORS

Authority: Municipal Act, R.S.O. 1990, Chapter M-45, Section 234.8 as may be amended from time to time.

1. No person shall operate, maintain or engage in the trade, business or occupation of a bill distributor within the Town without first having obtained a license to do so.

DEFINITIONS

2. The definitions in this Section Shall govern:
 - 2.1 "Bill Distributor" means a person who dispenses, circulates or otherwise distributes any notice, advertisement circular, announcement, or other similar article.
3. No bill distributor shall distribute any handbill, circular or other paper within the Town by depositing the same upon any motor vehicle, parked or standing in any public place, or by handing the same to pedestrians or others on streets, highways, roads or on any sidewalk, boulevard or footpath without first having obtained a license to do so. No Bill Distributor shall obstruct any vehicular traffic on any road within the Town.
4. Notwithstanding the foregoing, no license shall be required by any individual distributing newspapers, magazines, religious material, or any handbill, circular or other paper distributed by an employee of Canada Post.
5. No person shall distribute any bills, posters, circulars or other paper which contravenes any Federal and/or Provincial Statutes or Regulations.
6. Every bill distributor shall provide the full operating name, operating address, registered name and mailing address for the company, firm or corporation with whom he is employed.
7. Every bill distributor shall, within 48 hours of any change of the employer, notify the Issuer of Licenses of such change.

INSURANCE

- 8.1. The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
- 8.2. Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 8.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '6'

BILLIARD, POOL OR BAGATELLE ESTABLISHMENTS

Authority: Municipal Act, R.S.O. 1990, Chapter M-45, Section 236.1 as may be amended from time to time.

1. No person or proprietary club shall, for hire or gain directly or indirectly keep or have in his possession or on his premises any billiard, pool or bagatelle table within the Town without first having obtained a license to do so.

DEFINITIONS

2. The definitions in this Section shall govern:
 - 2.1 "Billiard, Pool and Bagatelle Establishment" means any building, location or premises including proprietary clubs that directly or indirectly keeps or has in their possession or on their premises, any billiard, pool or bagatelle table or keeps or has any such table, whether used or not, in a place of public entertainment or resort.
3. No person shall, be granted a license to keep for hire or gain, a billiard, pool or bagatelle table until he shall produce and file with his application for such license:
 - 3.1 the approval of the Health Unit showing that the premises are in proper sanitary condition and provided with proper conveniences;
 - 3.2 the approval of the Town of Innisfil Fire Department showing that the premises are in accordance with all fire safety regulations.
4. The licensee shall maintain, keep and operate, at all times, the premises licensed hereunder in an orderly respectable and sanitary manner.
5. The licensee shall ensure that within the licensed premises there are no payoffs, betting or offering of any article or thing as prize in contravention of the Criminal Code.
6. A Police Officer or Law Enforcement Officer may, at any reasonable time, enter upon business premises in which they have reason to believe there is kept any billiard, pool or bagatelle table, contrary to the provision herein and may, at any time, enter upon premises licensed for billiard, pool or bagatelle tables when they have reason to believe that anyone in the premises is gambling, aiding or abetting gambling therein.
7. The licensee shall ensure that elementary school children not frequent the premises during normal school hours.

INSURANCE

- 8.1. The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).

- 8.2. Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 8.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '7'

BODY-RUB PARLORS

Authority: Municipal Act R.S.O. Chapter M-45, Section 224 as may be amended from time to time. Bill 26, Savings and Restructuring Act, Schedule M, Chapter 1, Statutes of Ontario 1996.

1. No person shall operate, permit or maintain the business trade or occupation of a Body-rub Parlor within the Town without first having obtained a license to do so.
 - 1.1 A Body-rub Parlor must comply to all applicable Town by-laws before a license is issued.

DEFINITIONS

2. The definitions in this section shall govern:
 - 2.1 "**Body-rub**" includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;

"**Body-rub Parlor**" includes any premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;
 - 2.2 "**Massagist**" means a person who, in pursuance of a trade, calling, business, or occupation, performs massages in a massage parlor.
3. Every body-rub or other service performed in a body-rub parlor shall be given in an individual room or cubicle, but no owner or operator shall permit the door to any room or cubicle where body-rubs 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.
4. No one may in a body-rub parlor perform a body-rub or provide any other 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.
5. Every owner who operates his own body-rub parlor and every operator of a body-rub parlor, shall, in the operation of the body-rub parlor comply with, and ensure compliance with, the following regulations:
 - 5.1 The premises shall be provided with adequate light and ventilation;

