

Authority: Item 10, Economic Development  
and Planning Committee  
Report 07-010 (PED07076(a))  
CM: May 30, 2007

**Bill No. 170**

**CITY OF HAMILTON**

**BY-LAW NO. 07-170**

**A By-law to License and Regulate Various Businesses**

**WHEREAS** Council considers it in the public interest to enact a by-law to license regulate and govern various classes of businesses, and to repeal the existing City of Hamilton Licensing Code being City of Hamilton By-law No. 06-213, as amended;

**AND WHEREAS** Part IV of the Municipal Act, 2001 allows the enactment of by-laws to license, regulate and govern businesses, and to impose conditions on the obtaining, holding and keeping of licences to carry on such businesses;

**AND WHEREAS** Council wishes to exercise its powers over businesses, the persons carrying on or involved in the operation of the businesses including the powers to impose conditions on the obtaining, holding or renewing of licences and for the suspension, denial and revocation of licences as this By-law and Municipal Act, 2001 provide;

**AND WHEREAS** the regulation of the businesses in this by-law, the requirement for a licence and the imposition of such conditions will aid in the application and enforcement of this by-law and other laws so as to assist in allowing, amongst other things, for the identification and qualification of the persons responsible for the operation of the business, the identification of the location of businesses, the regulation and inspection of equipment, vehicles, premises and other property used to carry on business, and allowing for the protection of persons dealing with or affected by such businesses and persons;

**AND WHEREAS** Council is satisfied that a public meeting and reasonable public

notice have been given for enactment of this by-law in accordance with the Municipal Act, 2001;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

## **DEFINITIONS and APPLICATION**

1.(1) In this By-law:

- (a) **"applicant"** means a person applying for a licence or renewal of a licence thereof under this By-law;
- (b) **"business"** has the same meaning as provided in section 150 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended;
- (c) **"City"** means the City of Hamilton as constituted by section 2 of the City of Hamilton Act, 1999, S.O. 1990, c.14, Schedule C;
- (d) **"City Council"** or **"Council"** means the council of the City of Hamilton;
- (e) **"City Treasurer"** means the treasurer of the City;
- (f) **"conditions"** includes special conditions which are conditions imposed upon a business in a class that have not been imposed on all of the businesses in that class, as a requirement of obtaining, continuing to hold or renewing a licence;
- (g) **"former municipality"** means the City of Hamilton, the Town of Dundas, the City of Stoney Creek, the Town of Ancaster, the Town of Flamborough and the Township of Glanbrook, which municipalities were dissolved by subsection 5(1) of the City of Hamilton Act, 1999, S.O. 1999, c. 14;
- (h) **"hearing"** includes a hearing or an opportunity given for a hearing, where an applicant or licensee may show cause why the licence should be granted, or not refused, revoked or suspended, with or without conditions;

- (i) “**inspector**” except where otherwise indicated means an employee of the Buildings and Licensing Division of the Planning and Economic Development Department who is appointed by the Issuer of Licences to enforce the provisions of this By-law;
- (j) “**Issuer of Licences**” means the Director of Building and Licensing of the Planning and Economic Development Department, or the persons the Director may designate from time to time to issue licences in his or her stead;
- (k) “**Licensing Committee**” means the City of Hamilton Licensing Committee established under subsection 3(1);
- (l) “**person**” includes an individual, partnership, corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- (m) “**policies**” or “**policy**” means policies or a policy approved by Council under section 15 of this By-law;
- (n) “**private club**” means an establishment which is maintained and operated by a not-for-profit corporation or unincorporated association solely for the benefit and enjoyment of its members, and which has adopted by-laws or policies regulating the admission of persons to the corporation or association, the classes and conditions of membership, the suspension and termination of membership, the qualification and membership of directors and their manner of election, and the holding of an annual general meeting of members, and which requires the payment of fees and dues by members on an annual basis, and which issues cards or other documents to members which state the name of the member and the date on which his or her membership expires;
- (o) “**Secretary**” means the secretary of the Licensing Committee; and

- (p) "**Schedule**" shall be a reference to one or all the Schedules listed in Section 30, as the context requires.
- (2) Except where otherwise provided, the provisions of this By-law apply to the engaging in or carrying on, in the City of Hamilton, of any of the businesses regulated by this By-law.
- (3) This By-law is subject to the Retail Business Holidays Act, R.S.O. 1990, c. R.30.

## ADMINISTRATION

2. Subject to the terms of this or other by-laws, or the directions of Council:
- (a) Administration of this By-law shall be by the staff of the Building and Licensing Division of the Planning and Economic Development Department of the City;
- (b) Enforcement of this By-law shall be by persons appointed by the Issuer of Licences or Council for the purpose of enforcing the provisions of this By-law, which shall include the following:
- (i) municipal law enforcement officers; and
  - (ii) inspectors appointed pursuant to the Building Code Act, S.O. 1992, c.23.
- 3.(1) A committee is hereby established pursuant to Section 23.5 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, under the name "City of Hamilton Licensing Committee", which shall be composed of not fewer than three members of council who are appointed by resolution of Council, and one such member shall be designated as the chair of the committee.
- (2) In place of the Council, the Licensing Committee shall, for the purpose of business and lottery licensing, hear the parties to a hearing or afford the parties an opportunity to be heard, and make decisions and recommendations from hearings so held.

- (3) For the purposes of (2), the Licensing Committee shall apply the by-laws of the Council and have the powers, duties and rights as applicable under the Statutory Powers Procedures Act, R.S.O. 1990, c. S. 22.
  - (4) There shall be a Secretary to the Licensing Committee, who may be assigned administrative duties by the Committee.
  - (5) The Secretary shall attend all meetings of the Licensing Committee and shall keep all necessary records and perform such other duties as may from time to time be required by the Licensing Committee.
- 4.(1) The duties of the Issuer of Licences include ensuring:
- (a) that applications are on the form applicable to the class of licence applied for, complete, and signed by the applicant, or where the application is from a partnership or corporation respectively, signed by a partner or the president or other authorized signing officer of the corporation;
  - (b) that the applicant has paid the fees required for the applicable licence(s) and application, for the term of the licence, prior to processing the application; and
  - (c) In the case of a taxi-cab owner's licence, ensuring that there is a licence approved or available for issuance or transfer.
- (2) Where an application or applicant fails to comply with the requirements of (1)(a) or (b), or the Issuer of Licences' instructions in that regard, or where no licences are available to be issued under (1)(c), the application shall be returned and not processed further.
  - (3) Where the application is refused under (2), the applicant may be advised personally if present and the application returned, or may be advised by letter sent by regular mail to the applicant's address as disclosed by the application or previous last known address, if any.

## LICENCE APPLICATIONS AND FEES

- 5.(1) An applicant for a licence shall file the application, materials and fees, and in the case of a licensee renewing a licence, shall file the declarations, materials and fees, required to be supplied under the terms of this By-law.
- (2) The applicant shall be responsible for ensuring that:
- (a) all forms are properly completed and signed where necessary;
  - (b) truthful information is provided in forms required, or in responses supplied to enquiries made under this By-law;
  - (c) prior to issuance of the licence, any correction of information supplied under paragraph (a) or (b) is brought to the attention of the Issuer of Licences in writing; and
  - (d) all necessary and required information, materials and fees are delivered to the Issuer of Licences.
- (3) An applicant may withdraw the application prior to issuance of the licence.
- 6.(1) The applicant shall make a written application for a licence, and shall include in or with the application:
- (a) the particular class or classes of licence applied for;
  - (b) the full name, home address and telephone number of the applicant;
  - (c) any other information as may be required for the kind and class of licence by the Schedules, or as may be required by the Issuer of Licences to identify the applicant, the business and its owner or operator, and the nature of the business which the applicant proposes to license, including any premises or vehicle, cycle or cart to be used;
  - (d) where the application is for renewal of a licence, the applicant shall either

supply completed and executed declarations on the form provided to the effect that there is no change to the information as supplied in the previous application and previous records of conviction required under this By-law, or shall provide either a new application or a written and signed list of the changes in the required information from the previous application, as may be requested by the Issuer of Licences; and

(e) applicants shall supply with the application, the following information:

- (i) an applicant for the following classes of licence shall submit, as part of the application for a licence, an original criminal record together with a list of any criminal or provincial offences for which the applicant has been convicted and not pardoned which are not found on the original criminal record submitted, or alternatively, provide the original certification from the police that the applicant has no such record of conviction: Antique Market/Flea Market, Auctioneer, Adult Entertainment Parlour Owner, Adult Entertainment Parlour Operator, Adult Entertainment Parlour Attendant, Class A or B Adult Video Store, Bed & Breakfast, Body Rub Parlour Owner, Body Rub Parlour Operator, Body Rub Parlour Attendant, Building Repair Contractor, Master Builder Repairer, Drain Repair Contractor or Master Drain Installer, Heating, Air-conditioning and Ventilation Contractor or Master Warm Air Heating, Air Conditioning and Ventilation Installer, Plumbing Contractor, Master Plumber, Hawker/Pedlar, Cab Broker, Class A, B1, B2 or B3 Public Garage, Lodging House, Public Baths, Residential Care Facilities, Precious Metals and Jewellery Dealer, Pawnbroker, Salvage or Second-hand Goods Shop or Yard, Transient Trader.
- (iii) an applicant for the following classes of licence shall submit, as part of the application for a licence, an original criminal and driving record together with a list of any criminal, driving and other provincial offences for which the applicant has been convicted and not pardoned that are not found on the original document submitted, or alternatively to the requirement to provide a criminal

record, provide the original certification from the police that the applicant has no such record of conviction: Cab Driver and Owner, Limousine Driver and Owner

- (iv) a licensee of the following classes, shall submit as part of the application for renewal of the licence, an original driving record together with a list of any driving offences for which the applicant has been convicted and not pardoned that are not found on the original document submitted: Cab Driver and Limousine Driver.
  - (v) a licensee seeking to renew a licence for the classes set out in (i) or (ii) above, where a change of information has been noted in the criminal, provincial or driving record as applicable, shall upon request of the Issuer of Licences submit the records and information required by (i) or (ii) as applicable, with the application for renewal.
- (2) The application and required materials shall be delivered in person by the applicant to the Issuer of Licences, together with the applicable fees.
  - (3) Where the applicant for a licence application is a partnership, the application shall include the names and addresses of all partners, and each partner shall supply the information required under paragraphs (1)(e)(i) and (ii).
  - (4) Where the applicant for a licence is a corporation, the application shall include the names and addresses for all directors and officers, and each director and officer of the corporation shall supply the information required under paragraph 1(e)(i) and (ii).
  - (5) A criminal record, driving record or other document referred to in 1(e) (i), (ii) or (iii) shall be dated not more than 31 days prior to the date on which the application is filed with the Issuer of Licences.
  - (6) A licensee who fails to have the licence renewed on or before its expiry date, upon renewal of the licence, shall pay an administrative re-instatement fee in addition to the applicable licence fee, as set out in Schedule 31 of this by-law.



- (7) Where any premises or part thereof are to be used for a purpose requiring authorization by licence, the applicant shall ensure the application includes an accurate and complete description of such premises or of the part to be authorized to be so used, including the address and telephone number of the location, and shall make a separate application for each separate premises to be licensed.
  - (8) Where a motor vehicle is to be used for a purpose requiring authorization by licence, the applicant shall ensure the application includes a sufficient description of such vehicle, including the make, the model, the licence plate number, and the vehicle identification number, and shall make a separate application for each vehicle to be licensed.
- 7.(1) In this section, "licence" means a licence for a business of the following classes, which is not a renewal or transfer of a current and valid licence under this By-law: a flea market under Schedule 6, a lodging house under Schedule 9, any class of garage under Schedule 16, a public hall, bingo parlour, roller skating rink, billiard parlour or pool room under Schedule 17, a residential care facility under Schedule 20, or an eating establishment under Schedule 21.
- (2) Every person seeking a licence for the proposed business, shall submit a plot plan in a form satisfactory to the Issuer of Licences, together with the fees and documents required for a zoning verification certificate, and submit the zoning verification certificate obtained as part of the application.
  - (3) Where a person submits a licence application and fails to comply with subsection (2), unless the applicant withdraws the application, the Issuer of Licences shall schedule a hearing before the Licensing Committee seeking denial of the licence for the reason of an incomplete application, and the Licensing Committee shall recommend denial of the licence unless the applicant has complied with the requirements of subsection (2).
- 8.(1) The applicable licence fee for each class or type of licence shall be the fee prescribed for each Schedule in the respectively numbered section of Schedule 31, for such type or class of licence or application, and shall be considered an

annual fee unless this By-law specifies otherwise.

- (2) Subject to subsection (3), applicants and licensees shall pay the fees prescribed for the application and licence applied for, and their licence when issued shall expire one year later, on the anniversary of the date of issuance, unless the applicable Schedule or this By-law provides for a shorter term.
- (3) Where a licence has been issued or renewed subject to the fulfillment of a condition imposed by the Issuer of Licences or the Licensing Committee, and the applicant or licensee has failed to fulfil such condition within the time specified, the applicant or licensee shall pay an additional fee of \$100.00 before the licence may be continued.
- (4) In spite of the expiry date determined under subsection (2), a licence shall expire:
  - (a) when the licence is revoked or suspended under this By-law;
  - (b) where the licence is issued to an individual, on the date of death of the individual; or
  - (c) in the case of a licence issued to a partnership or corporation, on the date of dissolution of the partnership or corporation.
- (5) Refunds of licence fees paid under subsections (2) and (3) may be made, in the following amounts and circumstances:
  - (a) Where the applicant prior to processing the licence under section 11 withdraws an application for a licence, a refund of the licence fee may be made to the applicant;
  - (b) Subject to clause (e), where an application for a licence is withdrawn by the applicant after processing the licence under section 11 and before issuance, a refund of the licence fee may be made to the applicant;
  - (c) Subject to clause (e), where a licence or renewal of a licence is refused or denied, a refund of the licence fee may be made to the applicant; and

- (d) Where a licence is revoked, a refund may be made of the proportionate amount of the unexpired portion of the term of the licence; and
  - (e) In the case of an application for a licence other than a renewal, the processing fee as set out in Schedule 31 of this By-law is non-refundable, in the event the application is withdrawn or the licence is not issued, and for the sake of clarity in this subsection, "renewal" means renewal by the current licensee of the previous year's licence without change.
- (6) Except in the case of subsection (4)(b), the licensee shall return the licence certificate, plate, sticker or photo identification to the Issuer of Licences:
- (a) in the case of a licence that has been suspended or revoked, unless the licence certificate has been returned to the City at the earlier request of the Issuer of Licences, within seven days of the date of approval of the suspension or revocation by Council; or
  - (b) where the business ceases to operate.
9. Fees shall be paid by the licensee for replacement of:
- (a) a licence certificate,
  - (b) photo identification, and
  - (c) a licence plate,
- in accordance with Schedule 31 of this By-law.
10. Where the City provides any form or other document to a person that requires the insertion of information, the form or document whether or not containing the inserted information in whole or in part, shall be and remain the property of the City.

## **ISSUANCE of LICENCES**

- 11.(1) The Issuer of Licences upon receipt of a proper, completed application and payment of fees by a person who has not previously held a licence under this By-law or under a by-law of a former municipality concerning the licensing of businesses, shall circulate the application to the Departments as marked in the affirmative in Appendix "A" to this By-law.
- (2) The Issuer of Licences upon receipt of a proper, completed application and payment of fees for the renewal of a licence under this By-law shall circulate the application to the Departments as marked in the affirmative in Appendix "B" to this By-law.
- (3) Departments to which the application is provided under subsection (1), shall review readily obtainable information and provide the Issuer of Licences with comments or compliance reports on whether the information indicates non-compliance with an applicable law which the Department enforces and which applies to the proposed business, and where an inspection is made, shall provide the Issuer of Licences with a report on any non-compliance found as a result of that inspection.
- (4) Where, under this By-law an applicant or licensee is to be tested, the Department responsible for the testing shall conduct the test or provide an opportunity for taking the test, and provide the Issuer of Licences with the test results.
- (5) Applicants and licensees, as a condition of obtaining or continuing to hold a licence, shall permit inspections or inquiries by representatives of the Departments in subsection (2) as may be reasonably requested, and shall undertake the tests referred to in subsection (4).
- (6) Fees which are required to be paid for the making of an inspection or the conducting of a test under subsections (4) and (5) as prescribed in Schedule 31 may be collected by the Issuer of Licences before a licence is issued or renewed.
- (7) The Issuer of Licences may send notice of the comments or other response from the Departments received under this section to the applicant or licensee.

12.(1) Subject to subsection 11(2), the Issuer of Licences shall:

- (a) refuse to issue the licence, where a policy under section 15 requires refusal or where approval of the licence under the policy would put the public safety at risk;
  - (b) refuse to issue the licence where the requirements for the applicant and applicable licence under this By-law, including those imposed by any Schedule or conditions to be met, are not met, or where it is determined that the application is incomplete or contains false or misleading information, the applicable fees have not been paid, fines for convictions under the Provincial Offences Act are due and unpaid, or that a prohibition or other court order made upon such conviction have not been complied with by the applicant or licensee, or
  - (c) issue the licence upon conditions specified where required by a policy under section 15, where (a) and (b) do not apply, or
  - (d) issue the licence where (a), (b) or (c) do not apply, or where Council has approved issuance of the licence.
- (2) The Issuer of Licences shall refuse to issue a licence for a business under subsection (1), where a response received from a Department under section 11 indicates that there is a non-compliance with this By-law or other applicable law, or that there will be such non-compliance if the business is allowed to operate.
- (3) Where the Issuer of Licences refuses to issue a licence under this section, a dated, written notice shall be sent to the applicant or licensee of the refusal to issue the licence, and the grounds on which such refusal is based.

13.(1) Subject to subsection (2), the applicant or licensee is entitled to a hearing before the Licensing Committee where the decision of the Issuer of Licences is to refuse to issue a licence, and the parties to such a hearing shall be the City and the applicant or licensee.

- (2) To obtain a hearing before the Licensing Committee because of the refusal to issue a licence, the applicant or licensee shall within thirty days from the date contained in the notice sent under subsection 12(3), file a written request for a hearing with the Secretary of the Licensing Committee together with the grounds for appeal of the decision of the Issuer of Licences, which request shall include any change of address for receipt of notice of the hearing.
  - (3) The Secretary, where a written request of an applicant or licensee meeting the requirements and time limits in subsection (2) is received, shall schedule a hearing before the Licensing Committee, and send written notice of the hearing to the parties, which notice may be personally delivered or sent by regular or registered mail.
  - (4) A hearing under this section shall be commenced by the Licensing Committee within 60 days from the date of receipt of the notice under subsection (2).
- 14.(1) The Issuer of Licences may recommend that a hearing be held to consider whether a licence should be revoked or suspended, where the Issuer of Licences finds:
- (a) that the requirements of this By-law are not being complied with, including any requirement contained in any applicable Schedule or in conditions attached to the licence or earlier suspension;
  - (b) that information supplied to obtain the licence or to comply with a condition was false or misleading;
  - (c) fees have not been paid;
  - (d) fines for convictions under the Provincial Offences Act are due and unpaid, or a prohibition or other court order made upon such conviction has not been complied with by the licensee;
  - (e) the licensee has not actively carried on the business for which the licence was obtained within a reasonable period of time following the issuance or renewal of the licence; or,

- (f) the business is being operated in contravention of this By-law or other applicable law.
- (2) The Issuer of Licences may also recommend that a hearing be held to consider whether a licence to which the policies approved under section 15 are applicable, should be revoked or suspended, where after the licence has been issued, public safety is found to be at risk by operation of the business, or where there are one or more convictions of the licensee of the type or number which when combined with the licensee's prior record, would allow the Issuer of Licences to refuse to issue such a licence under the policies.
- (3) Council may direct the Issuer of Licences to send a written notice to the Licensing Committee to hold a hearing for revocation or suspension of a licence, or the attachment of conditions to a licence, on the grounds as provided for in this section, sections 17 or 18, or upon the ground that the conduct of a person, or in the case of a corporation, its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity, or is in any way adverse to the public interest, or will not do so without the imposition of conditions or a suspension.
- (4) The recommendation of the Issuer of Licences shall be in writing and contain the grounds upon which the licence is recommended to be suspended or revoked, and shall be sent to the licensee and the Secretary.
- (5) The licensee is entitled to a hearing into the recommendation of the Issuer of Licences before the Licensing Committee, and the parties to the hearing shall be the City and the licensee.
- (6) Where the Secretary receives the recommendation of the Issuer of Licences or City Council to hold a hearing, the Secretary shall arrange a hearing date with the Licensing Committee and send written notice of the hearing to the licensee and the Issuer of Licences.
- (7) The written notice in subsection (6) shall include or attach the grounds as

provided by the Issuer of Licences or Council.

15. The Issuer of Licences shall use and apply the policies, where applicable, to the decision to deny or approve licences with or without conditions, or to recommend revocation or suspension of licences, which policies are attached as Appendices "C" and "D" to this By-law.
- 16.(1) The Licensing Committee shall hold a hearing in respect of the matter as arranged by the Secretary.
  - (2) The Licensing Committee shall consider the Statutory Powers Procedure Act, R.S.O. 1990, Chapter S.22, in respect of the hearing and conduct of hearings, the failure of the applicant or licensee to attend the hearing, and its decisions and recommendations.
  - (3) The Licensing Committee shall have regard to the following matters where relevant, as may be raised at a hearing:
    - (a) this By-law and other applicable law;
    - (b) circumstances and facts raised by the evidence of the parties;
    - (c) the legitimate business interests of the applicant or licensee; and
    - (d) whether the business is or will be carried on in compliance with the law, and whether the conduct of the person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty or integrity.
  - (4) The Licensing Committee, after a hearing or opportunity for a hearing is provided, may recommend that a licence be granted or refused, suspended or revoked, and may recommend to Council the imposition of conditions, on the grounds for such decisions provided for in this By-law.
  - (5) The Licensing Committee shall forward a report to Council on the final decision



arising from each hearing or opportunity for a hearing.

- (6) After Council has made a decision in respect of the recommendation of the Licensing Committee, the Secretary shall send notice of a decision to refuse, revoke or suspend a licence to the applicant or licensee by personal delivery, or to their last known address by registered mail, and such revocation or suspension is effective upon such notice being mailed or personally delivered.
- 17.(1) Council in its discretion, after considering the report of the Licensing Committee from a hearing, may grant or refuse to issue a licence, suspend or revoke a licence, or impose or attach conditions, all without a hearing, having regard to the matters considered by the Committee at the hearing under subsection 16(3), and having regard to this By-law or other applicable law, which discretion shall be exercised on the grounds set out within this By-law, or upon the ground that the conduct of a persons, or in the case of a corporation, its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.
    - (2) The grounds in subsection (1), include the grounds in this By-law which permit the rejection of an application for a licence, the refusal of a licence, the issuance of a conditional licence or the attachment of conditions to a licence, or grounds upon which the Issuer of Licences may recommend revocation or suspension of a licence.
    - (3) Council may direct the Licensing Committee to hold a hearing or give an opportunity for a hearing, and in respect of a hearing or opportunity for a hearing that has already occurred, may direct a new or further hearing, on such issues as Council may specify.
    - (4) Where the decision of Council is to issue a licence or conditional licence, the Issuer of Licences shall issue the licence or the conditional licence, on the terms directed by Council.
    - (5) When the Licensing Committee has held a hearing and reported to Council, and City Council has made a decision to deny or revoke a licence, or to refuse the

renewal or transfer of a licence, any re-hearing or hearing with respect to that licence shall be not considered for one year from the date of Council's decision.

- 18.(1) In its decisions under section 17, Council in its discretion, may also attach conditions to obtaining, continuing to hold or renewing a licence, including conditions attached to the ending of a suspension of a licence, as may be provided for in this By-law, on the grounds specified in this By-law and in particular this section and section 17.
- (2) Conditions under subsection (1) may include requirements to:
- (a) comply with by-laws or other laws, and to provide proof of such compliance;
  - (b) pay fines owing under the Provincial Offences Act, and to comply with any other court order imposed upon such conviction, or to provide proof of payment or other compliance;
  - (c) change the hours of operation of the business;
  - (d) re-take a test required under this By-law;
  - (e) supply additional information on criminal, provincial or driving convictions, and to supply periodic updates of such convictions or records;
  - (f) supply information to verify evidence given at a hearing; and
  - (g) such other conditions, on the grounds that they are reasonably required to ensure that the persons carrying on the business do so in accordance with the law or with honesty and integrity.
- (3) Conditions requiring changes to hours of operation of a business under subsection (2) above, may be made where such change will reduce nuisances caused by operation of the business as raised by the hearing, after taking into account the legitimate business interests of the applicant or licensee, the history of the operation, and any reasonable or effective plan of the applicant or

licensee to reduce the nuisances.

- (4) The applicant or licensee shall satisfy the conditions imposed on the licence or approval of the licence under this By-law, and failure to do so shall be grounds for the denial, revocation or suspension of the licence under the terms of this By-law.
- (5) The failure of an applicant or licensee to satisfy a condition imposed under this By-law is deemed reason to refuse to issue a licence, and the Issuer of Licences shall refuse to issue such licence if the condition is required to be satisfied before issuance of the licence and is not satisfied, in which case subsection 12(3) shall apply, and otherwise the failure by the applicant or licensee to meet a condition imposed is reason for the Issuer of Licences to recommend that the Licensing Committee hold a hearing to consider revoking or suspending the licence under section 14.

## **GENERAL and OFFENCES**

- 19.(1) Every licence certificate shall be in such form as may from time to time be authorized by the Issuer of Licences and shall show on its face:
  - (a) the kind or class or classes of licence issued;
  - (b) the date of expiry;
  - (c) whenever the licence authorizes the use of any premises or part or parts thereof for the purpose of the licensed business, identification of such premises or part or parts; and
  - (d) wherever the licence authorizes the use of a vehicle, cycle or cart, identification of the vehicle, cycle or cart.
- (2) Licence certificates may show conditions imposed on the licence.
- (3) No licence certificate shall be valid until it is shown on the face of the certificate

- that the amount of the licence fee has been paid.
- (4) The signature of the Issuer of Licences shall be affixed to each issued licence certificate, and a mechanical reproduction of the signature may be affixed in place of the original.
20. Every licence certificate, licence plate, identification card, form or document, shall be delivered forthwith to the City upon written or oral request of the Issuer of Licences or a licence inspector acting upon his or her direction.
- 21.(1) Every licence is personal to the holder thereof, and no licence is transferable without the consent in writing of the Issuer of Licences or Council.
- (2) No licence is transferable unless a transfer is specifically provided for in the applicable Schedule.
- (3) No licence authorizes the use of any premises or part thereof, or of any vehicle, cycle or cart, except that identified on the licence certificate or record of application.
- 22.(1) Where a licence authorizes the use of any premises or part thereof, for any purpose for which a licence is required under this By-law, the current licensee shall:
- (a) post up the licence certificate; and
- (b) keep the licence certificate posted up, in a position where it may readily be seen and read by persons entering the premises or part thereof.
- (c) remove any licence certificate which is not current from any area which is accessible to persons entering the premises.
23. The licensee shall be responsible that the premises authorized to be used for the purposes of the licensed business are kept clean and orderly, and that every vehicle, cycle or cart authorized to be used for the purpose of the licensed business is so used only when in a clean and safe condition.

24. Persons carrying on or engaged in the businesses for which licensing is provided under this By-law, shall allow at any reasonable time, inspection of the places or premises used in the carrying on of the business and equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of the business, by persons authorized to enforce the provisions of this By-law.
25. A licensee who is issued a licence on the condition that the Licensee provide further criminal or driving records, shall supply the information required by clauses 6(1)(e)(i) and (ii) as applicable, on the intervals required by the conditions imposed on their licence.
- 26.(1) Every person engaging in or carrying on any business for which a licence is required by the provisions of this By-law shall be responsible that all the provisions of this By-law and the applicable Schedule or Schedules regulating such business are complied with.
  - (2) Licensees shall comply with the terms of this By-law, the applicable Schedule or Schedules, and conditions of their licences, and no licensee shall cause or permit their employee, agent or other persons carrying on or engaging in the business on their behalf, to fail to comply with this By-law, the applicable Schedule or Schedules and the conditions of their licences.
  - (3) Compliance with the terms and conditions of this By-law and its Schedules, is a condition of an applicant or licensee obtaining, continuing to hold or renewing a licence.
- 27.(1) Every person who contravenes Schedules 1 and 4 and every director or officer of a corporation who concurs in such contravention by the corporation is upon conviction, guilty of an offence and liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both.
  - (2) Every person who contravenes this By-law, except Schedules 1 and 4, and every director or officer of a corporation who concurs in such contravention by the corporation is upon conviction, guilty of an offence and liable to a fine not

exceeding \$25,000.

(3) Where a corporation is convicted of an offence under subsection (1) or (2), the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided in those subsections.

28.(1) A notice given or required to be given to an applicant or licensee under this By-law, may be sent by facsimile, regular mail or registered mail to a number or address supplied by the applicant or licensee, or delivered personally to the applicant or licensee, or to a person in charge of the premises, vehicle, cart or cycle licensed or required to be licensed under this By-law.

(2) Notwithstanding any other section of this By-law, a notice of refusal to issue, or a notice of revocation or suspension of a licence is effective upon personal delivery to a person in charge of the business premises, vehicle, cart or cycle licensed.

## **SEVERABILITY AND SAVING**

29. If a court of competent jurisdiction declares a part or the whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.

## **SCHEDULES**

30. The following Schedules form part of this By-law:

Schedule 1	Adult Entertainment Parlours
Schedule 2	Auctioneers
Schedule 3	Bed and Breakfast Establishments
Schedule 4	Body Rub Parlours

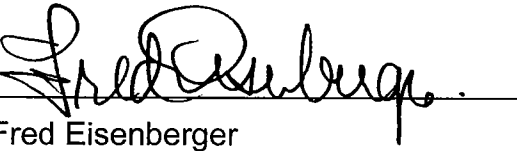
Schedule 5	Building Exterior Cleaners
Schedule 6	Flea Markets and Antique Markets
Schedule 7	Kennels and Pet Shops
Schedule 8	Limousines
Schedule 9	Lodging Houses
Schedule 10	Mobile Homes and Mobile Home Parks
Schedule 11	Pawnbrokers
Schedule 12	Pedlars
Schedule 13	Personal Service Facilities
Schedule 14	Precious Metals and Jewellery Dealers
Schedule 15	Public Baths
Schedule 16	Public Garages
Schedule 17	Public Halls and Places of Amusement
Schedule 18	Recreational Camping Establishments
Schedule 19	Refreshment Vehicles
Schedule 20	Residential Care Facilities
Schedule 21	Restaurant and Food Shops
Schedule 22	Salvage and Second-Hand Goods Businesses
Schedule 23	Seasonal Produce Vendors
Schedule 24	Sign Posters and Bill Distributors, etc.
Schedule 25	Taxicabs
Schedule 26	Mobile Sign Leasing or Renting
Schedule 27	Tobacco Retailers
Schedule 28	(Reserved)
Schedule 29	Trades
Schedule 30	Transient Traders
Schedule 31	Fees

31. City of Hamilton By-law No. 06-213 and all amendments thereto are repealed upon the coming into force and effect of this by-law. City Of Hamilton By-Law No. 06-234 is not repealed.
32. This by-law may be referred to as the “City of Hamilton Licensing Code”. A reference to the City Of Hamilton Licensing Code in this or any other City Of

Hamilton By-Law is deemed to be a reference to this By-Law.

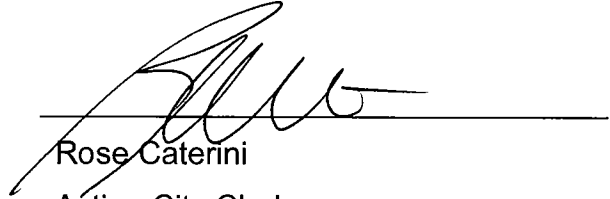
33. This by-law comes into force and effect on the date it is passed and enacted.