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- 5.2 The premises and the fixtures and equipment therein shall be regularly washed and be kept in a sanitary condition;
- 5.3 The premises shall be equipped with an effective utility sink;
- 5.4 Adequate toilet and washroom accommodation shall be provided, and there shall be separate such rooms for males and females, and no body-rubs or other services may be provided in any washroom or in any room containing a toilet;
- 5.5 Washrooms shall be equipped with:
 - 5.5.1 an adequate supply of hot and cold water
 - 5.5.2 an adequate supply of liquid soap in a suitable container or dispenser;
 - 5.5.3 hot air dryers or individual clean towels for the use of each person using the washing facilities;
 - 5.5.4 a suitable receptacle for used towels and waste material;
- 6. No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with a body-rub parlor;
 - 6.1 Adequate shower bath-rooms shall be provided, and in such rooms, and in all sauna-bath rooms, if any:
 - 6.1.1 the floors shall be disinfected at least once a week with a disinfecting solution approved by the Health Unit;
 - 6.1.2 all surfaces and attached accessories of the bath or shower enclosure must be self-draining;
 - 6.1.3 all showers must have removable cleanable drain covers;
 - 6.1.4 floor surfaces both within and without the enclosures shall be of a non-slip type;
- 7. If bathtubs or whirlpool baths are provided on the premises, the following regulations shall apply:
 - 7.1 a grab-bar or other convenient support shall be provided unless the walls of the tub or whirlpool bath enclosure are 0.61 metres in height or higher;
 - 7.2 the bottom of the tub or whirlpool bath enclosure shall be of a non-slip type;
 - 7.3 the water serving all bathtubs, showers and hand basins used by patrons shall not have a temperature exceeding 49 degrees Celsius and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device;

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- 7.4 A total volume air change of ten times per hour shall be provided for all rub, shower or bath rooms;
- 7.5 Common foot baths shall not be provided on the premises;
- 7.6 Duckboards or cocoa matting shall not be used in the shower, bath or steam room and only liquid or powdered soap shall be used in the shower room;
- 7.7 A notice shall be posted advising all patrons that a cleansing shower or bath must be taken by every person immediately prior to any body-rub being performed upon that person;
- 7.8 Every person immediately after taking a shower shall be provided with a fresh, clean, individual pair of paper slippers;
- 7.9 Every table, mat or other surface upon which persons lie or sit while being given or provided with a body-rub shall be clean and in good repair, and shall have a top surface of impervious material;
- 7.10 Every table, mat or other surface referred to in subsection 7.9 hereof shall, before any person receives a body-rub thereon, be covered with a fresh, clean individual paper or cloth sheet;
- 7.11 Every sheet or towel shall, immediately after being used by any person, be deposited in a receptacle reserved for that purpose and shall not be utilized again for any purpose before being freshly laundered;
- 7.12 All massage or body-rub appliances and any other article or device applied to a customer's body for or in connection with body-rubs shall be cleansed and disinfected after each individual use with a disinfecting solution satisfactory to the Health Unit and no such appliance, article or device shall be used or available for use in a body-rub parlor unless it is so constructed as to be readily capable of being so cleansed or disinfected.

INSURANCE

- 8.1 The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
- 8.2 Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 8.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '8'

FIREARMS - SALES/REPAIRS

Authority: Municipal Act R.S.O. 1990, Chapter M-45, as may be amended from time to time. Bill 26, Savings and Restructuring Act, Schedule M, Section 257(2), Chapter 1, Statutes of Ontario 1996.

1. No person shall operate, permit, manufacture, assemble, possess, purchase, sale, import, export, display, repair, restore, maintain, store, alter, take in pawn, transport, ship, distribute or deliver a firearm trade, business or occupation under the category of Firearms - Sales/Repairs within the Town of Innisfil, without first obtaining a license.
2. Business also need a license under the Firearms Act to possess and acquire firearms, other weapons, devices and ammunition.

DEFINITIONS

3. The definitions in this section shall govern:
 - 3.1 **“Customer Service”** - means a business, trade or occupation where an employee of the business, trade or occupation provides a service for work done and for benefit conferred upon another for a fee.
 - 3.1.1 The services performed include things purchased by the customer that do not have physical characteristics.
 - 3.2 **“Firearms”** - means a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.
 - 3.3 **“Retail”** - means a sale of good for final consumption (not Wholesale).
 - 3.4 **“Retailer”** - means a person engaged in making sales to ultimate consumers. One who sells personal or household goods for use or consumption.
 - 3.4.1 The essential distinction between a “wholesaler” and “retailer” is that the person buying from the retailer is the ultimate user or consumer of the article or commodity or does not sell it again, whereas the one buying from a wholesaler buys only for the purpose of selling the article again.
 - 3.5 **“Retail Sale”** - means a sale in small quantities or direct to a consumer as distinguished from sale at “wholesale” in large quantity to one who intends to re-sell. Sale to an ultimate consumer.

GENERAL PROVISIONS

4. The applicant shall provide to the Issuer of Licenses at the time of application:
 - 4.1 two (2) pieces of identification, one of which shall be photographic identification detailing the applicant’s birth date, legal name and current residential address;

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- 4.2 a Criminal Record Check obtained from a Police Enforcement Agency and dated within 30 days of the date of receipt of the application;
- 4.3 a certified true copy of all Federal and Provincial documents required as regulated by the Firearms Act and Firearms License Regulations, as well as any other Federal and Provincial Acts which may be required by the Issuer of Licenses.
5. The applicant is responsible for the payment of all inspections fees and approval fees as may be required by the Town or other agencies.
6. The applicant for a license shall comply with all Federal and Provincial Statutory requirements, Simcoe County District Health Unit requirements, Ontario Fire Code and ALL applicable Town by-laws.
7. Under no circumstances shall an owner or operator of a firearm sales, service and repair business, shall permit any person under the age of eighteen (18) years to provide any service relating to firearms owned or operated by the owner of the said business.
 - 7.1 Any employee over the age of eighteen (18) years of age may provide sale, service or repairs providing that the Issuer of Licenses is provided with a certified true copy of all Federal and Provincial documents required as regulated by the Firearms Act and Firearms License Regulations, as well as any other Federal and Provincial Acts which may be required by the Issuer of Licenses.
8. All firearms and related supplies in the conduct of the business shall be stored in a secured place as regulated by the Firearms Act.

ALARMS

9. Any license business in the sales, repairs and servicing of firearms under this by-law shall have a burglary alarm system for the security of the establishment. Such alarm system shall be monitored by, and have a contract with a qualified ULC Listed Monitoring Station, which shall notify Police Services of any alarms occurring from this location.
10. The applicant must produce a signed letter from their monitoring station confirming to the Town of Innisfil that should their monitoring contract referred to under Section 9 above be cancelled for any reason, the Town of Innisfil and Police Services will be immediately notified in writing of such a cancellation.

INSURANCE

11. The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
12. Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 23.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '9'

HAWKERS AND PEDDLERS

Authority: Municipal Act R.S.O. 1990, Chapter M-45 Section 234.1 as may be amended from time to time.

1. No person shall go from place to place, or to a particular place within the Town with goods, wares or merchandise for sale or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise which are to be delivered within the municipality afterward, without first having obtained a license to do so.

DEFINITIONS

2. The definitions in this Section shall govern:
 - 2.1 **"Hawker and Peddler"** means 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 that are to be delivered in the municipality afterwards and shall include but is not limited to salesmen and photographers of any kind.
3. This schedule shall not apply to or include a person who hawks, peddles or sells goods, wares or merchandise:
 - 3.1 to wholesale or retail dealers in similar goods, wares or merchandise;
 - 3.2 if the goods, wares or merchandise are grown, produced or manufactured in Ontario, and are hawked, peddled or sold by the grower, producer or manufacturer, or agent or employee having written authority to do so, in the municipality in which the grower, producer or manufacturer resides;
 - 3.3 if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm;
 - 3.4 if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee or agent having written authority to do so.
 - 3.5 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 municipality in respect of premises used for the sale of such goods, wares or merchandise.
4. No person shall engage in, or carry on, his respective trade, calling, business or occupation by passing from house-to-house or along streets within the Town before sunrise in any day.

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5. Where the licensee goes from place to place or a particular place with any wagon, cart or other vehicle, the licensee shall not:
 - 5.1 employ any person or permit any person to assist in peddling from such wagon, cart or vehicle who is not licensed to do so.
 - 5.2 employ more than three helpers in connection with such wagon, cart or vehicle.
6. No person who uses a push cart or other vehicle propelled by muscular power, a motor driven vehicle, or horse drawn wagon shall stop to carry on business at a distance less than 15 metres from any intersection, or 30 metres of any school ground, public park, public dock or wharf, except when necessary to avoid traffic or in compliance with the directions of a police officer or of a traffic control sign or signal.
7. In the event of a prosecution under this section, against any hawker or peddler, the onus of proving that he does not for any of the reasons listed under Section 2 require to be licensed is upon the person charged.
8. The licensee shall, at all times, while carrying on his business, have his license with him and shall, upon demand exhibit it to any Municipal Law Enforcement Officer or Peace Officer.
9. This section shall not apply to charitable organizations approved by the Town Administrator conducting tag days or selling items for the purpose of raising funds for their charitable organization.
10. A license issued under this by-law to any person, company or partnership shall not permit more than one person to go from house to house or along highways for the purpose of buying, selling or trading.
11. The licensee shall meet all of the requirements of the Town Parks & Recreation Department, Town Fire Department, Town Police Service and the Simcoe County District Health Unit.