**PASSED and ENACTED** this 30<sup>th</sup> day of May, 2007.



Fred Eisenberger

Mayor



Rose Caterini

Acting City Clerk



<b>APPENDIX "A"</b>					
<b>NEW APPROVALS</b>					
<b>Licensing Category</b>	<b>Building Approval</b>	<b>Police Clearance</b>	<b>Health Approval</b>	<b>Traffic Approval</b>	<b>Fire Approval</b>
Antique Market / Flea Market	Yes	Yes	No	Yes	Yes
Auctioneer	No	Yes	No	No	No
Adult Entertainment Parlour	Yes	Yes	Yes	Yes	Yes
Adult Entertainment Parlour Attendant	No	Yes	No	No	No
Adult Entertainment Parlour-Operator/Manager	No	Yes	No	No	No
Adult Video Store Class A	Yes	Yes	No	Yes	No
Adult Video Store Class B	Yes	Yes	No	Yes	No
Body Rub Parlour	Yes	Yes	Yes	Yes	No
Body Rub Parlour Attendant	No	Yes	No	No	No
Body Rub Parlour-Operator/Manager	No	Yes	No	No	No
Building Exterior Cleaner	No	No	No	No	No
Cigarette / Tobacco Sales	Yes	No	Yes	No	No
Bed and Breakfast	Yes	Yes	Yes	Yes	Yes
Eating Establishment:					
Restaurant	Yes	No	Yes	Yes	Yes
Lunch Counter	Yes	No	Yes	Yes	Yes
Refreshment stand	Yes	No	Yes	Yes	No
Drive-in Restaurant	Yes	No	Yes	Yes	Yes
Restaurant Take-out	Yes	No	Yes	Yes	Yes
Food Shop:					
Basic	Yes	No	Yes	Yes	No
Bakeshop	Yes	No	Yes	Yes	No
Butcher	Yes	No	Yes	Yes	Yes
Caterer	Yes	No	Yes	Yes	Yes
Fish Monger	Yes	No	Yes	Yes	Yes
Hawker / Peddler (may include a motorized vehicle)	Yes	Yes	No	No	No
Kennels, Pet Shops	Yes	No	No	No	No
Lodging House	Yes	Yes	Yes	Yes	Yes
Mobile Home Park	Yes	No	Yes	Yes	Yes
Mobile Sign Leasing or Renting	Yes	No	No	Yes	No

By-law to License and Regulate Various Businesses

Pawnbroker	Yes	Yes	No	Yes	No
Personal Service facility	Yes	No	Yes	No	No
Precious Metals & Jewellery Dealers	Yes	Yes	No	No	Yes
Public Baths	Yes	Yes	No	Yes	No
Public Garage:					
(A) Buying, Selling, Storing	Yes	Yes	No	Yes	No
(B1) Combined Engine & Body Work	Yes	Yes	No	Yes	Yes
(B2) Engine Work	Yes	Yes	No	Yes	Yes
(B3) Body Work	Yes	Yes	No	Yes	Yes
(C) Gas Hoses	Yes	No	No	Yes	No
(D) Parking Lot	Yes	No	No	Yes	No
(E) Car Wash Only	Yes	No	No	Yes	No
Public Halls	Yes	No	Yes	Yes	Yes
Places of Amusement:					
Amusement Arcade	Yes	No	No	Yes	Yes
Amusement Rides	Yes	No	No	Yes	No
Carnivals	Yes	No	Yes	Yes	No
Circus	Yes	No	Yes	Yes	No
Billiard / Bagatelle Tables	Yes	No	No	Yes	Yes
Bingo Parlour	Yes	No	No	Yes	Yes
Bowling Alley	Yes	No	No	Yes	Yes
Motor Vehicle Race Track	Yes	No	No	Yes	Yes
Other	Yes	No	No	Yes	Yes
Proprietary Club	Yes	No	Yes	Yes	Yes
Roller Skating Rink	Yes	No	No	Yes	Yes
Skateboarding, BMX bikes	Yes	No	No	Yes	Yes
Refreshment Vehicles:					
Class A*	Yes	No	Yes	No	Yes*
Class B*	Yes	No	Yes	No	Yes*
Class C	Yes	No	Yes	No	No
<b>*Fire Inspections Required For Chips Wagons Only</b>					
Residential Care Facility (4-10 Residents)	Yes	Yes	Yes	Yes	Yes
Residential Care Facility (10 or more Residents)	Yes	Yes	Yes	No	Yes
Recreational Camping Establishment	Yes	No	Yes	Yes	Yes
Salvage Yard	Yes	Yes	No	Yes	Yes

By-law to License and Regulate Various Businesses

Seasonal Food Vendor	Yes	No	Yes	Yes	No
Second-hand Shop	Yes	Yes	No	Yes	No
Sign Posters and Bill Distributors	No	No	No	No	No
Taxi cab owner (private)	No	Yes	No	No	No
Taxi cab owner (transfer)	No	Yes	No	No	No
Taxi cab Broker	Yes	Yes	No	Yes	No
Taxi cab Driver	No	Yes	No	No	No
Taxi cab Priority list (application)	No	Yes	No	No	No
Taxi cab (limited interest agreement)	No	Yes	No	No	No
Trade Licence Contractor:					
Building Repair	No	Yes	No	No	No
Plumbing	No	Yes	No	No	No
Heating, Ventilation & Air Conditioning	No	Yes	No	No	No
Drains	No	Yes	No	No	No
Trade Licence Master:					
Building Repair	No	Yes	No	No	No
Plumbing	No	Yes	No	No	No
Heating, Ventilation & Air Conditioning	No	Yes	No	No	No
Drains	No	Yes	No	No	No
Wheel chair accessible Taxi cab	No	Yes	No	No	No
Limousines (owner)	No	Yes	No	No	No
Limousines (driver)	No	Yes	No	No	No
Transient Trader	Yes	Yes	No	Yes	No

<b>APPENDIX "B"</b>					
	<b>Licence and inspection approvals "RENEW LICENCE"</b>				
<b>RENEWAL APPROVALS</b>					
<b>Licensing Category</b>	<b>Building Approval Frequency</b>	<b>Police Clearance Frequency</b>	<b>Health Approval Frequency</b>	<b>Traffic Approval Frequency</b>	<b>Fire Approval Frequency</b>
Antique Market / Flea Market	No	Yearly	No	No	3 Years
Auctioneer	No	Yearly	No	No	No
Adult Entertainment Parlour	No	Yearly	Yearly	No	3 Years
Adult Entertainment Parlour Attendant	No	Yearly	No	No	No
Adult Entertainment Parlour-Operator/Manager	No	Yearly	No	No	No
Adult Video Store Class A	No	Yearly	No	No	No
Adult Video Store Class B	No	Yearly	No	No	No
Body Rub Parlour	No	Yearly	Yearly	No	No
Body Rub Parlour Attendant	No	Yearly	No	No	No
Body Rub Parlour-Operator/Manager	No	Yearly	No	No	No
Building Exterior Cleaner	No	No	No	No	No
Cigarette / Tobacco Sales	No	No	Yearly	No	No
Bed and Breakfast	No	Yearly	Yearly	No	3 Years
Eating Establishment:					
Restaurant	No	No	Yearly	No	3 Years
Lunch Counter	No	No	Yearly	No	3 Years
Refreshment stand	No	No	Yearly	No	No
Drive-in Restaurant	No	No	Yearly	No	3 Years
Restaurant Take-out	No	No	Yearly	No	3 Years
Food Shop:					
Basic	No	No	Yearly	No	No
Bakeshop	No	No	Yearly	No	No
Butcher	No	No	Yearly	No	No
Caterer	No	No	Yearly	No	No

By-law to License and Regulate Various Businesses

Fish Monger	No	No	Yearly	No	No
Hawker / Peddler (may include a motorized vehicle)	No	No	No	No	No
Kennels, Pet Shops	No	No	No	No	No
Lodging House	3 Years	Yearly	Yearly	No	Yearly
Mobile Home Park	No	No	Yearly	No	Yearly
Mobile Sign Leasing or Renting	Yearly	No	No	Yearly	No
Personal Service facility	No	No	Yearly	No	No
Precious Metals & Jewellery Dealers	No	Yearly	No	No	No
Public Baths	No	Yearly	No	No	No
Public Garage:					
(A) Buying, Selling, Storing	No	Yearly	No	No	No
(B1) Combined Engine & Body Work	No	Yearly	No	No	3 Years
(B2) Engine Work	No	Yearly	No	No	3 Years
(B3) Body Work	No	Yearly	No	No	3 Years
(C) Gas Hoses	No	No	No	No	No
(D) Parking Lot	No	No	No	No	No
(E) Car Wash Only	No	No	No	No	No
Public Halls	2 Years	No	Yearly	No	3 Years
Places of Amusement:					
Amusement Arcade	No	No	No	No	3 Years
Amusement Rides	No	No	No	No	No
Carnival	No	No	Yearly	No	No
Circus	No	No	Yearly	No	No
Billiard / Bagatelle Tables	No	No	No	No	3 Years
Bingo Parlour	2 Years	No	No	No	3 Years
Bowling Alley	No	No	No	No	3 Years
Motor Vehicle Race Track	No	No	No	No	3 Years
Other	No	No	No	No	3 Years
Proprietary Club	2 Years	No	Yearly	No	3 Years
Roller Skating Rink	No	No	No	No	3 Years
Skateboarding, BMX bikes	No	No	No	No	3 Years
Refreshment Vehicles:					
Class A*	No	No	Yearly	No	*3 Years
Class B*	No	No	Yearly	No	*3 Years
Class C	No	No	Yearly	No	No

<b>*Fire Inspection Required For Chip Wagons</b>					
Recreational Camping Establishment	Yearly	No	Yearly	No	Yearly
Residential Care Facility (4-10 Residents)	Yearly	Yearly	Yearly	No	Yearly
Residential Care Facility (10 or more Residents)	Yearly	Yearly	Yearly	No	Yearly
Salvage Yard	No	Yearly	No	No	3 Years
Seasonal Food Vendor	Yearly	No	Yearly	No	No
Second-hand Shop	No	Yearly	No	No	3 Years
Sign Posters and Bill Distributors	No	No	No	No	No
Taxi cab owner (private)	No	Yearly	No	No	No
Taxi cab Broker	No	Yearly	No	No	No
Taxi cab Driver	No	Yearly	No	No	No
Taxi cab Priority list (application)	Yearly	No	No	No	No
Taxi cab (limited interest agreement)	No	No	No	No	No
Trade Licence Contractor:					
Building Repair	No	Yearly	No	No	No
Plumbing	No	Yearly	No	No	No
Heating, Ventilation & Air Conditioning	No	Yearly	No	No	No
Drains	No	Yearly	No	No	No
Trade Licence Master:					
Building Repair	No	Yearly	No	No	No
Plumbing	No	Yearly	No	No	No
Heating, Ventilation & Air Conditioning	No	Yearly	No	No	No
Drains	No	Yearly	No	No	No
Wheel chair accessible Taxi cab	No	Yearly	No	No	No
Limousines (owner)	No	Yearly	No	No	No
Limousines (driver)	No	Yearly	No	No	No
Transient Trader	No	Yearly	No	No	No

**APPENDIX “C”****Departmental Policy Standard Character and Driving Record Criteria  
For Conditional Issuance and Refusal of Mobile Licence Applications or  
Renewals**

A	Refuse licence if 2 or more Criminal Code convictions within 2 years of the application or renewal date
B	Refuse licence if 3 or more Criminal Code convictions within 5 years of the application or renewal date
C	Refuse licence if convicted of a Criminal Code offence where the sentence imposed was 5 years or longer
D	Issue conditional licence for 1 year if convicted of 1 Criminal Code conviction within 5 years of application or renewal date.
E	Refuse licence if 1 Criminal Negligence or Impaired Driving convictions within 1 year of the application or renewal date
F	Refuse licence if 2 Criminal Negligence or Impaired Driving convictions (or 1 of each) between 1 and 4 years old from application or renewal date
G	Issue conditional licence for 1 year, if Criminal Negligence or Impaired Driving conviction, between 1 and 4 years old from application or renewal date
H	Refuse licence if either 6 demerit points lost or 4 driving convictions within 1 year of application or renewal date
I	issue conditional licence for 6 months if 3 – 5 demerit points lost or 3 driving convictions within 1 year of application or renewal date

Auctioneer

Hawker/Pedlar

Cab Driver

Transient Trader

Cab Owner

Cab Broker

Limousine Driver

Limousine Owner

A conditional licence issued as a result of a criminal record is for a 1 year period (licence holder must submit an updated criminal abstract at 6 months and at 1 year).

A conditional licence issued as a result of a driving record is for a 6 month period (licence holder must submit an updated driving record at the end of the 6 month period). At annual licence renewal, an updated driving record is required for all mobile "driver" licence holders.

**Notwithstanding the policy, the Director of Building and Licensing may refuse an application for a licence above due to concerns of public safety being at risk. The licence applicant shall be informed of this decision in writing. It is a licence applicants right to appeal this decision to the Licensing Committee.**



**APPENDIX “D”**

**Departmental Policy Standard Character and Driving Record  
Criteria For Conditional Issuance and Refusal of  
Establishment and Trade Licence Applications or Renewals**

A	Refuse licence if 2 or more Criminal Code convictions within 2 years of the application or renewal date
B	Refuse licence if 3 or more criminal convictions within 5 years of the application or renewal date
C	Refuse licence if convicted of a criminal offence where the sentence imposed was 5 years or longer
D	Issue conditional licence for 1 year if convicted of 1 Criminal Code conviction within last 5 years

- |   |   |
|---|---|
| Adult Entertainment Parlour – Owner   | Building Repairs Contractor                                       |
| Adult Entertainment Parlour – Operator  | Building Repairs Master   |
| Adult Entertainment Parlour – Attendant   | Drain Repairs Contractor  |
| Body Rub Parlour – Owner  | Drain Installer Master  |
| Body Rub Parlour – Operator   | Plumbing Contractor   |
| Body Rub Parlour – Attendant  | Plumbing Master   |
| Antique Market/Flea Market  | Heating, Air Conditioning & Ventilation Contractor                |
| Bed & Breakfast   | Master Warm Air Heating, Air Conditioning & Ventilation Installer |
| Lodging House   |   |
| Residential Care Facility   |   |
| Garage A buying, selling and storing,<br>B1 motor repair and body,<br>B2 motor repair only,<br>B3 body only |   |
| Precious Metal Dealer   |   |
| Pawnbroker  |   |
| Public Baths  |   |
| Salvage Yard  |   |
| Second Hand Shop  |   |
| Adult Video Class “A”   |   |

Adult Video Class “B”

A conditional licence issued as a result of a criminal record is for a 1 year period (licence holder must submit an updated criminal abstract at 6 months and at 1 year).

Notwithstanding the policy, the Director of Building and Licensing may refuse an application for a licence above due to concerns of public safety being at risk. The licence applicant shall be informed of this decision in writing. It is a licence applicants right to appeal this decision to the Licensing Committee.

**SCHEDULE 1**

**ADULT ENTERTAINMENT PARLOURS**

**PART I: DEFINITIONS**

1. In this Schedule:

(a) **“adult entertainment parlour”** means any building or premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations;

(b) **“adult entertainment services parlour”** means an adult entertainment parlour in which services appealing to or designed to appeal to erotic or sexual appetites or inclinations are provided by one or more individuals by means of physical movements, verbal expressions, or other forms of behaviour;

(c) **“adult video”** means a video the content of which appeals to or is designed to appeal to erotic or sexual appetites or inclinations through the portrayal or depiction of:

(i) one or more of the specified body areas of any person, or

(ii) one or more of the specified sexual activities;

and, in the absence of evidence to the contrary, a video classified by the Ontario Film Review Board as “restricted”, with the added information piece “adult sex film” shall be deemed to be an adult video, while a video without such classification and information piece shall be deemed not to be an adult video;

(d) **“adult video store”** means any premises:

(i) used for the carrying on of the business of the provision of adult

videos;

- (ii) in which adult videos are provided in the course of a business and to which premises entry by persons under the age of eighteen years is prohibited, or in respect of which premises it is advertised or notice is given that entry by such persons is prohibited; or
  - (iii) in which adult videos are provided in the course of a business and in respect of which it is advertised, or notice is given either by signs or other advertising devices on or in the premises, or otherwise, that the premises are an “adult video store”, an “adult videotape store”, an “adult video rental store”, or are otherwise described by words of like meaning;
- (e) “**adult video tape area**” means an identifiable part of any premises, which part is used for the provision of adult video tapes, or the display of adult video tapes or containers for videos depicting specified sexual activities or specified body areas;
- (f) “**attendant**” means any person other than an owner or operator who provides goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations in an adult entertainment services parlour;
- (g) “**Class A adult video store**” means any premises where the number of adult videos available from the premises exceeds five hundred (500), or where the number of adult videos available from the premises is more than twenty percent (20%) of the videos available from the premises which are not adult videos, and does not include a Class B adult video store;
- (h) “**Class B adult video store**” means any premises where the number of adult videos available from the premises does not exceed five hundred (500) and where the number of adult videos available from the premises is not more than twenty percent (20%) of the videos available from the

premises which are not adult videos;

- (i) “**class of adult entertainment parlour**” means an adult entertainment services parlour, a Class A adult video store, or a Class B adult video store;
- (j) “**adult goods**” includes books, magazines, pictures, slides, film, phonograph records, compact disks, adult video tapes, audio tapes, pre-recorded magnetic tape and any other reading, viewing or listening materials;
- (k) “**incidental**” means, when referring to the sale or rental or both, of adult video tapes from not more than five (5%) percent, nor more than nine point 3 (9.3) square meters, whichever is less of the total display area of video tapes on the business premises;
- (l) “**main stage**” means the primary area within an adult entertainment parlour upon which services are presented, and excludes areas for the seating of patrons;
- (m) “**operator**” means a person who alone, or with others, operates, manages, supervises, controls or is responsible for the business of an adult entertainment parlour;
- (n) “**owner**” means a person who alone, or with others, owns or occupies, or both, or has the right to own or occupy, an adult entertainment parlour, and includes a lessee of an adult entertainment parlour or of the premises in which the adult entertainment parlour is located;
- (o) “**permitted area**” means a district or zone listed in Appendix “A” to this Schedule;
- (p) “**to provide**” when used in relation to goods includes to sell, offer to sell or display for sale, or rental, or sample gift, by retail or otherwise such goods, and “providing” and “provision” have corresponding meanings;

- (q) **“to provide”** when used in relation to services includes to furnish, perform, solicit, or give such services and “providing” and “provision” have corresponding meanings;
- (r) **“services”** includes activities, facilities, performances, dances, exhibitions, viewings and encounters in an adult entertainment parlour;
- (s) **“services designed to appeal to erotic or sexual appetites or inclinations”** includes services of which a principal feature or characteristic is the nudity, or partial nudity of any person; and includes services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement;
- (t) **“specified body areas”** means any one or more of the following:
  - (i) in the case of a female person, her areolae; and
  - (ii) in the case of all persons, the genitals and the anus;
- (u) **“specified sexual activities”** means any one or more of the following: actual or simulated sexual intercourse, masturbation, ejaculation, sodomy, bestiality, oral sexual intercourse, direct physical stimulation of unclothed genital organs, or flagellation or torture in the context of a sexual relationship or activity; and
- (v) **“video”** or **“video tape”** means film, pre-recorded magnetic tape, video and audio cassettes, and any other medium which may be used to produce images such as moving pictures, laser discs and laser players, digital video disc (DVD), computer software and microchips.

## **PART II: GENERAL PROVISIONS**

2. No person shall carry on or engage in the trade, calling, business or occupation of owner or operator of, or attendant in, an adult entertainment parlour without holding a current valid licence issued pursuant to the provisions of this By-law.
3. A person other than the owner or operator of an adult entertainment parlour, who sells or rents adult video tapes incidental to a business does not require a licence under this By-law.
4. Every person required to take out a licence pursuant to this By-law, shall take out a separate licence for each class of adult entertainment parlour.
5. A licence to own or operate an adult entertainment parlour shall be issued only for premises which are located in the defined areas or locations designated as permitted areas in Appendix "A" to this By-law.
6. The number of licences to own an adult entertainment services parlour or Class A adult video store which may be issued by the Issuer of Licences shall be limited to four for each class.
7. The number of licences to own an adult entertainment services parlour or a Class A adult video store under this By-law shall be reduced from four for each class of adult entertainment services parlour as the licences expire without being renewed by the licence holder or as the licences are otherwise surrendered or revoked, until the number of licences to own an adult entertainment services parlour or Class A adult video store is reduced to two for each class.

### **PART III: INFORMATION TO BE PROVIDED BY APPLICANT**

8. Every applicant for issuance or renewal of a licence shall attend personally at the office of the Issuer of Licences to make written application.
9. Every applicant applying for issuance or renewal of a licence as an owner shall, at the time of making application, file with the Issuer of Licences:

- a) a list showing the names of all operators and attendants; and
  - b) a list of all persons intended or expected to be employed or to perform services.
10. Every applicant for a licence and every shareholder and partner shall be at least eighteen years of age.
  11. Every applicant and every shareholder and partner, shall file with or produce to the Issuer of Licences proof of his or her age, if required to do so.
  12. Every person applying for a licence under this By-law shall file with the Issuer of Licences a completed application form provided by the Issuer of Licences, in which the applicant shall provide all information required by such application form.
  13. No person while on the premises of an adult entertainment parlour shall touch or have physical contact with an attendant during the provision of services, or permit an attendant to touch or have physical contact with his or her body while the attendant is providing services.
  14. In addition to any items listed in the Licence Application and Fees section of this By-law, the applicant shall, at the time of the filing of the application form deliver to the Issuer of Licences the following:
    - a) if the applicant is a corporation, a copy of the incorporating document, a copy of the last information return filed for the corporation, and any changes or corrections to the information contained;
    - b) if the applicant is a registered partnership, a copy of the registered declaration of partnership and any changes or corrections to the information contained; and
    - c) a copy of the registration of the trade name to be used for the business.



15. The applicant for a licence or renewal of a licence shall provide at a minimum the following information as part of the application for a licence:
  - a) the address of the applicant and of the intended licensee, to which the Issuer of Licences may send or deliver any notice or other document required or authorized by law;
  - b) the municipal address of the one building, premises or place from which business will be carried on and in respect of which a licence is sought;
  - c) the name and address of the owner of any building, premises or place in which any such business is to be carried on;
  - d) any trade or business description to be used;
  - e) the telephone number of the business;
16. If the applicant is not an individual, the application form shall be completed and updated from time to time as this by-law requires, by an individual duly authorized by the applicant to execute such form on behalf of the applicant and binding upon it, and the individual completing such form shall sign the form, certifying the truth and completeness of the information provided therein.

## **CORPORATIONS**

17. Every applicant or licensee that is a corporation shall:
  - a) file with the Issuer of Licences at the time of its application a Return in the form supplied by the Issuer of Licences containing a list of all the shareholders of the corporation;
  - b) where the shares of the corporation applying for a licence are held in whole or in part by another corporation, file a Return for all corporations owning shares until the names of all living individuals are shown and

identified as shareholders of any or all corporations having an interest directly or indirectly in the shares of the applicant corporation;

- c) in every year, on or before the time when it applies for a renewal of its licence, file with the Issuer of Licences an annual Return on a form supplied by the Issuer of Licences;
  - d) forthwith notify the Issuer of Licences in writing of all transfers of existing shares and of the issue or any existing or new shares of the capital stock of the corporation, and of any such transaction involving the shares of any corporation.
18. Where, by a transfer of existing shares, or by an issue of new or existing shares, the controlling interest in a corporation holding one or more owner's or operator's licences is determined by the Issuer of Licences to have changed hands, such licence or licences shall be terminated forthwith, and the Committee may issue a new licence or new licences upon payment of the prescribed fee.
19. Where the shares of a corporate applicant or licensee are held in whole or in part by another corporation, the corporation applying for the licence shall file an annual Return for all corporations owning shares until the names of all living individuals are shown and identified as shareholders of any or all corporations having an interest directly or indirectly in the shares of the applicant corporation.
20. For the purpose of this schedule, "shareholder" and any expression referring to the holding of shares includes all persons having a beneficial interest of any kind in the share of the corporation.

## **PARTNERSHIPS**

21. Persons associated in a partnership applying for an owner's or operator's

licence shall file with its application a declaration in writing signed by all the members of the partnership, which declaration shall state:

- a) the name or names under which they carry on or intend to carry on business;
  - b) that the persons therein named are the only members of the partnership; and
  - c) the mailing address for the partnership.
22. If any member of a partnership applying for a licence is a corporation, such corporation shall for the purposes of this schedule be deemed to be a corporation applying for an owner's or operator's licence and if such licence is issued to the partnership such corporation shall, for the purposes of this schedule, be deemed to be a corporation which holds an owner's or operator's licence.
23. Every member of a partnership shall advise the Issuer of Licences immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Issuer of Licences.
- 24.(1) Every person applying for an owner's, operator's or attendant's licence under a name or designation other than his or her own name or under his or her own name with the addition of the expression "and company" or some other expression indicating a plurality of members in the firm, shall, at the time of the making of his or her application, file with the Issuer of Licences a declaration, which declaration shall state:
- a) his or her full name and the address of his ordinary residence; and
  - b) any name or designation under which he or she carries on or intends to carry on businesses, and the date when the name or designation was first used by him or her; and

- c) that no other person is associated with him or her in partnership; and
- d) the date of his or her birth; and
- e) the mailing address for his or her business.

(2) A 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.

### **NAME**

25.(1) Every owner, operator or attendant applying for a licence shall use his or her own legal name in making such application and subject to subsection (2) of this section, no such licence shall be issued to any person in any name other than his or her own legal name.

(2) Every owner, operator or attendant intending to use some name or designation other than his or her own may, at the time of the issue of his or her licence, or at the time at which he or she files with the Issuer of Licences notice of intention to use such name or designation, have endorsed on his and her licence such name or designation.

(3) No owner, operator or attendant shall carry on business under any name or designation other than his or her own unless he or she has filed with the Issuer of Licences a notice of his or her intention to use such name or designation.

(4) No person shall use any name or designation in respect of an adult entertainment parlour or any trade, calling, business or occupation carried on therein without first notifying the Issuer of Licences of such name or designation intended to be used and having such name endorsed upon his or her licence in accordance with subsection (2) of this section.

### **RIGHT TO OCCUPY PREMISES**

26. Every applicant for an owner's licence shall file with the Issuer of Licences documentation satisfactory to the Issuer of Licences:
- a) demonstrating the applicant's right to possess or occupy the premises to be used or used by him or her as an adult entertainment parlour; and
  - b) constituting or affecting any legal arrangement or relationship between the applicant and the registered owner in fee simple of the real property.

### **OWNER AS OPERATOR**

27. Every person before operating his or her own adult entertainment parlour, shall so notify the Issuer of Licences at the time he or she applies for a licence and his or her licence shall be so endorsed as owner and operator where the owner ceases to operate his owner adult entertainment parlour and he or she shall before engaging any person as an operator:
- a) notify the Issuer of Licences; and
  - b) produce his or her licensee certificate to the Issuer of Licences for amendment to delete any reference to "operator".

### **PART IV: OWNERS, DUTIES OF OPERATORS AND ATTENDANTS**

#### **OWNER**

28. An owner shall not:
- a) permit any person other than a licensed operator to operate the adult entertainment parlour;
  - b) permit any person other than an employee of such owner or a person with whom the owner has contracted,

- (i) to operate the adult entertainment parlour; or
- (ii) to provide erotic services in the adult entertainment parlour.

## **OPERATOR**

29. An operator shall not:

- a) operate an adult entertainment parlour unless the owner is duly licensed under this by-law;
- b) operate an adult entertainment parlour unless,
  - (i) he or she first notifies the Issuer of Licences of the name of the owner whose adult entertainment parlour he or she intends to operate; and
  - (ii) he or she has the owner's name endorsed on his or her licence.
- c) operate any other adult entertainment parlour before he or she notifies the Issuer of Licences of his or her intention to do so and has his or her licence endorsed accordingly.

## **ATTENDANT**

30. An attendant shall not:

- a) provide any erotic services unless his or her licence is posted throughout the term of his or her employment as attendant in a conspicuous place in the adult entertainment parlour;
- b) provide any erotic services unless the owner or operator is duly licensed as owner or operator respectively under this by-law;
- c) provide any services that are not specified in the licence;

- d) during the provision of services as an attendant within an adult entertainment parlour, touch or have physical contact with another person's body, or permit another person to touch or to have physical contact with his or her body; or
- e) provide services which are not clearly visible from the main stage, without obstruction or obscuration by any thing, including walls, curtains, glass, enclosures, structures, fog, or inadequate lighting.

### **OWNER AND OPERATOR**

31. An owner and operator shall:

- a) promote the adult entertainment parlour only by means of signs;
- b) use not more than two signs on the premises;
- c) use signs that do not exceed 0.3 square meters in area;
- d) use signs that are not illuminated or that are illuminated by a non-flashing indirect or interior means;
- e) exhibit one sign over the street door or in a lower front window of the premises on the exterior of the premises, satisfactory to the Issuer of Licences, bearing only the following information:
  - (i) the words "Licensed Adult Entertainment Parlour Licence No. \_\_\_\_\_", complete with the licence number inserted therein;
- f) display a sign having a depth of not more than 7.6 centimetres, flat against the exterior portion of a wall or door of the premises, bearing only the following information:
  - (i) owner's proper legal name as shown on the licence;

- (ii) name, if any, under which the owner carries on, or is engaged in business as endorsed on his or her licence in respect of the adult entertainment parlour;
  - (iii) address of the adult entertainment parlour;
  - (iv) telephone number of the adult entertainment parlour;
  - (v) not include any other letters, marks, painting, contrasting colours, symbol, logo, or any mark whatsoever on signs; or
  - (vi) except as otherwise provided in this section, not in any way or by any means and shall not permit any person to, advertise or use advertising devices inside or outside the premises, including any printed matter, oral or other communication or thing posted or used, for the purpose of promoting his or her adult entertainment parlour or the erotic goods or erotic services provided therein.
- g) retain the licence of each attendant in his or her possession during the term of employment of the attendant and post it in a conspicuous place in the adult entertainment parlour;
- h) notify the Issuer of Licences in writing within forty-eight hours, of the commencement or termination of employment of an attendant;
- i) ensure that each attendant notifies the Issuer of Licences before his or her employment commences or within two days of commencing employment;
- j) return the attendant's licence to him or her upon the termination of his or her employment;
- k) deposit with the Issuer of Licences a list of all erotic services or class thereof and the respective fees, charges or other remuneration or consideration for such services and, if such fees, charges, or other remuneration or consideration are based on the computation of time, the



hourly rate;

- l) post a list of erotic services provided, in a conspicuous place in the interior of the adult entertainment parlour plainly visible to any person entering the area of the premises where the services are provided;
- m) not carry on or permit or acquiesce in the carrying on of any trade, calling, business or occupation by any person in the adult entertainment parlour for which a licence is required under this by-law, without a licence;
- n) not permit any person, other than a licensed attendant, to provide an erotic service as an attendant in the course of a trade, calling, business or occupation in the adult entertainment parlour;
- o) retain and keep in legible condition, a copy of all bills and receipts given to customers for at least one year after the erotic services are provided;
- p) keep records and books of account of all business transactions in or by or in respect of the adult entertainment parlour, showing,
  - (a) the amount of the past receipts for all erotic services;
    - a. information respecting each attendant including,
      - i. dates of commencement and termination of employment;
      - ii. the amount of salary, commission or other remuneration paid to each individual; and
    - b. all amounts paid by the owner to the operator or by the operator to the owner.
- q) keep the records and books for at least one year after the information required by subsection (p) has been entered;

- r) attend before and notify the Issuer of Licences of a change of his or her address within two days of such change and produce his or her licence for the change to be entered thereon;
- s) be properly dressed, neat and clean in his or her person, satisfactory to an inspector;
- t) deposit with the Issuer of Licences within seven days of the execution thereof or agreement thereto, a copy of every written contract of service, contract for service, or other document constituting or pertaining to the relationship between, the owner and the operator;
- u) make available for inspection by an inspector, the original of the contract or other documents referred to in subsection (t);
- v) retain the original of the contract or other document for a period of at least six months after the contract is terminated;
- w) cease to publish, display or circulate any poster, handbill, card, novelty, notice, newspaper advertisement or other matter used to advertise the adult entertainment parlour or erotic services provided in an adult entertainment parlour, upon being ordered by the Issuer of Licences in writing to do so;
- x) obliterate, withdraw, remove or destroy, as the case may be, any such poster, handbill, card, novelty, notice, newspaper advertisement or other matter mentioned in subsection (w) upon being ordered by the Issuer of Licences to cease publication, display or circulation;
- y) deposit with the Issuer of Licences a schedule of business hours of the adult entertainment parlour;
- z) not carry on or permit the carrying on of any trade, calling, business or occupation on the premises of the adult entertainment parlour not in accordance with the schedule of business hours referred to in subsection

(y);

- A) except where otherwise provided in this Schedule, close or cause to be closed the adult entertainment parlour at,
  - (i) 2:00 o'clock in the forenoon on Sunday and remain closed until 8:00 o'clock in the forenoon of the next following Monday;
  - (ii) 2:00 o'clock in the forenoon and remain closed until 8:00 o'clock in the forenoon every day from Tuesday to Saturday;
- B) display the sign prescribed by the Issuer of Licences regarding lap dancing within the adult entertainment parlour, in an area accessible and visible to the public, to inform the patrons;
- C) not use signs or other advertisements promoting the business, which contain the words "lap dancing" or other similar or synonymous words or phrases;
- D) not permit in the parlour, an attendant while providing services as an attendant, to touch or have physical contact with another person's body, or to be touched by another person; and
- E) ensure that all services provided by an attendant are clearly visible from the main stage, without obstruction or obscuration by any thing, including walls, curtains, glass, enclosures, structures, fog, or inadequate lighting.

## **OWNER, OPERATOR AND ATTENDANT**

32. An owner, operator, and attendant shall:

- a) not provide erotic services in conjunction with, or accessory to, or ancillary to, or as part of, a trade, business, calling or occupation, the carrying on or the engaging in of which is required to be licensed under this by-law;

- b) not carry on a trade, calling, business or occupation other than that specified in the licence;
- c) not provide erotic services other than those described in the list of goods or services filed by the owner or operator, with the Issuer of Licences;
- d) not permit any person under the age of eighteen years to enter or remain in the adult entertainment parlour or any part thereof;
- e) not charge, demand, ask or require or permit to be charged, demanded, asked for or required or acquiesce in same for erotic services, any amount other than that set out in the list of fees, charges or other remuneration or consideration filed with the Issuer of Licences;
- f) give to customers before erotic services are provided, an itemized bill for such goods and services and the price to be paid for each item of goods and service;
- g) give to the customer, upon payment of the bill, a written, itemized, serially numbered receipt for the amount paid;
- h) not use any part of the premises of the adult entertainment parlour as a dwelling or for sleeping purposes;
- i) not provide any erotic services in a room, cubicle or other enclosure with a door or other means of access which is equipped, constructed, or used,
  - (i) with a locking device of any kind; or
  - (ii) in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto;
- j) produce his or her licence for inspection upon demand by a police officer or inspector; and
- k) be well behaved and civil in all dealings with the customers and members

of the public;

## **PART V: ADULT VIDEO STORES**

### **ALL ADULT VIDEO STORES**

33. Every licensee shall:

- a) prominently display the licence at the premises licensed at all times and shall produce the licence upon request by the Issuer of Licences, any inspector or a police officer;
- b) keep the premises in a clean and sanitary condition;
- c) maintain on the premises, during all business hours, a current list of all adult videos available on the premises, including the rating applied to the film by the Ontario Film Review Board and whether the film has been approved by the Board with the requirement to have affixed the designation of "Adult Sex Film", and make the list available for inspection by the Issuer of Licences, an inspector or a police officer, and in the case of a Class B adult video store, the list shall indicate the number of all videos available and the number of adult videos available;
- d) advertise, promote and carry on such business only under the name in which the licence is issued, or such other business or trade name as provided to the Issuer of Licences in writing and added to such licence; and
- e) not permit viewing of adult videos on the premises.