INSURANCE

- 12.1. The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
- 12.2. Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 12.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '10'

MENAGERIES

Authority: Municipal Act R.S.O. 1990, Chapter M-45, Section 236.7 as may be amended from time to time.

1. No person firm or corporation shall operate or maintain a menagerie within the Town without first having obtained a license to do so.

DEFINITIONS

2. The definitions in this Section shall govern:
 - 2.1 "Menagerie" means a collection of wild animals in cages or enclosures for the purpose of exhibition, also refers to the location or premises where such a collection of animals is kept.
3. Every applicant shall provide and maintain a current list of all animals which are kept in such menagerie.
4. The applicant shall indicate at the time of application and maintain with the Issuer of Licenses at all times, the name and address of the person having control and charge of the menagerie.
5. Every menagerie shall maintain and keep all animals within the menagerie in a clean, well-bedded, and healthy manner and shall ensure that the animals are treated in a humane manner at all times.
6. Every person to whom this section relates shall, provide to the Town a policy of insurance:
 - 6.1 in the case of bodily injury or death to the limit of \$500,000 (exclusive of interest and cost) against loss or damage resulting from bodily injury or death of any one person and;
 - 6.2 in the case of any one person so injured or killed of at least \$1,000,000.00 (exclusive of costs and interest) against loss or damage resulting from bodily injury or death of two or more persons in any one accident, or
 - 6.3 in the case of property damage to the limit of \$100,000.00 (exclusive of cost and interest) for damage to property resulting from any one accident.
 - 6.4 produce a signed letter from their insurance agent confirming to the Town that should the Insurance Policy referred to in section 5.1, 5.2 and 5.3 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified, in writing.
7. A certified copy of the policy or a certificate issued in regard thereto shall be deposited with the Issuer of Licenses at the time of application.
8. Any admission price shall be posted in a conspicuous and prominent location outside the entrance.

SCHEDULE '11'

MOTOR VEHICLE DEALERS LOT

Authority: Municipal Act R.S.O. 1990, Chapter M-45, Section 210.152(a) as may be amended from time to time.

1. No person shall own or operate or maintain any premises used the retail sale of motor vehicles within the Town without first having obtained a license to do so.
2. Each person shall supply the Issuer of Licenses with the Provincial Motor Vehicle dealer license number.

DEFINITIONS

2. The definitions in this Section shall govern:
 - 2.1 "Motor Vehicle Dealer" means a person who carries on the business of buying or selling motor vehicles, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling motor vehicles.
 - 2.2 "Motor Vehicle Dealer Lot" means a premise or location from which motor vehicles are sold or offered for sale by retail.
3. A separate license shall be required in respect of each premises used by any dealer from which the retail sale of vehicles shall be conducted.
4. No person shall:
 - 4.1 permit the licensed premises to be used for the wrecking of motor vehicles;
 - 4.2 park or store any motor vehicle on any sidewalk, boulevard, highway or road upon which the licensed premises abuts;
 - 4.3 permit the engine of a motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes;
 - 4.4 remove or cause to be removed any snow from the licensed premises to any public sidewalk, street or roadway.
5. The licensee shall:
 - 5.1 keep the licensed premises free from rubbish and in a clean and neat condition;
 - 5.2 keep any sidewalk or street upon which the licensed premises abuts, free from any dirt or other foreign substance derived from or resulting from the use thereof.

INSURANCE

- 6.1. The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
- 6.2. Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 6.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '12'

NEWSPAPER BOXES

Authority: Municipal Act R.S.O. 1990, Chapter M-45, Section 232.5 as may be amended from time to time.

1. No person shall within the limits of the Town of Innisfil, place or maintain boxes for the dispensing of newspapers upon a sidewalk or the untravelled portion of a highway without first having obtained a license to do so.
2. Any person licensed under this part shall maintain the said boxes in a clean, neat and bright condition so as to not detract from the appearance of the highway and shall not suffer or permit any of the contents thereof to be deposited or left to blow or lie upon any part of the highway.
3. No person shall place or maintain boxes for the dispensing of newspapers on any highway within fifty feet (50') of any intersection, curve, railway crossing, bridge, hill or crosswalk within the limits of the Town of Innisfil.
4. Newspaper boxes placed on any road, boulevard, sidewalk, ditch or Town property of any kind, in contravention of By-law 093-02 may, in addition to any other penalties provided, be removed after proper notice has been given by the issuer of licenses.
5. No license shall be issued under this schedule where the boxes are to be situated on Town Roads without the written permission of the Director of Public Works or his duly authorized representative.
6. The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
7. Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 6 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '13'

PAWN SHOP

Authority: Pawnbroker's Act, R.S.O. 1990, Chapter P.6 Section 2(1) as may be amended from time to time.

1. No person shall operate or maintain the business, trade or occupation of a pawnbroker within the town unless he first obtains a license to do so. Such license shall be under the hand of the Town Treasurer.

DEFINITIONS

2. The definitions in this Section shall govern:
 - 2.1 "**Pawn Shop**" means a person who carries on the business of taking by way of pawn or pledge, any article for the repayment of money lent thereon.
3. Every pawnbroker shall provide to the Issuer of Licenses at the time of application, security in the form of a Letter of Credit to the satisfaction of the Town Treasurer in the amount of \$2,000, for the due observance of the provisions of the Pawnbroker's Act, R.S.O. 1990, Chapter P.6
4. Every licensee shall comply at all times with all provisions of the Pawnbroker's Act as set out in Chapter P.6 R.S.O. 1990, as may be amended from time to time.

INSURANCE

- 5.1. The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
- 5.2. Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 5.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '14'

PUBLIC ADDRESS SYSTEM

Authority: Municipal Act, R.S.O. 1990, Chapter M-45, Section 210 sub-section 139, as may be amended from time to time.

1. No person shall within the limits of the Town of Innisfil operate or cause to be operated a public address system, loud speaker or similar device without first having obtained a license to do so.

DEFINITIONS

2. The definition of this Section shall govern:
 - 2.1 "**Public Address System**" means sound equipment, loud speakers or any other similar sound amplification system when used on a highway, public lands adjacent thereto, or when emitting sound thereto.
3. This part shall not apply to the operation of church organs, church bells or chimes or the amplification thereof, or any domestic electronic sound device.
4. No person, licensed under this schedule shall operate or cause or suffer to be operated any equipment for which they hold a license in any area zoned for residential use except between the hours of 9:00 a.m. to 9:00 p.m., provided that no such person shall operate such equipment on a Sunday.
5. Notwithstanding the above, every person who operates a public address system, loud speakers, sound equipment or any other similar device shall ensure that such emission of sound does not contravene the provisions of Innisfil's Noise By-law, Municipal Act, Chapter M-45, Section 210.132 and amendments thereto, as approved by the Ministry of the Environment & Energy.
6. No person, licensed under this by-law shall operate any equipment for which they hold a license at a volume in excess of ten (10) watts of audio output at the speaker nor shall the sound emitted from such equipment be other than plain language, speech or music.

INSURANCE

- 7.1. The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
- 7.2. Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 7.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '15'

RACING OF MOTOR VEHICLES, GO KARTS AND MOTOR CYCLES

Authority: Municipal Act, R.S.O. 1990, Chapter M-45, Section 210.66 as may be amended from time to time.

1. No person shall within the limits of the Town carry on the business of racing motor vehicles, go karts or motor cycles or operating a track or place for the racing of motor vehicles or motor cycles without first having obtained a license to do so.
2. No person shall be granted a license hereunder until he shall produce and file with his application for such a license the approval of the Fire Chief and Chief of Police or their designates.
3. No person operating a track or place for the aforesaid purpose shall be permitted to conduct the same in such a manner as to make such operation constitute a common nuisance or public nuisance.
4. Every owner or operator shall:
 - 4.1 obtain a policy of liability insurance in the sum of one million (\$1,000,000.00) dollars and inclusive property loss and property damage, and
 - 4.2 produce to the Town of Innisfil Municipal Law Enforcement Department, written proof of the said insurance policy in sub-section 4.1;
 - 4.3 produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to in sub-section 4.1 above the cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '16'

REFRESHMENT VEHICLE

Authority: Municipal Act R.S.O. 1990, Section 236.253, as may be amended from time to time. Bill 26, Savings and Restructuring Act, Section 257(2), Schedule M, Chapter 1, Statutes of Ontario 1996.

1. No person shall operate, permit or maintain any trade, business or occupation under the category of "Refreshment Vehicle" within the Town without first having a license to do so.