### **CLASS A ADULT VIDEO STORES**

34.(1) The owner or operator of a Class A adult video store shall not permit any

person under the age of eighteen years to enter or remain in such store.

(2) The owner or operator of a Class A adult video store shall not permit any employee to work in that part of the video store in which adult videos are provided, unless such employee is of the age of eighteen years or older.

35.(1) The owner or operator of a Class A adult video store shall post and keep posted at very entrance to the video 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 years is permitted to enter or remain in such store or any part thereof.

(2) The owner or operator of a class A adult video store shall not use exterior signs or advertisements for the store which use a pictorial representation of a specified body area or a specified sexual activity.

(3) Where the whole store is designated as the area for the provision of adult video tapes, signs shall be posted at each public entrance to the store;

## **CLASS B ADULT VIDEO STORES**

36. In this part, an adult video shall include the container of an adult video which appeals to or is designed to appeal to erotic or sexual appetites or inclinations through the portrayal or depiction of:

a) one or more of the specified body areas of any person, or

b) one or more of the specified sexual activities.

37. The owner or operator of a Class B adult video store shall not permit any person under the age of eighteen years to enter or remain in any part of the video store where adult videos are displayed for sale.

38.(1) The owner or operator of a Class B adult video store shall designate an area

of the video store as an adult video tape area, for the display of all adult videos for sale from the premises, being an area identified and separated by the signs, doors or otherwise as required by subsection (2), which area may be the whole or a portion of the premises.

(2) The owner or operator of a Class B adult video store shall comply with the following regulations in respect of the adult video tape area designated under subsection (1):

(a) signs shall be posted at every approach and entrance to the adult video tape area, indicating that no person under the age of eighteen years is permitted to enter or remain in the designated area;

(b) adult videos shall be displayed only in the adult video tape area;

(c) adult videos which reveal a specified body area or a specified sexual activity, shall be displayed so that they may not be viewed by any member of the public outside the adult video tape area; and

(d) where less than the whole store is designated as the adult video tape area, the owner or operator shall ensure that:

(i) entrances to the designated area are equipped with a solid, opaque, self-closing, full length door; and

(ii) all adult videos or video covers and jackets, which display specified body areas or specified sexual acts, while being transported from the designated area to the cashier if located outside the designated area, shall be enclosed in an opaque bag or other container, so that such pictorial content is not visible.

(3) The owner or operator of a Class B adult video store providing adult videos shall be responsible for informing any employees of the video store of the boundaries of the adult video tape area designated under subsection (1) and the requirement that persons under the age of eighteen years not be allowed to enter or remain in the designated area.

- (4) The owner or operator of a Class B adult video store shall not permit a person under the age of eighteen years to enter or remain in the adult video tape area designated by the owner or operator under this section.



**APPENDIX “A”**

**PERMITTED AREAS**

1. The following districts or zones as referred to in subsection 5(1) of Zoning By-law No. 6593 of the former City of Hamilton, as amended, the extent and boundaries of which districts and zones are shown on the district maps referred to in subsection 5(2) of said By-law No. 6593, are designated as permitted areas for the purposes of operating an adult entertainment services parlour.

“HH”	“K”
“I”	“KK”
“J”	“M-11”
“JJ”	

2. Subject to this By-law, that part of premises at each of the following municipal addresses in actual use as an adult video store as of February 23, 1993 is hereby defined as an area in which one adult video store is permitted to operate and eligible to be licensed as a Class A adult video store, for so long as such part of such premises continues to be lawfully used for such purposes, if the store is in compliance with all other applicable law:

- (e) 212 John Street South, Hamilton
- (f) 8 Fennel Avenue West, Hamilton
- (g) Delete – Repealed 2006
- (h) 128 Parkdale Avenue North, Hamilton.

3. The areas provided in subsection (2), shall be deemed to include that part of the premises in response of which the application was made, prior to February 24, 1993, for a building permit for alterations to enable the expansion of the existing Class A adult video store, provided that the building permit is granted.

## **SCHEDULE 2**

### **AUCTIONEERS**

1. In this Schedule

“**auctioneer**” means a person who sells or offers for sale goods, wares, merchandise or effects by public auction.

2. No person shall carry on the business, trade, or occupation of an auctioneer without a licence.
3. This Schedule does not apply to a sheriff or bailiff offering for sale goods or chattels seized on execution or distrained for rent.
4. Every auctioneer shall keep proper books of account of the business transacted as an auctioneer which shall include:
  - (a) names and addresses of persons depositing goods for sale;
  - (b) description of the goods;
  - (c) names and addresses of persons purchasing any goods;
  - (d) price at which the goods were sold; and
  - (e) accounting for the proceeds paid to the person entitled to the proceeds, less the commission and charges, agreed to with the auctioneer.
5. Every auctioneer, in the case of no sale, on payment of the auctioneer’s proper costs shall return the person’s goods on demand being made for those goods.
6. Every auctioneer shall comply with all the requirements of the Sale of Goods Act, R.S.O. 1990, c. S.1. and its regulations and any orders or regulations issued under the authority of any other statute of the Province of Ontario or of

Canada.

7. An auctioneer shall not:
  - (a) conduct or permit to be conducted any mock auction;
  - (b) 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 the auctioneer offers for sale;
  - (c) give away articles or sell articles for nominal amounts for the purpose of stimulating bidding;
  - (d) do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he or she pays for any article or articles;
  - (e) avail himself of the services of, or act in concert with, persons known in the trade as “beaters”, “boosters”, or “shills” for the purpose of raising or stimulating bids; or
  - (f) sell or offer for sale by auction any goods, wares, merchandise or effects on a reserve bid basis, without first having announced clearly to those in attendance a the auction the fact of such reserved bid.
8. An auctioneer shall not commence or continue any auction sale when the number of people on the premises exceeds the occupancy capacity as determined under the Ontario Building Code.

### **SCHEDULE 3**

## **BED AND BREAKFAST ESTABLISHMENTS**

### **INTERPRETATION**

1. In this Schedule:

- (a) “**bed and breakfast**” means a home-based business within a single detached dwelling for the temporary accommodation of the traveling public, but shall not include a hotel or motel;
- (b) “**building**” means a single-detached dwelling or a portion of a single dwelling; and
- (c) “**single-detached dwelling**” means a separate building containing one dwelling unit.

### **LICENCE REQUIRED**

- 2. No person shall carry on business as a bed and breakfast without a licence.
- 3. In order to obtain a licence, a person who carries on business as a bread and breakfast must comply with the following requirements:
  - (a) a bed and breakfast must be secondary to a permitted use;
  - (b) there shall be no change in the residential character of the building used as a bed and breakfast;
  - (c) no person shall use a building wholly for the purpose of a bed and breakfast. The maximum number of guest bedrooms shall be three;
  - (d) a bed and breakfast must be the principal residence and be occupied on a full- time basis by:

- (i) the owner of the building;
  - (ii) a lessee of a building who has a minimum one-year lease;
  - (iii) a member of the family of the person described in (i), (ii); or
  - (iv) the principal shareholder of the corporation where the building is owned or leased by a corporation.
- (e) every application for a bed and breakfast shall be submitted to the Issuer of Licences, who shall forward the application forthwith to:
- (i) the Social and Public Health Services Department, with a request that the property be inspected for compliance with all health regulations and conditions, and that breaches thereof be reported to the Issuer of Licences;
  - (ii) the Chief Building Official, with a request that the property be inspected for compliance with the applicable Zoning By-law, and that a report be provided to the Issuer of Licences; and
  - (iii) the Fire Chief, with a request that the property be inspected for compliance with the Fire regulations and any breaches thereof be reported to the Issuer of Licences;
- (f) every application for a bed and breakfast shall include a description to identify the rooms which are to be licensed. The description may be by name, number or physical description; and
- (g) every application for a bed and breakfast shall include a plan showing the location of the house on the property with setbacks indicated from all property lines and the location, dimensions and driveway access to the required parking spaces which shall be a minimum of one for each guest bedroom.

## DUTIES OF OPERATOR

4. Every person who carries on business as a bed and breakfast shall comply with the following regulations:
  - (a) a bed and breakfast may provide meals to its guests. No cooking shall be permitted in the guest bedrooms;
  - (b) complimentary alcoholic beverages may be served provided that the operator complies with the following criteria:
    - (i) the premises are not licensed pursuant to the Liquor Licence Act;
    - (ii) the alcoholic beverage shall not be for sale;
    - (iii) the cost of the alcoholic beverage shall not be included in the price of the room or accommodation and the advertising of complimentary alcoholic beverages is prohibited; and
    - (iv) the bed and breakfast shall not be associated with any event on the premises which promotes, advertises or retails alcoholic beverages.
  - (c) services, facilities and amenities, such as laundry, play equipment and a swimming pool shall be permitted;
  - (d) rates for the rooms shall be set forth on a card which will indicate that the room is licensed for hire and which is posted in a conspicuous place within the room;
  - (e) only signs in accordance with the applicable Sign By-law shall be displayed;
  - (f) each operator shall keep a daily register in the form of either a day journal or a pre-numbered guest registration form. The day journal shall have a

separate date on each page with adequate space provided for each guest to register in a designated room. The pre-numbered guest registration form is a separate form for each registered guest and indicates the room assigned to the guest. The said registration form shall also indicate the guest's name and home address; and

- (g) upon request from the Issuer of Licences or an inspector, the operator shall present the guest register for inspection.

**SCHEDULE 4**

**BODY-RUB PARLOURS**

**PART I: DEFINITIONS**

1. In this Schedule,
  - (a) “**body-rub**” includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof, in a body-rub parlour 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;
  - (b) “**body-rub parlour**” 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, or a personal service facility as defined in Schedule 13;
  - (c) “**body-rubber**” means a person required to obtain a licence under paragraph 2 (1)(b) of this Schedule;
  - (d) “**operator**” when used in reference to a body-rub parlour, refers to any person who alone or with others, operates, manages, supervises, runs or controls a body-rub parlour, and “operate”, “operation” and other words of like import or intent shall be given a corresponding meaning;
  - (e) “**owner**” when used in reference to a body-rub parlour means a person who alone or with others has the right to possess or occupy a body-rub parlour or actually does possess or occupy a body-rub parlour, and includes a lessee of a body-rub parlour or premises upon which a body-rub parlour is located; and
  - (f) “**person authorized by the city**” means an inspector appointed under this By-



law, an inspector appointed under any by-law of the City, a public health inspector and the Medical Officer of Health.

**PARTII: LICENCES**

- 2.(1) A licence authorizing such person to carry on the trade, calling, business or occupation shall be taken out by:
  - (a) every person who owns or operates a body-rub parlour; and
  - (b) every person, other than a person licensed pursuant to subsection (a), who performs, offers or solicits a body-rub in, at, or upon a body-rub parlour.
- (2) No person shall own or operate a body-rub parlour or carry on or engage in the business of a body-rub parlour without a licence.
- 3.(1) Notwithstanding section 2, no body-rub parlour shall be located, and no licence may be granted, except for parlours in areas as permitted by this section, and no licences shall be issued in number greater than permitted by this section.
  - (2) Subject to subsection (3), a body-rub parlour shall be located or licensed only where it is in a “J” District, “K” District, or “M-11” District as provided and described in Zoning By-law 6593 of the former City of Hamilton, as amended, provided however, that the body-rub parlour shall be located on a lot having a minimum radial separation distance of 500 meters from the lot line to the lot line of every lot in a residential district, as also provided and described in Zoning By-law 6593, as amended, and further subject to compliance with all applicable law.
  - (3) Subject to this Schedule, the premises at the following municipal addresses licensed and in actual use as a body-rub parlour at the date of enactment of this section, are each hereby defined as an area in which one body-rub parlour is permitted to operate and eligible to be licensed, provided that once licensed the premises continues to be used for such purposes and maintains its licence, and the parlour, business and trade carried on therein is in compliance with all other

applicable law:

- (a) 754 Queenston Road, Hamilton;
  - (b) 893 King Street East, Hamilton; and
  - (c) 549 Kenilworth Avenue North, Hamilton.
- (4) Subject to subsection (5), the total number of body-rub parlour licences to be granted under this Schedule is three.
- (5) The total number of body-rub parlour licences to be granted under this Schedule shall be reduced from three, if a body-rub parlour licence expires without renewal by the licence holder or if a licence is otherwise surrendered or lawfully revoked, so that the number of licences is reduced to two.
- 4.(1) On every application for an owner's, operator's or body-rubber's licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the office of the Issuer of Licences and shall complete the application form provided by the Issuer of Licences and shall furnish such information as the Issuer of Licences may direct.
- (2) The Issuer of Licences shall issue a photo identification card to each licensed body rub attendant and body rub operator. The licensee shall be re-photographed if required so to do by the Issuer of Licences.
- (3) Every applicant for an owner's licence shall, at the time of making an application, file a list showing the names of all operators and body-rubbers employed by or performing the services in the body-rub parlour and all such persons intended or expected by the applicant to be employed or to perform services in the body-rub parlour.
- (4) On every application for an owner's, operator's or body-rubber's licence by an individual or by a corporation, the applicant shall state the following:

- (a) if the applicant is an individual, his or her date of birth; or
  - (b) if the applicant is a corporation, the date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the corporate appellant or in any of the corporations referred to in section 5 of this Schedule.
- (5) Every applicant referred to in subsection (5), and every shareholder, partner or other person referred to in this section or in sections 5, 6 or 7 of this Schedule, shall file or produce proof of his or her age, if required to do so by the Issuer of Licences and no such licence shall be issued unless the Issuer of Licences is satisfied that every such person is of the full age of eighteen years.
- 5.(1) Every corporation applying for an owner's or operator's licence shall file at the time of its application, a copy of its letters of incorporation or other incorporating document, duly certified by the proper government official or department, together with a Return in a form supplied by the city which Return shall contain a list of all of the shareholders of the corporation.
- (2) Where the shares in a corporation applying for an owner's or operator's licence are held in whole or in part by another corporation, the corporation so applying shall file with the Issuer of Licences a Return in lieu thereof in a form supplied by the Issuer of Licences which Return shall contain a list of all of its shareholders, and if such Return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation then the said applicant shall also file such a Return in respect of such third corporation listing its shareholders, and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the shares of the applicant corporation.
- (3) All Returns required by subsection (2) shall be filed at the same time as the filing of the application for the licence.
- (4) Every owner or operator which is a corporation shall, in every year on or before the time at which it applies for the renewal of its licence, file with the city an Annual Return in a form supplied by the Issuer of Licences.