DEFINITIONS

2. The definitions in this section shall govern:
 - 2.1 **"Refreshment Vehicle"** - it shall also include refreshment vehicles which means any vehicle from which food stuffs and/or refreshments are sold for consumption by the public and shall include, but is not limited to push carts, wheeled vehicles and catering trucks. Includes mobile preparation wheeled vehicles from which food prepared therein is offered for sale to the public.
3. The applicant for a license shall comply with all Federal and Provincial Statutory requirements, Simcoe County District Health Unit requirements, Ontario Fire Code and ALL applicable Town by-laws.
4. The applicant is responsible for the payment of all inspection fees and approval fees as may be required by other agencies.
5. No mobile premise refreshment vehicle or mobile preparation vehicle may be operated on any roadway or other property under the jurisdiction of the Corporation of the Town of Innisfil without the prior agreement, in writing, of the said Town.
6. Refreshment vehicles may be operated on privately owned property providing the premises of the owner of the property is obtained, in writing, and a copy deposited with the Issuer of Licenses and the carrying on of the business at such location is not in contravention of any other municipal by-laws.
7. No refreshment vehicles shall park longer than a 15 minute period on any highway and may not obstruct traffic in any way. whenever possible, the vehicle shall park off the street allowance for the purpose of loading or making any delivery.
8. No refreshment vehicle shall park in any posted "No Parking" zone located within the Town.
9. The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
10. Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to in Section 9 above the cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.

SCHEDULE '17'

TRANSIENT SERVICE

Authority: Municipal Act R.S.O. 1990, Section 236.253, as may be amended from time to time. Bill 26, Savings and Restructuring Act, Section 257(2), Schedule M, Chapter 1, Statutes of Ontario 1996.

1. No person shall operate, permit or maintain any trade, business or occupation under the category of "Transient Service" within the Town without first having a license to do so.

DEFINITIONS

2. The definitions in this section shall govern:
 - 2.1 **"Transient Service"** - means a person, firm, corporation or otherwise, whose name has not been entered on the assessment roll in respect of business assessment for the then current year and who offers goods, wares or merchandise for sale by auction, conducted themselves or by a licensed auctioneer or otherwise, or who offers merchandise and is for sale in any other manner, and includes any person commencing business who has not resided continuously in the municipality for at least three months next preceding the time of commencing such business and includes transient trader.
3. The applicant for a license shall comply with all Federal and Provincial Statutory requirements, Simcoe County District Health Unit requirements, Ontario Fire Code and ALL applicable Town by-laws.
4. The applicant is responsible for the payment of all inspection fees and approval fees as may be required by other agencies.
5. The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1000,000.00).
6. Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to in Section 5 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.
7. Each transient trader shall provide a customer, when asked, with a forwarding address complete with Head Office location, phone number and supervisory name in the event the customer wishes to lodge a complaint.

SCHEDULE '18'

TOW TRUCKS

Authority: Municipal Act R.S.O. 1990 Chapter M-45, Section 232 as may be amended from time to time.

DEFINITIONS

1. The definitions in this Section shall govern:
 - 1.1_ **“Owner”** means the owner or lessee of a tow truck licensed pursuant to this Schedule.
 - 1.2 **“Tow Truck”** means a motor vehicle for hire for the owing or transporting of vehicles within the Town.
 - 1.3 **“Tow Truck Owner”** means any person who is the registered owner of a tow truck.

GENERAL PROVISIONS

2. No person, Tow Truck Broker, or owner shall pick up and drop off any motorized vehicle within the Town of Innisfil boundaries without first have been licensed under the terms of this by-law.
3. Applicants governed under this Schedule shall comply to any by-law passed by South Simcoe Police Services.

TOW TRUCK COMPANY REGULATIONS

4. No person shall operate or maintain the business of a Tow Truck Company within the Town without first having obtained a license to do so.
5. The applicant shall provide to the Issuer of Licenses at the time of application, proof of GST (Goods and Services Tax) registration.
6. No person shall permit any person to dispatch calls on behalf of the Tow Truck Company or to a Tow Truck unless such person is licensed under the provisions of this by-law to do so.
7. Every Tow Truck Owner shall ensure that ever every driver of a tow truck shall be familiar with the provisions of this by-law, the laws and regulations relating to traffic and the geography of the Town of Innisfil.
8. Every person making application shall be at least 18 year of age.
9. Every person shall satisfy the Issuer of Licenses that they are able to provide 24 hour tow truck service to the public for each day of the year.

10. Every person shall:
- 10.1 keep an orderly record of all calls answered by tow trucks owned by him showing date, time, origin, destination, tow truck vehicle license number, and the name of the driver. The records shall be retained for a period of 12 months from date of entry and shall be open for inspection by any Municipal Law Enforcement Officer, Police Officer or other duly appointed individual at any reasonable time and may be removed by such Municipal Law Enforcement Officer, Police Officer, or other duly appointed individual an retained for any reasonable period of time;
 - 10.2 submit each tow truck owned by him for vehicle safety inspection annually and at any other time as required by the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and shall file with the Issuer of Licences a valid and current Safety Standards Certificate for each tow truck owned by him an intended to be used as a tow truck in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, c. H.8;
 - 10.3 provide telephone and radio dispatching equipment and facilities maintained in proper working condition but in no case shall utilize a cellular telephone or similar means of communication for dispatching calls.

VEHICLE LICENSE REQUIREMENTS

11. Every applicant for a vehicle owner's license shall:
- 11.1 No person shall operate or maintain a tow truck within the Town limits unless such tow truck is license under the provisions of this section.
 - 11.2 The applicant shall provide to the Issuer of Licenses at the of application, the vehicle make, model, year and vehicle identification number for each vehicle to be licensed as a town truck.
 - 11.3 No person shall operate a tow truck at any time where such vehicle being operated as a tow truck does not meet, or if put to an inspection, could not pass the Safety Standards established to the Highway Traffic Act, R.S.O. 1990, c. H.8.
 - 11.4 Every owner and driver of a tow truck shall ensure that the tow truck is equipped with a spare usable tire and wheel and a suitable jack for lifting the tow truck at all times.
 - 11.5 Every owner and driver shall ensure that a tow truck licensed under this Section is only used as a tow truck and is not used for hire as a taxicab unless otherwise licensed under the provisions of this by-law.
 - 11.6 Where a person holds a valid Town of Innisfil Business License under this section for the current year and where such person certifies that the town truck licensed under this section has been removed from service, and is being replaced by another vehicle to be operated as a town truck, and upon submission of:
 - 11.6.1 a duly completed application form;

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- 11.6.2 an appropriate safety inspection certificate for the vehicle to be licensed as tow truck;
- 11.6.3 any other required inspections, approvals or documents as required by the Issuer of Licenses, and;
- 11.6.4 payment of a \$50.00 administration fee.
- 11.7 submit an approved motor vehicle inspection report for the tow truck from the Ministry of Transportation (Ontario);
- 11.8 submit evidence of insurance, in a form satisfactory to the License Issuer, and providing for:
 - 11.8.1 at least ten (10) days written notice to the License Issuer prior to cancellation, expiration, or variation in amount of coverage;
 - 11.8.2 coverage of at least \$1,000,000.00, exclusive of interest and costs, against liability resulting from bodily injury to, or the death of, any person or persons, and against liability from damage to property;
- 11.9 coverage of at least \$1,000,000.00, exclusive of costs, against liability for damage to the vehicles of customers while in the care, custody and control of applicant; and
 - 11.9.1 coverage of at least \$50,000.00 against liability for damage to or theft of cargo or other goods of customers, subject to reasonable limitations.
 - 11.9.2 submit for inspection and approval by the licensing section the vehicle for which the plate will be issued.
- 12. A license issued in respect of a vehicle is not transferable to any other vehicle.
- 13. Council may suspend or revoke a license if an owner fails to operate a tow truck for a period of sixty (60) consecutive days and does not provide a reasonable explanation therefor.
- 14. Every tow truck business licensed after the date of this by-law comes into force shall lease, rent or own and maintain an office for the purpose of dispatching and administration of the tow truck business, in a facility located in a commercial zone, as permitted in the Town's Zoning By-Law currently in effect.
- 15. Where the applicant has any interest, either directly or indirectly, in any building, yard or place used for the storage or impounding of vehicles or in any business or operation involving the storage or repair and servicing of vehicles, full information as to the location and type of facilities in which such applicant has an interest, and the nature and extent of the interest.
- 16. Where the applicant is a corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government departments.

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17. Where the applicant is a registered partnership, a copy of the registered declaration of partnership.
18. Every owner shall return to the License Issuer the license issued to such owner and the license plate for a tow truck if such owner disposes of or is no longer operating or using that tow truck.

PROHIBITIONS

19. No person shall operate or permit to be operated a tow truck, unless he is licensed as an owner in respect of that tow truck.
20. No person shall drive a tow truck, or act as a driver, unless a vehicle license has been issued in respect of that tow truck.
21. No owner or driver shall use or operate a tow truck unless the tow truck is equipped in accordance with the requirements of this by-law, and all such equipment is in good condition and fully operational.
22. No owner or driver shall use or permit to be used a tow truck that is unsafe or defective.
23. No driver shall commence to tow or move any vehicle, or hook, lift or connect the vehicle to the tow truck, or perform any other services unless first requested to do so by the customer, or Police.
24. No driver shall stop or park within sixty (60) metres of the location of an accident, unless there are fewer tow trucks at the accident location than the number of vehicles for which the services of a tow truck are required or unless the driver has been summoned to the accident location by the customer, or Police.
25. No driver shall approach a customer or offer or make available for hire the services of the tow truck, unless permitted to do so in accordance with this schedule.
26. No owner or driver shall interfere with the contract of hiring of any other owner or driver.
27. Prior to towing or conveying any vehicle, the owner or driver shall provide a copy of his current Schedule of Rates to the customer.
28. No owner or driver shall charge a customer for time lost due to a breakdown of the tow truck or its equipment.
29. No owner or driver shall demand, request, accept or receive, directly or indirectly, any charge, gift, payment, drop fee, thing or other consideration from any person who owns or has an interest, directly or indirectly, in any motor vehicle pound, motor vehicle body shop, public garage or any other yard, shop, building or place, used for the storage, repair or servicing of motor vehicles, in respect of or in consideration for the towing or conveying of a motor vehicle to such building or place.