- (5) Where a corporation is the holder of an owner's or operator's licence or licences, the corporation shall forthwith notify the Issuer of Licences in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and of any such transaction involving the shares of any corporation referred to in subsection (2), and the Issuer of Licences may, notwithstanding any other provision of this By-law, in his or her discretion, determine whether the licence or licences shall be revoked.
  - (6) Where, by a transfer of existing shares, or by an issue of new or existing shares, the controlling interest in a corporation holding one or more owner's or operator's licences is determined by the Issuer of Licences to have changed hands, such licence or licences shall, notwithstanding any other provision of this By-law, be terminated forthwith, and the Issuer of Licences may issue a new licence or new licences upon payment of the prescribed fee.
  - (7) Where the shares of a corporate owner or operator are held in whole or in part by another corporation, such owner or operator shall file with the Issuer of Licences at the same time as the owner or operator an Annual Return as provided in subsection (4), and if the shares in such other corporation are in turn held in whole or in part by a third corporation, then such owner or operator shall likewise file such an Annual Return in respect of such third corporation and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct, or indirect, in the corporate owner or operator.
  - (8) For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.
- 6.(1) Persons associated in a partnership applying for an owner's or operator's licence shall file with its application to the city a declaration in writing signed by all the members of the partnership, which declaration shall state the following:
- (a) the full name of every partner and the address of his or her ordinary residence;
  - (b) the name or names under which they carry on or intend to carry on business;

- (c) that the persons therein named are the only members of the partnership; and
  - (d) the mailing address for the partnership.
- (2) If any member of a partnership applying for a licence is a corporation, such corporation shall, for the purposes of section 5 of this Schedule, be deemed to be a corporation applying for an owner's or operator's licence and if such licence is issued to the partnership such corporation shall, for the purposes of the said section, be deemed to be a corporation which holds an owner's or operator's licence.
- (3) Every member of a partnership shall advise the Issuer of Licences immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed, and the Issuer of Licences may, notwithstanding any other provision of this by-law, in his or her discretion, determine whether the licence or licences shall be revoked or terminated and whether or not a new licence should issue to the partnership as presently constituted.
- 7.(1) Every person applying for an owner's, operator's or body-rubber's licence who carried on or intends to carry on his or her business in or relating to a body-rub parlour under a name or designation other than his or her own name or under his or her own name with the addition of the expression "and company" or some other expression indicating a plurality of members in the firm, shall, at the time of applying for a licence, file a declaration, which shall state the following:
- (a) the applicant's full name and the address of the applicant's ordinary residence;
  - (b) any name or designation under which the applicant carries on or intends to carry on business, and the date when the name or designation was first used by the applicant;
  - (c) that no other person is associated with the applicant in partnership;
  - (d) the date of the applicant's birth; and

- (e) the mailing address for the applicant's business.
- (2) A person to whom this section applies shall notify the Issuer of Licences immediately of any change in any of the particulars required to be filed under subsection (1).
- 8.(1) Every owner, operator or body-rubber applying for a licence must use his or her own legal name in making such application and subject to subsection (2) no such licence shall be issued to any person in any name other than his or her own legal name.
- (2) Every owner, operator or body-rubber intending to use a name or designation other than his or her own may, at the time of the issue of his or her licence, or at the time at which he or she files notice of intention to use such name or designation, have endorsed on his or her licence such name or designation.
- (3) No owner, operator or body-rubber shall carry on business under any name or designation other than his or her own unless he or she has filed notice of his or her intention to use such name or designation and no person shall use any name or designation in respect of a body-rub parlour or of any trade, calling, business or occupation carried on therein without first notifying the Issuer of Licences of such name or designation intended to be used and having such name endorsed upon his or her licence in accordance with subsection (2).
- 9.(1) No body-rub parlour may open for business or operate or be operated unless its owner is licensed as such under this By-law.
- (2)
- (a) Every person applying for an owner's licence shall file with the Issuer of Licences documentation demonstrating the applicant's right to possess or occupy the premises used as a body-rub parlour, and if such person is not the registered owner or owners in fee simple of the property upon which the body-rub parlour is located, such person shall file at the same time a copy of any lease, and of any other document constituting or affecting the legal relationship between the applicant and the registered owner or owners in fee simple of the real property.

- (b) For the purpose of this section, “registered owner” means the owner as registered pursuant to the Land Titles Act or the Registry Act as the case may be.
- (3) A Separate owner’s licence shall be taken out in respect of each body-rub parlour.
- (4) Where an owner does not personally operate his or her body-rub parlour, every person operating such body-rub parlour shall obtain a licence so to do, but nothing herein relieves such an owner from the requirement that he or she obtain a licence as owner of such body-rub parlour.
- (5) An owner or operator, subject to the provisions of this by-law, if his or her licence as an owner or operator is so endorsed, may perform body-rubs in the body-rub parlour of which-he or she is the owner or operator.
- (6) An owner who operates his or her own body-rub parlour shall notify the Issuer of Licences of this fact at the time he or she obtains his or her licence and the licence may be endorsed accordingly upon payment of the appropriate licence fee, and the applicant shall notify the Issuer of Licences and have the said endorsement amended before engaging any operator to operate the body-rub parlour.
- 10.(1) No owner of a body-rub parlour or premises shall-permit any person other than a licensed operator to operate such body-rub parlour.
- (2) No owner or operator shall permit any body-rub to be performed, offered, or solicited in the pursuance of a trade, calling, business or occupation, upon or at a body-rub parlour or pursuant to the operation by a body-rub parlour, by any person other than a licensed body-rubber or other person licensed or authorized under this by-law.
- (3) No owner shall permit any person, other than him or himself, an employee of such owner or a person with whom that owner has contracted to operate the body-rub parlour or to perform, offer or solicit body-rubs in the body-rub parlour.
- (4) No body-rubber or other person shall perform, offer or solicit body-rubs in any body-rub parlour unless the owner or operator of the body-rub parlour are licensed

under this by-law.

- (5) No operator not being the owner of a body-rub parlour shall operate the said parlour unless the owner of the body-rub parlour is licensed as owner under this by-law.
  - (6) No operator may operate a body-rub parlour unless he or she first notifies the Issuer of Licences of the name of the owner whose body-rub parlour he or she intends to operate and has endorsed upon his or her licence the said owner's name, and every operator before operating any other body-rub parlour shall notify the Issuer of Licences of his or her intention so to do and have his or her licence endorsed accordingly.
11. A copy of every written contract of service, contract for services or other document constituting or pertaining to the relationship between owner and operator of a body-rub parlour or between owner or operator and a body-rubber performing services in a body-rub parlour, shall be filed with the Issuer of Licences and the original of any such document shall be delivered to or made available for inspection at any time by the Issuer of Licences, upon request, and shall be retained by the owner or operator for a period of six months after its termination.
- 12.(1) Repealed 2006.
- (2) Every owner who operates his or her own body-rub parlour and every operator shall, during the term of his or her employment of a body-rubber or of a body-rubber's services, retain such body-rubber's licence in his or her possession, and shall post up the licence in a conspicuous place in the body-rub parlour and keep it so posted throughout the term of employment or of the contract for services.
  - (3) Every owner or operator referred to in subsection (1) who employs a body-rubber or the services of a body-rubber shall, within forty-eight hours, notify the Issuer of Licences in writing that he or she has so employed the body-rubber or the services of the body-rubber, and when such employment ceases it shall be the joint responsibility of the owner or operator and the body-rubber to notify the Issuer of Licences in writing to such effect within forty-eight hours of the cessation of employment or of the contract for services.



- (4) No body-rubber shall perform any body-rubs or other services in a body-rub parlour unless his or her licence is posted up in compliance with subsection (2) and unless he or she has notified the Issuer of Licences that he or she is performing services in the body-rub parlour.
- (5) Every owner and operator of a body-rub parlour shall ensure that every body-rubber performing services in a body-rub parlour owned or operated by him notifies the Issuer of Licences before such services commence, or so soon thereafter as is reasonably possible, and shall return the body-rubber's licence to the body-rubber upon the termination of his or her employment.
13. Every owner, operator or body-rubber who changes his or her address shall, within two days after such change, attend at the office of the Issuer of Licences and notify the Issuer of Licences of such change of address and produce his or her licence for the change to be entered thereon.
- 14.(1) No owner's licence shall be transferred, and if an owner sells, leases or otherwise disposes of the body-rub parlour or the premises or part thereof upon or in which a body-rub parlour is operated, to any person, the licence in respect of such body-rub parlour or premises shall be terminated forthwith.
- (2) Subject to subsection (4) hereof, the Issuer of Licences may in his or her discretion issue an owner's licence to the purchaser, lessee or other person obtaining an interest in a body-rub parlour or the premises or part thereof upon or in which a body-rub parlour has been operated, subject also to the following conditions:
  - (a) That the new applicant qualify under all of the other provisions of this Schedule, and that the applicant comply with all of the requirements of this Schedule relating to an owner;
  - (b) That the new applicant file with the Issuer of Licences the documents relating to ownership and to his or her right to possess or occupy the body-rub parlour, as required by subsection 9(2) of this Schedule;
  - (c) That the new applicant and the vendor file with the Issuer of Licences a

notarized copy of a written agreement between the parties containing all the details of the dealings between the parties in respect of such body-rub parlour or premises;

- (d) That the agreement contain a statutory declaration, in a form supplied by the Issuer of Licences by both the parties and a further statutory declaration by the solicitor for the purchaser in a form supplied by the Issuer of Licences.
  - (3) Notwithstanding subsections (1) and (2) hereof and any other provision of this Schedule, the Issuer of Licences may in his or her discretion refuse to issue a licence or licences to a purchaser, lessee or other person obtaining an interest in a body-rub parlour in a transaction under this section when the Issuer of Licences is of the opinion that it is not in the public interest, as determined by the City that such new licence or licences should be issued, and the City shall, upon demand from any party to the transaction, deliver written reasons for such decision.
  - (4) Upon the sale, lease or other disposition of a body-rub parlour, every operator's licence issued in respect of such body-rub parlour shall be terminated forthwith, and the Issuer of Licences may, subject to the provisions of this Schedule, permit the purchaser, lessee or other person obtaining an interest in such body-rub parlour to operate the body-rub parlour by an endorsement to that effect upon an owner's licence issued to such person or may issue a new operator's licence to any person previously licensed as an operator in respect of the body-rub parlour.
- 15.(1) Every owner, operator or body-rubber, while engaged in his or her respective trade, calling, business or occupation in a body-rub parlour shall carry at all times on his or her person a plastic numbered identification card issued by the Issuer of Licences which shall remain the property of the City and remain in force and effect for the duration of the licence.
- (2) The identification card shall contain a photograph of the owner, operator or body-rubber and such other information as the City requires for identification purposes.
  - (3) No owner, operator or body-rubber in any manner whatsoever directly or indirectly

shall use the identification card for any purpose when such owner, operator or body-rubber is off the premises of the body-rub parlour.

**PART III: REGULATIONS**

- 16.(1) No premises in which a body-rub parlour is located shall be constructed or equipped so as to hinder or prevent the enforcement of this by-law.
  - (2) No owner, operator or body-rubber shall perform or provide any service or services or permit the performing or providing of any service or services in any body-rub parlour which is constructed or equipped in contravention of subsection (1).
17. No premises or part thereof used as a body-rub parlour shall be used as a dwelling or for sleeping purposes.
- 18.(1) Every body-rub or other service performed in a body-rub parlour 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 or which is obstructed in any way whatsoever.
  - (2) No person in a body-rub parlour shall 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 or which is obstructed in any way whatsoever.
- 19.(1) Every owner who operates a body-rub parlour business and every operator shall keep proper records and books of account of all business transacted in, by or in respect of the body-rub parlour, which books shall give the amount of gross receipts for all services performed or provided in the said body-rub parlour, the name and address of the person upon whom the body-rub or other service is performed, the name and licence number of every body-rubber or other person

- performing services in the said body-rub parlour, including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each body-rubber and all amounts paid by the owner to the operator, if any, or by the operator to the owner, in respect of such body-rub parlour or body-rub parlour business.
- (2) Every owner to whom subsection (1) relates and every operator shall keep such books and records as are required by that subsection for at least one year after the information required by that subsection is entered therein, and the Issuer of Licences or any person duly authorized by him or her shall at all times have access to such records.
  - (3) Immediately before any services are provided in a body-rub parlour the body-rubber or person who is to provide the services shall give to the customer an itemized bill for such services, listing the services to be provided and the price to be paid for each.
  - (4) Upon payment of the bill referred to in subsection (3), the customer shall be given a written serially numbered receipt for the full amount paid and containing the full name and address of the customer and the licence number of the body-rubber.
  - (5) Every owner operating a body-rub parlour and every operator of a body-rub parlour shall ensure that the bill and receipt required by subsections (3) and (4) are provided to every customer of the body-rub parlour and shall retain and keep a copy of each such bill and receipt for at least one year after the services referred to therein are performed, and the Issuer of Licences or any person authorized by him or her shall at all times have access to such copies.
20. Every owner who operates his or her own body-rub parlour and every operator of a body-rub parlour shall comply with, and ensure compliance with, the following regulations:
- (a) the premises shall be provided with adequate light and ventilation;
  - (b) the premises and all fixtures and equipment therein shall be regularly washed and kept in a sanitary condition;

- (c) the premises shall be equipped with an effective utility sink;
  
- (d) 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;
- (e) washrooms shall be equipped with:
  - (i) an adequate supply of hot and cold water;
  - (ii) an adequate supply of liquid soap in a suitable container or dispenser;
  - (iii) hot air dryers or individual clean towels for the use of each person using the washing facilities; and
  - (iv) a suitable receptacle for used towels and waste material;
  
- (f) no washroom, toilet, sink or basin used for domestic purposes shall be used in connection with a body-rub parlour;
  
- (g) adequate shower-bath rooms shall be provided, and in such rooms, and in all sauna-bath rooms, if any;
  - (i) the floors shall be disinfected at least once a week with a suitable disinfecting solution;
  - (ii) all services and attached accessories of the bath or shower enclosure must be self-draining;
  - (iii) all showers must have removable cleanable drain covers; and
  - (iv) floor surfaces both within and without the enclosure shall be of a

non-slip type;

- (h) if bathtubs or whirlpool baths are provided on the premises,
  - (i) a grab-bar or other convenient support shall be provided unless the walls of the tub or whirlpool bath enclosure are twenty-four inches in height or higher;
  - (ii) the bottom of the tub or whirlpool bath enclosure shall be of a non-slip type; and
  - (iii) the water serving all bathtubs, showers and hand basins used by patrons shall not have a temperature exceeding 48.89 degrees Celsius and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device;
- (i) a total volume air change of ten times per hour shall be provided for all tub, shower or bath rooms;
- (j) common foot baths shall not be provided on the premises;
- (k) 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;
- (l) 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;
- (m) every person immediately after taking a shower shall be provided with a fresh, clean, individual pair of paper slippers;
- (n) 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;
- (o) every table, mat or other surface referred to in paragraph (n), before any

person receives a body-rub thereon, shall be covered with a fresh, clean individual paper or cloth sheet;

- (p) every sheet or towel, immediately after being used by any person, shall be deposited in a receptacle reserved for that purpose and shall not be utilized again for any purpose before being freshly laundered; and
  - (q) 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 suitable disinfecting solution and no such appliance, article or device shall be used or available for use in a body-rub parlour unless it is so constructed as to be readily capable of being so cleansed or disinfected.
- 21.(1) No owner, operator or body-rubber shall perform or permit to be performed a body-rub in any body-rub parlour by or upon any person whom he or she has reasonable cause to suspect has been exposed to or is suffering from any communicable disease including any communicable skin disease.
- (2) Every owner operating his or her own body-rub parlour and every operator shall take every reasonable precautions to ensure that persons whom the owner or operator has reasonable cause to suspect have been exposed to communicable diseases or who are suffering from such diseases, are not permitted to enter into the body-rub parlour.
  - (3) No owner or operator shall permit any body-rub to be given, performed, provided or received in any body-rub parlour in breach of any of the regulations contained in this Schedule.
22. No person who performs body-rubs in, upon or at a body-rub parlour shall hold, receive or handle any cash or currency used or received in connection with the business of the body-rub parlour or receive or hold any customer's money or belongings, and every owner or operator, during the period in which the body-rub parlour is open for business, shall provide a person for such purposes, which person, during the period in which he or she is so employed, shall not provide any body rubs.

- 23.(1) No one may provide a body-rub or any other services in a body-rub parlour to a person who is or who appears to be under the age of eighteen years.
- (2) No owner or operator shall permit any person actually or apparently under the age of eighteen to enter or remain in any body-rub parlour.
- 24.(1) No owner, operator, body-rubber, or other person shall provide a body-rub or any other service or services in a body-rub parlour to a person who is or who appears to be intoxicated by alcohol or a drug or to any person whose appearance or condition provides reasonable cause to believe that the provision of such services to such person may cause illness or injury to him.
- (2) No owner or operator shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any body-rub parlour.
- 25.(1) No owner or operator shall pen such body-rub parlour for business or permit the same to be or to remain open for business or permit any body-rubs or services of any kind to be performed, offered or solicited in the said body-rub parlour at any time between the hours of 1:00 o'clock in the forenoon of any day and 8:00 o'clock in the forenoon of the same day.
- (2) Subject to subsection (1), every owner who operates his or her own body-rub parlour and every operator of a body-rub parlour shall file with the Issuer of Licences a schedule showing the hours of business to be observed in the carrying on of operation of the body-rub parlour which schedule shall state specifically the opening and closing times of the said body-rub parlour for each day of the week.
- (3) No person shall permit a body-rub parlour owned or operated by him or her to be open for business at any time other than the times set forth in a schedule filed with the Issuer of Licences pursuant to subsection (2).
- (4) During the hours of business of a body-rub parlour set forth in the schedule filed with the Issuer of Licences in accordance with subsection 2, or at any time at which a body-rub parlour is open for business, or at any time at which a body-rubber is in attendance at a body-rub parlour, it shall be the responsibility of the owner and of



- the operator, if any, to ensure that the door or doors of other principal means of access into the body-rub parlour by the public shall be kept unlocked and available so that anyone coming into the body-rub parlour from the street or other public place may enter therein without hindrance or delay.
- (5) Either the owner or an operator licensed in respect of such owner's body-rub parlour shall be in attendance at such owner's body-rub parlour at all of the times referred to in subsection (4), and no owner or operator shall permit a body-rub parlour owned or operated by him to open for business, to remain open for business, or any body-rubber to enter or remain therein, or any services to be performed, offered or solicited in such a body-rub parlour, unless this subsection is complied with.
- 26.(1) No owner, operator or body-rubber shall take, consume or have a liquor or a drug in his or her possession in a body-rub parlour, nor shall the use of liquor or a drug be apparent while he or she is in a body-rub parlour.
- (2) For the purposes of subsection (1) the word "drug" does not include patent medicines and prescription drugs required for medicinal purposes.
- (3) Notwithstanding subsection (1), every owner who operates his or her own body-rub parlour and every operator shall provide and maintain at all times at the body-rub parlour a first-aid kit as per Regulation 1101 under the Workplace Safety and Insurance Act.
- 27.(1) Every owner, operator and body-rubber shall, while engaged in his or her respective trade, calling, business or occupation in a body-rub parlour be properly dressed, neat and clean in his or her person and civil and well-behaved to members of the public with whom he or she is dealing.
- (2) Every owner, operator or body-rubber performing a body-rub or any other service in a room, cubicle or other enclosure shall be attired in a light-coloured, durable, hygienic uniform.
- 28.(1) No owner, operator or body-rubber shall use or permit to be used any camera or other photographic or recording device in, upon or at a body-rub parlour by any

person other than Issuer Licences or an inspector.

- (2) No owner, operator or body-rubber shall perform or cause to be performed or permit to be performed a body-rub or any other service in a room, cubicle or other enclosure in which is installed a two-way mirror, window or closed-circuit television or in which there is an opening to an area outside the room, cubicle or other enclosure by any means whatsoever, except a doorway or operating ventilation system.

## **SCHEDULE 5**

### **BUILDING EXTERIOR CLEANER**

1. In this Schedule,
  - (a) “**building exterior cleaner**” means a sandblaster, or other person who for gain uses a cleanser to clean or restore the exteriors of buildings or other structures;
  - (b) “**cleanser**” means chemicals or pressurized air, water, steam, sand or other abrasive; and
  - (c) “**work area**” means the area exterior to a building or structure being cleaned or restored that is occupied by a building exterior cleaner.

### **LICENCE REQUIRED**

2. No person shall carry on business of building exterior cleaner without a licence under this by-law entitling him so to do.

### **DUTIES OF BUILDING EXTERIOR CLEANERS**

3. Every building exterior cleaner shall comply with the following regulations:
  - (a) provide and maintain barriers separating the work area from pedestrian traffic in the vicinity of the work area;
  - (b) use barriers or other mechanical means to prevent any cleanser from spreading or diffusing beyond the work area;
  - (c) keep and maintain public property adjacent to the work area free and clear of building debris and other materials which are used, created or

distributed during the course of the work performed; and

- (d) perform an inspection and clean up, after each work day and after the completion of the work, to remove all debris, sand, abrasive, residue, precipitant, solids, liquids or material which are used, created or distributed during the course of the work performed, from public or private property adjacent to or in the vicinity of the work area.
4. Every building exterior cleaner shall:
- (a) by notice in writing delivered to the Issuer of Licences at least 7 days before commencing to use any cleanser on any building or structure, identify the location of the building or structure and the date and time that use of any cleanser will commence; and
  - (b) in the notice or at any time prior to commencing use of the cleanser, identify particulars of the cleanser, and the manner of its application.

**SCHEDULE 6**

**FLEA MARKETS AND ANTIQUE MARKETS**

1. In this Schedule,
  - a) “**chief building official**” means the chief building official appointed under the Building Code;
  - b) “**flea market or antique market**” means a place, building, or structure on or in which are situated stands at which trades, callings, businesses or occupations are carried on by separate vendors;
  - c) “**owner**” means a person carrying on or engaging in the business or occupation of operating a flea market and includes a manager, operator, agent and representative;
  - d) “**patron**” means a person who has entered upon the premises of the flea market;
  - e) “**place**” includes land and premises on a part of which a building or structure may or may not be situate;
  - f) “**stallholder**” means a person carrying on or engaging in the business or occupation of operating a stand; and
  - g) “**stand**” means an area in the flea market or antique market at which new or used goods are exposed or offered for sale.
2. Every flea market or antique market owner shall obtain a licence from the City authorizing the owner to carry on or engage in the business of operating a flea market.
3. No person referred to in section 2 shall carry on or engage in his or her business or occupation unless a licence has been issued and is in force.

- 4.(1) In addition to any other information required under this by-law, every flea market or antique market owner shall provide, with his or her application, a suitable site plan of the flea market satisfactory to the chief building official and Licensing Committee showing;
    - (a) the location and dimensions of the place, building or structure and location of stands; and
    - (b) the location and number of parking spaces provided for patrons lawfully accommodated.
  - (2) No licence shall be issued to a flea market or antique market owner and no licence shall be renewed to a flea market owner where the owner fails to provide the site plan at the time of application or renewal, in accordance with subsection (1).
- 5.(1) Every applicant who is a flea market owner shall comply with the following regulations:
    - (a) the flea market or antique market must be kept and maintained in an orderly and clean condition, free at all times from debris and waste of any kind;
    - (b) a written list of stallholders, including names, addresses, type or classes of goods which are offered for sale or sold, and the date of the commencement and termination of the use of each stand, must be deposited with the Issuer of Licences at the end of each month; and
    - (c) responsible to ensure that any stallholder is required to obtain a business licence as required in any Schedule of the licensing by-law.
  - (2) Every flea market or antique market owner shall open not earlier than 10:00 o'clock in the forenoon and close not later than 5:00 o'clock in the afternoon of the same day, and shall remain closed during other hours of the day.

## **SCHEDULE 7**

### **KENNELS AND PET SHOPS**

#### **INTERPRETATION**

1. In this Schedule,
  - (a) “**kennel**” means any lot, building or structure used at any time for the registered pure-bred breeding, raising, keeping, training or boarding of four or more dogs, and shall meet the requirements of the applicable zoning by-law; and
  - (b) “**pet shop**” means a place where animals or birds are sold or offered for sale, for use as pets.

#### **LICENCE REQUIRED**

2. No person shall operate a kennel or pet shop without a licence.
3. The operator of a kennel or pet shop shall ensure that:
  - (a) all animals are adequately fenced or caged to prevent them from running at large;
  - (b) no animal is kept in a cage of inadequate size; and
  - (c) all animals are fed and supplied with water regularly and kept in a clean, healthy condition free from vermin and disease.
4. Any person authorized by the Issuer of Licences may inspect the premises of any kennel or pet shop to ensure that the health and safety of the animals is being maintained.

**SCHEDULE 8**

**LIMOUSINES**

1. In this Schedule,
  - (a) “**City**” means the City of Hamilton;
  - (b) “**driver’s licence**” means a licence issued to a limousine driver under this Schedule, and “licensed driver” has a corresponding meaning;
  - (c) “**limousine**” means a vehicle for hire for the transportation of passengers, at a flat rate by agreement, that does not contain a taxi-meter;
  - (d) “**limousine driver**” means a person who is licensed under this Schedule to drive a limousine;
  - (e) “**limousine owner**” means a person who is the owner of a limousine;
  - (f) “**owner**” includes the owner of a limousine or a purchaser of a limousine, under contract, agreement, understanding or arrangement; and
  - (g) “**owner’s licence**” means a licence taken out by a limousine owner authorizing the use of the vehicle as a limousine.

**PART 1**

**ADMINISTRATION**

- 2.(1)
  - (a) Every person who is and carries on business as;
    - (i) a limousine owner, or



- (ii) a limousine driver

shall obtain from the City a licence authorizing that person to carry on or engage in the trade, calling or business of conveying passengers for hire in a limousine.

- (b) Paragraph (1)(a)(ii) shall not apply to a limousine driver who holds a current and valid taxi-cab driver's licence duly issued by the City.
- (2) No person shall carry on or engage in the trade, calling or business of conveying passengers for hire in a limousine without the vehicle and driver having the licences required in subsection (1).
  - (3) Where a person is required to obtain a licence under subsection (1),
    - (a) a separate licence certificate shall be issued for each licence applied for; and
    - (b) a separate licence certificate shall be issued for each limousine.
  - (4) Every licence certificate issued to a limousine owner shall clearly identify,
    - (a) the one vehicle in respect of which the licence was issued; and
    - (b) the term of the licence, including its expiry date.
  - (5) Every licence certificate issued to a limousine driver shall clearly identify the term of the licence, including its expiry date.
- 3.(1) Every vehicle licensed under this section shall be operational and functional within 30 days of the issuance of the licence.
  - (2) No limousine shall display a roof sign bearing the words "taxi-cab", "taxi", or "cab".
- 4. No limousine licence shall be transferable.

- 5.(1) Subject to other compliance with this Schedule and By-law, a limousine licence shall be issued to an applicant for a limousine owner's licence where,
  - (a) the limousine seats not less than 6 and not more than 9 passengers, including the driver; and
  - (b) the limousine has a wheel base of not less than 110 inches.
- (2) Every limousine owner and every limousine driver licensed to operate a limousine shall charge a fare of not less than,
  - (a) \$60.00 for every hour or part thereof; or
  - (b) \$110.00 per diem.
- 6.(1) Every applicant for a limousine owner's licence or a renewal thereof shall attend at the office of the Issuer of Licences and make and file an application on a form, prescribed by the Issuer of Licences, in person and not by an agent or representative.
- (2) Where a limousine is owned by,
  - (a) a partnership, a partner shall attend for the purpose of subsection (3); or
  - (b) a limited company, the chief operating officer of the company shall attend for the purpose of subsection (3).
- (3) Every application for renewal of a limousine owner's licence shall be accompanied by a completed trip record, as required under subsection (s) of Section 12, for the current year during which the limousine licence is in full force and effect.
- (4) Failure to comply with the requirements of subsection (3) may cause the application for renewal to be denied.
- 7.(1) Every applicant for a limousine driver's licence or a renewal thereof shall attend at the office of the Issuer of Licences and make and file an application on a

form, prescribed by the Issuer of Licences, in person and not by an agent or representative, except where the applicant is the holder of a current taxi cab driver's licence under this by-law.

- (2) Every applicant for a licence as a limousine driver shall hold a minimum of a Class "G" licence issued under the Highway Traffic Act.
  - (3) Notwithstanding any other provision of this Schedule, no limousine driver's licence shall be issued to an applicant unless the applicant has a photo identification taken by the City.
- 8.(1) Before a licence is issued, the limousine owner or limousine driver shall, if required by the City, provide a medical certificate signed by a duly qualified medical practitioner in the Province of Ontario, certifying that the owner or driver of the limousine is physically and mentally fit to drive a limousine.
- (2) Every limousine owner and every limousine driver shall provide a medical certificate signed by a duly qualified medical practitioner in the Province of Ontario as to the health of the owner or driver from time to time as the City may require.
9. Every limousine owner and every limousine driver shall be at least eighteen years of age.
10. Every limousine owner and every limousine driver shall notify the Issuer of Licences within 6 days of a change of address and produce his or her licence for the changes of address to be entered.
11. No licensee who is the holder of a licence as a limousine owner shall enter into any written agreement or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the limousine for which the licence was issued, by any other person who is not a licensed limousine driver.

## **PART 2**

**LIMOUSINE OWNERS**

12. Every limousine owner shall comply with the following subsections:

(a) Before acting as a driver of a limousine owned by him,

(i) comply with all the requirements for the issuance of a limousine driver's licence except payment of a licence fee for a driver's licence.

(b) Before issuance of an owner's licence provide the City, in writing, with the following information in respect of every vehicle to be used as a limousine,

(i) clear identification of the vehicle, including the make and serial number,

(ii) certificate of ownership,

(iii) certificate of insurance,

(iv) Safety Standard Certificate issued under the Highway Traffic Act, within thirty-six (36) days of the inspection date, and

(v) such other particulars as the City may request.

(c) For each limousine for which the owner holds a licence, and before use of the limousine,

(i) obtain a policy of insurance in respect of the limousine in an amount not less than \$500,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;

(ii) provide a special endorsement to the policy of insurance referred to in clause (i), for passenger hazard in an amount not less than

\$500,000, exclusive of interest and costs;

- (iii) cause to be endorsed on the policy of insurance referred to in clause (i), that the City shall be given at least ten days prior notice of any cancellation, expiration or change in the amount of the insurance or in terms of the policy; and
  - (iv) deposit a certified true copy of the policy of insurance and all endorsements with the City.
- (d) Maintain the policy of insurance, referred to in subsection (c) of this section, in force and effect during the entire period for which the licence is issued.
- (e) Use or permit to be used a limousine only where prior to its use;
- (i) the owner has produced a registration issued under the Highway Traffic Act, in respect of the class of motor vehicle to be used as a limousine;
  - (ii) the City has been informed of any changes in the motor vehicle registration; and
  - (iii) the owner has submitted the motor vehicle to the City for approval and has obtained authorization for the vehicle to be used.
- (f) Subject to the Highway Traffic Act, not use or permit to be used any limousine that does not have affixed to the vehicle.
- (i) a City licence plate having an identity number and clear indication that the limousine is licensed for use as a limousine; or
  - (ii) a duplicate licence plate, as may be supplied by the City at the expense of the owner of a limousine where the original licence plate has been lost, defaced or destroyed.
- (g) Affix to the back of each limousine in a manner and in a position approved

by the City any limousine licence plate issued by the City and maintain the licence plate only in the approved position during the period for which the licence is in force and effect.

- (h) Use a limousine to be submitted for inspections from time to time by such person and at such times and places as the City may designate.
- (i) Such improvements or repairs to the limousine, its equipment or any component thereof as may be required by the City and within such time period specified by the City, to such standards as may be approved by the Licensing Committee.
- (j) Immediately check for mechanical defects in the limousine reported by a driver.
- (k) Not operate or permit to be operated as a limousine any vehicle not in good mechanical condition.
- (l) Not operate or permit to be operated as a limousine any vehicle unless a Motor Vehicle Safety Certificate on a form and in a manner approved by the Province of Ontario has been filed with the City in a manner and frequency approved by the Licensing Committee.
- (m) Not employ or permit any person other than a licensed limousine driver or licensed taxi-cab driver employed by the limousine owner to operate his or her limousine.
- (n) Use the limousine for the separate carrying of parcels, letters, documents, goods or chattels.
- (o) Provide to the Issuer of Licences at the time that the licence is issued, a Schedule of Fees to be charged in respect of the use of the vehicle and its driver.
- (p) Charge fees for the use of the vehicle and its driver in accordance with the Schedule of Fees referred to in subsection (o).

- (q) Ensure that a licensed limousine driver operating the owner's limousine charges fees in accordance with the Schedule of Fees referred to in subsection (o).
  - (r) Notify the Issuer of Licences in writing of any proposed change in the Fee Schedule prior to invoking such change.
  - (s) Maintain a trip record in the form required by the Issuer of Licences or on any reasonable facsimile thereof, which shall be kept in the licensed limousine at all times and prepared immediately upon conclusion of every trip and which shall contain the following information:
    - (i) the name and address of the person hiring the limousine;
    - (ii) the time of the commencement of the trip and the time of the conclusion of the trip;
    - (iii) the address of the place of origin of the trip and the address of the place of final discharge of the passengers at the conclusion of the trip; and
    - (iv) the fee charged.
  - (t) Ensure that a driver operating the owner's vehicle maintains a trip record as required by subsection (o).
  - (u) Keep all trip records referred to in subsection (o), for a period of at least twelve months.
  - (v) Permit any person authorized to enforce this by-law to inspect any and all trip records on the premises or to remove any and all trip records from the premises for the purpose of inspection.
13. Every limousine driver shall comply with the following subsections:

- (a) Not drive a limousine unless a valid limousine driver's licence has been issued to him or her.
- (b) Operate a limousine only if the limousine is,
  - (i) in clean condition as to its interior and exterior;
  - (ii) in good repair as to its interior and exterior;
  - (iii) dry as to its interior;
  - (iv) free from mechanical defects;
  - (v) in fit condition for the purpose for which the vehicle is used; and
  - (vi) in safe driving condition.
- (c) Examine the limousine for any defects immediately before the limousine is to be driven.
- (d) Not drive a limousine unless the limousine plate issued by the City is affixed as required by this Schedule, to the limousine for which it was issued.
- (e) Carry his or her limousine driver's licence with him or her at all times while operating the limousine.
- (f) Immediately produce for inspection, the limousine driver's licence and the Province of Ontario driver's licence, upon request to do so by a licence inspector or police officer.
- (g) Not drive a limousine with luggage or other material piled or placed in a manner that obstructs the view of the limousine driver.
- (h) Not carry in a limousine used for hire a greater number of occupants or persons than the manufacturer's rated seating capacity for that vehicle, inclusive of driver.