OBLIGATIONS

30. Every owner shall carry on the business of operating a tow truck only in the name to which the vehicle owner's license was issued.
31. Every owner shall give written notice of the sale or other disposition of any tow truck to the License Issuer within seven (7) days of any such sale or disposition.
32. Every owner shall provide and maintain on, or in, every tow truck owned or leased by such owner, and in respect of which such owner is licensed under this by-law, the equipment set out in this Schedule.
33. Every owner shall ensure that all equipment required by this Schedule is kept in a good state of repair, and shall have the fire extinguisher inspected and serviced annually.
34. Every owner shall ensure that the business name under which the tow truck operates is clearly indicated on both sides of the tow truck, in a location acceptable to the License Issuer, in letters and figures not less than eight (8) centimeters in height;

RATES

35. Every owner shall file with the License Issuer a Schedule of Rates to be charged by the towing company for each of its services,
36. The Schedule of Rates filed with the Town shall be based only on the factors set out in this Schedule.
37. Where rates are to vary with the time of day or location served, or in accordance with some other factors, the formula for determining exactly the rates to be charged shall be set out in the Schedule of Rates filed with the License Issuer.
38. The provisions of this Schedule do not prohibit an owner from entering into a written agreement with any person, group or company to provide towing services at rates lower than those shown in the Schedule of Rates filed, provided that a copy of such written contract or agreement is filed with the License Issuer at least ten (10) days before any services to which such contract or agreement applies are to be provided.
39. Before demanding payment for any services, an owner or driver shall present to the person for whom the services were performed, a numbered bill itemizing the cost of all services and equipment.
40. Every owner and driver shall keep a daily record of the work performed by the tow truck owned or driven by such owner or driver, either on a continuous log sheet or with consecutively numbered bills or invoices, showing, in every instance:
 - 40.1 the name of the person for whom work was done;
 - 40.2 a description and license plate number of the vehicle towed or conveyed;
 - 40.3 from where and to where the vehicle was towed or conveyed; and
 - 40.4 the rate charged and the total fee collected thereon.

41. Every driver shall:
 - 41.1 keep in the truck, at all times while operating a tow truck, the tow truck driver's license issued to such driver;
 - 41.2 be properly dressed and well groomed; and
 - 41.3 behave courteously.
42. Every driver shall:
 - 42.1 clean up any debris, fragments of glass, vehicle parts, or other materials (excluding loads dumped during accidents) from any highway or roadway prior to towing any vehicle from the scene;
 - 42.2 take due care of all vehicles and property delivered to or entrusted to such driver for towing;
 - 42.3 tow a vehicle by the most direct route reasonably possible in the circumstances, and in the most expeditious manner, unless otherwise directed by the customer; and
 - 42.4 comply with all reasonable instructions of the customer.

EQUIPMENT

43. A winching or hoisting device of sufficient capacity to safely lift the motor vehicle to be towed, and/or
44. A tow cradle, tow-bar or tow-sling equipped and maintained in a manner to ensure the safe lifting and conveying of a towed vehicle.
45. One device for securing the steering wheel of a vehicle.
46. At least one 2.27 kg., (5 lbs) chemical fire extinguisher having an effective total rating equivalent to at least 4-B, C.
47. At least two tow safety chains having a minimum length of 2.7432 metres (9 ft.) each with links of at least 7.957 millimeters, (5/16") steel.
48. Two (2) safety pylons;
 - 48.1 Broom;
 - 48.2 Shovel;
 - 48.3 First Aid Kit.
49. An intermittent amber warning light system consisting of at least one light which would be clearly visible in all directions for a distance of at least 100 metres;
50. Prybar at least 152.4 centimeters (60" = 5 ft.) in length;
 - 50.1 Two (2) wheel blocks;
 - 50.2 Flares of reflector kits;
 - 50.3 Wheel wrenches.