- (i) Affix and maintain affixed when driving a limousine, a photo identity card in a place in the limousine approved by the Licensing Committee in such a manner that the photograph and name are plainly visible and readable by a passenger in the back seat.
- (j) Not drive a limousine unless the City's current limousine licence number is displayed as required by this Schedule.
- (k) Not make repairs to the limousine while upon a public street unless the repairs are immediately required to render the limousine operable.
- (l) While in charge of a limousine,
  - i) maintain his or her person in a neat and clean appearance; and
  - ii) be civil, well-behaved and polite in manner.
- (m) Immediately upon termination of any hiring or other engagement of the limousine,
  - (i) search the limousine for any property lost or left therein;  
and
  - (ii) deliver any lost or left property over to the owner of same; or
  - (iii) where the owner cannot be found, deliver the lost or left property to the licence authority along with any and all relevant information concerning the property.
- (n) Not permitted, while in charge of a limousine, any person other than the owner or an employee of the owner of the limousine to drive the limousine.
- (o) Immediately report to the owner of the limousine,

- (i) any defect of which the limousine driver is or becomes aware;
  - (ii) any accident in which the limousine driver was involved while operating the limousine; and
  - (iii) any enforcement tickets or summons issued to the limousine driver by an enforcement officer for violations occurring while operating the limousine.
- (p) Charge fees in accordance with the Schedule of Fees provided to the Issuer of Licences by the owner of the limousine under subsection (o) of section 12.
- (q) Maintain a trip record in accordance with subsection (s) of Section 12.
14. No person, including the driver, shall smoke a cigarette, cigar, pipe or any tobacco-using devices.
15. No owner, driver or other person shall use or cause to be used or arrange for the use of, directly, indirectly at any time by agreement or understanding or otherwise a limousine in substitution for a taxi-cab.

## **SCHEDULE 9**

### **LODGING HOUSES**

#### **INTERPRETATION**

1. Definitions:

“**lodging house**” means a house or other building or portion thereof in which four or more persons are harboured, received or lodged for hire, and where lodging rooms are without kitchen facilities for the exclusive use of the occupants, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution, is licensed, approved or supervised under a general or special Act other than the Municipal Act, 2001.

#### **LICENCE REQUIRED**

2. No person shall operate a lodging house without a licence under this by-law for the keeping and operation of that house.

#### **MISCELLANEOUS REQUIREMENTS FOR LODGING HOUSES**

- 3.(1) The keeper of a lodging house shall ensure that the lodging house is so designed, constructed, equipped and maintained as to be in compliance with applicable laws and this by-law, and available and suitable for the use of residents, and, without restricting the generality of the foregoing:

There shall be at least one water closet, one wash basin, and one bath tub or shower bath in a separate room or compartment, for every seven residents, based on the lodging house capacity for residents or the actual occupancy, whichever is greater.

- (2) Without restricting the generality of subsection (1), the keeper of a lodging house shall ensure:
- (a) That the building and all facilities are maintained and used in accordance with the standards provided in this by-law, and that the same and all equipment, furniture and furnishings are kept in good repair and in clean and sanitary condition, and available for use by residents;
  - (b) That each resident of the lodging home is supplied with a separate lockable mail box;
  - (c) That a register is maintained at the lodging house, with the name and signature of all residents, their usual residence or if none their last residence, the date of entry to and date of departure from the lodging house, and type of identification produced by the resident to the operator or staff of the lodging house;
  - (d) That there is provided at all times an adequate supply of clean towels for each individual, and other customary toilet supplies, and that all water-closet accommodation and toilet accommodation is provided without extra charge; and
  - (e) That there is posted along with the licence certificate a notice signed by the operator, giving his or her name, address and telephone number, and the name, address and telephone number of the employee or agent in charge of the particular premises, along with the emergency telephone numbers for Fire, Police, Building and Health Services Departments.
- (3) Subject to subsection (4), a person applying for or transferring a lodging house licence shall provide with the application, for each lodging house property, a certificate of compliance issued to the person under the applicable property standards by-law.
- (4) A lodging house licence holder applying for renewal of the licence shall comply with subsection (3), unless there is a certificate of compliance issued to the licence holder under the applicable property standards by-law, the date of which

is no more than three years before the date of renewal.

- (5) A person applying for a licence shall attend a training session conducted by or on behalf of the City, prior to issuance of a licence.

## **INSPECTION**

4. The Medical Officer of Health, a municipal law enforcement officer, or a police officer may at all reasonable times make inspection of any lodging house and of the records required to be kept, and the Medical Officer of Health may delegate such duty to a subordinate.

**SCHEDULE 10**

**MOBILE HOMES AND MOBILE HOME PARKS**

**INTERPRETATION**

1. In this schedule,
  - (a) “**building inspector**”, shall mean a building inspector of the City of Hamilton;
  - (b) “**drinking water**”, shall mean water made available which is fit for human consumption as certified by the Ontario Ministry of Health;
  - (c) “**Fire Chief**”, shall mean the Chief of the City of Hamilton Fire Department;
  - (d) “**hydro inspector**”, shall mean the Inspector of Hydro One Inc.;
  - (e) “**Medical Health Officer**”, shall mean the medical officer of health of the City of Hamilton;
  - (f) “**mobile home**”, shall mean a single family trailer type dwelling, providing space standards substantially equal to those laid down in the Canadian Code for Residential Construction (Residential Standards for 1970), designed to be transported on its own wheels, and chassis to a mobile home lot, and may be supported on wheels, jacks, posts or piers, or with a permanent foundation. It is designed to be connected to service utilities so as to be suitable for year-round long-term occupancy;
  - (g) “**mobile home (single-wide)**”, shall mean a unit designed to be towed in a single load;
  - (h) “**mobile home (double-wide)**”, shall mean a mobile home consisting of

two sections, separately towable, but designed to be joined together into one integral unit;

- (i) “**mobile home lot**”, shall mean a parcel of serviced land in a mobile home park for the placement of a mobile home and for exclusive use of the occupants;
- (j) “**mobile home pad**”, shall mean a prepared area within a mobile home lot upon which the mobile home unit is sited;
- (k) “**mobile home park**”, shall mean a development not having a registered subdivision plan of lots, managed by a mobile home park operator, and having one or more mobile homes or lots with individual mobile homes, may be rented. Ownership and responsibility for the maintenance of internal roads, underground services, communal areas and buildings, with general park management, snow clearance, garbage collection, and similar requirements rests with the operator;
- (l) “**operator**”, shall mean the owner, lessee or persons designated by the owner to operate a mobile home park;
- (m) “**service buildings**”, shall mean those permanent buildings necessary for the convenience of mobile home residents or park patrons and the maintenance of the development;
- (n) “**site plan**”, shall mean a scaled graphic illustration of the proposed mobile home park and shall include internal lotting and road patterns, location of all buildings, structures, and servicing facilities to be constructed, location of ingress and egress points to the park, location of designated recreation areas and any other requirements to be determined from time to time by the City; and
- (o) “**Trailer**” shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and for the purposes of this By-law shall include a mobile home.

## **LOCATION OF MOBILE HOMES**

- 2.(1) No mobile home shall be located in the City, except in an approved mobile home park, or where otherwise permitted by by-law.
- (2) Mobile home parks may be established within the City by a zoning by-law.
- (3) A building permit shall be obtained by the mobile home park owner for each mobile home placed in the mobile home park.

## **LICENSING**

- 3.(1) No person shall operate or maintain a mobile home park or own land or lease land upon which a mobile home park is situated within the City, unless a licence has been obtained pursuant to the provisions of this By-law.
- (2) A licence shall be obtained by applying to the Issuer of Licences upon forms to be provided by him. Applications for licences for new parks or for alterations or additions to parks shall be accompanied by four copies of the site plan of the proposed Mobile Home Park alterations or addition.
- (3) In addition the approvals required as listed in Appendices A and B, the application shall be circulated for approval to the appropriate Conservation Authority and the Niagara Escarpment Committee where applicable.
- (4) All reports shall be submitted to Council with the licence application and no licence shall be issued without the consent of Council.
- (5) The licence so issued shall not be transferable, but in the event of change in the ownership of the park a new application shall be made and new reports from the appropriate authorities shall be obtained.
- (6) When the application is for a new mobile home park, or for construction, alteration or extension of an existing mobile home park, the application shall



include the following:

- (a) name and address of owner;
  - (b) name and address of operator;
  - (c) location and legal description of the mobile home park; and
  - (d) complete plans and specifications of the proposed park and a site plan showing, but not limited to, the following:
    - (i) the area and dimensions of the tract of land;
    - (ii) the number, location, and size of all mobile home lots;
    - (iii) the location and width of roadways and walkways;
    - (iv) the location of water and sewer lines and gas mains;
    - (v) plans and specifications of the water supply and refuse and sewage disposal facilities;
    - (vi) plans and specifications of all buildings constructed or to be constructed within the mobile home park; and
    - (vii) the location and details of the lighting and electrical systems.
- (7) All new mobile home parks or extensions to existing mobile home parks will require the signing of a site plan agreement prior to the granting of a licence or necessary building permits.
- (8) The operator or person maintaining the mobile home park shall be responsible for maintaining the mobile home park, its facilities and equipment in accordance with the terms of this By-law.
- (9) The owner, or his or her appointed agent, shall make application for a Mobile

Home Park licence or a renewal thereof. This licence shall be renewed on the first day of April in each year of operation.

- (10) No operator shall carry on business of a mobile home park until such licence has been obtained from the Issuer of Licences. Once issued, no part of the licence fee shall be refunded and said licence shall expire on the thirty-first day of March of each year.
- (11) The licence, together with a copy of this by-law, shall be posted in a conspicuous place in the office of or on the premises of the mobile home park and shall be readily available for inspection by an appointed official of the Corporation, the Police and tenants of the park.
- (12) Mobile homes placed on lots in accordance with this By-law shall be connected to the utilities provided.
- (13) The Mobile home park owner shall be responsible for the collection of all taxes from the mobile home park tenants and for payment of same to the Clerk or Treasurer of the City of Hamilton. Upon termination of the lease of any tenant in the mobile home park, the owner of the mobile home park shall immediately notify the City of Hamilton.

#### **STANDARDS FOR MOBILE HOME PARKS**

- 4.(1) For each mobile home lot there shall be at least fifty square feet of centrally located, fenced, play space for children. This may be part of the ten percent open space requirement.
- (2) The mobile home park site shall be adequately drained so as to prevent the ponding of any surface water on any part thereof and to prevent the development of soft or muddy ground.
- (3) No exterior individual antenna on mobile homes shall be permitted. A communal TV tower shall be provided by the operator, together with underground services to each lot.

- (4) All electrical facilities and equipment installed to service the park shall meet the approval of the Hydro Inspector and wiring shall be placed underground.
- (5) All mobile home parks shall be equipped with at least one public telephone to which there shall be public access at all times.
- (6) No space shall be rented for residential use of a mobile home in any mobile home in any mobile home park for periods of less than ninety days.

### **STANDARDS FOR MOBILE HOME LOTS**

- 5.(1) All mobile homes shall be located on a mobile home lot when inhabited. No more than one mobile home shall be located on each mobile home lot.
  - (2) The minimum area provided on each serviced lot shall be four thousand square feet with a minimum frontage of forty feet for single-wide mobile homes, and five thousand square feet with a minimum frontage of fifty feet for double-wide mobile homes.
  - (3) No mobile homes shall be parked less than twenty-five feet from any other mobile home provided however, that if the mobile homes are parked end to end, the end to end clearance between mobile homes shall not be less than ten feet and no mobile home shall be parked closer than ten feet from any building within the park or closer than five feet from any lot boundary or closer than forty feet from any boundary line of the park.
  - (4) Each mobile home lot shall be clearly and visibly marked with a name or number corresponding to that shown on the site plan.
  - (5) Every mobile home lot shall have frontage upon a road having a minimum width of eighteen feet for one-way traffic and twenty-four feet for two-way traffic.
  - (6) All parking requirements shall be provided off the street. A minimum of one

gravelled parking space shall be provided for each mobile home lot and one additional space for visitor parking for each four lots shall also be provided.

- (7) No additions or accessory structures shall be permitted on individual mobile home lots, other than carports, shelters against sun and rain and tenant storage facilities. Such additions shall not restrict or diminish the means of egress from the mobile home. They shall be designed and constructed so as not to degrade the appearance of the mobile home and shall be constructed of material, or shall be so finished that the resistance to fire is at least equivalent to that offered by the exterior cladding of the mobile home. No outside storage shall be permitted.
- (8) Mobile homes located on-site shall be skirted. The skirting shall be vented and so designed and constructed as to not degrade the appearance of the mobile home, and shall be of a material or so finished that the resistance to fire is at least equivalent to that offered by the mobile home exterior cladding. An easily removable access panel with minimum width of four feet to allow access to the area enclosed by the skirting, shall be provided.

#### **STANDARDS FOR MOBILE HOMES**

- 6.(1) All mobile homes shall be mobile homes which have received certification by the Canadian Standard Association, or equivalent standards, with respect to vehicular, structural, plumbing, gas, oil, and electrical requirements of CSA Standard Z-240, or equivalent standard.
- (2) No operator shall permit the placement in any mobile home park of any mobile home which has not received the aforesaid certification, and failure to comply with this section shall be deemed to be an offence.
- (3) No operator shall permit the installation of any of any mobile home at a mobile home park whose installation does not comply with the Ontario Building Code, and failure to comply with this section shall be deemed to be an offence.

- (4) Each mobile home shall have a minimum floor area of 500 square feet.

#### **DRIVEWAY AND PARKING AREA MATERIALS IN A MOBILE PARK**

7. All driveways and parking areas in a mobile home park shall be constructed in accordance with applicable zoning by-laws.

#### **PEDESTRIAN WALKWAYS IN A MOBILE HOME PARK**

- 8.(1) Individual walks shall provide access to each mobile home pad from a street or parking space connected to the street. Common walks shall be located in areas where pedestrian traffic is concentrated. For example, the park entrance, park office and service buildings.
- (2) Walkways shall have a minimum width of two feet for individual lots and three feet for common walkways, and shall be constructed of concrete or other hard surface material or of cinders or fine crushed stone.

#### **ILLUMINATION IN A MOBILE PARK**

9. All walkways shall be lighted from sunset to sunrise to an illumination level of 0.5 foot candles. Fixture height shall not exceed fifteen feet nor be less than eight feet, and in no case shall fixture spacing along walkways exceed one hundred feet.

#### **PLANTING AND FENCING IN A MOBILE HOME PARK**

10. A site plan to be presented with the application for a licence to establish, extend, or operate a mobile home park, shall contain areas for planting or fencing. There shall be either fences or hedges between mobile home lots and the service buildings, and screening between the mobile home park and any highway on which the mobile home park has frontage or flankage.

## **GARBAGE DISPOSAL FOR A MOBILE HOME PARK**

- 11.(1) Each mobile home park shall provide for garbage removal in accordance with the by-laws of the City. All garbage containers, other than the one to be kept with each mobile home on each mobile home lot, shall be kept in a central garbage receptacle having a concrete floor so constructed and drained that it can be properly washed out and properly serviced and is fly proof and at all times kept clean and sanitary by means of washing and the use of chloride of lime or other suitable disinfectant.
- (2) Each mobile home lot shall be provided with a covered garbage can, which may be kept inside or at the rear of the mobile home.
- (3) No person within a mobile home park shall deposit or discharge or permit the deposit or discharge of any solid or liquid waste or refuse of any kind in or about the park except in aforesaid garbage receptacles.
- (4) No operator shall permit any refuses or litter to remain in or about the mobile home park save in the proper receptacles, and he/she shall provide for the collection of garbage from each mobile home at least once weekly.

## **SERVICE AND AUXILIARY BUILDINGS IN A MOBILE HOME Park**

- 12.(1) A mobile home park shall be equipped with a park operator's office or other suitable facility for:
  - (a) the reporting of problems of tenants concerning park facilities or other areas within the park operator's responsibility;
  - (b) the pick-up of mail for each mobile unit where individual postal delivery to each mobile home lot is not available; and
  - (c) other facilities as necessary or desirable.

- (2) The following buildings and facilities shall be provided:
- (a) laundry building;
  - (b) sanitary facilities;
  - (c) storage building (required if individual tenant storage sheds cannot be erected);
  - (d) indoor and outdoor recreation structures;
  - (e) service buildings shall be constructed not closer than fifty feet from any mobile home lot; and
  - (f) toilet, bathing and laundry facilities and all rooms or buildings in which they are installed, shall be kept in clean and sanitary condition. Walls and ceilings shall have an improved washable finish permitting ease of cleaning.
- (3) All sanitary sewerage facilities to be provided shall meet the approval of the Ministry of the Environment.
- (4) All service buildings shall be open and kept adequately lighted at night. They shall be properly heated between the first day of October and the first day of May in each year.
- (5) All buildings shall be constructed in accordance with the Building Permit issued by the City.
- (6) All windows and other openings shall, between the first day of May and the first day of October in each year, be adequately screened.
- (7) Laundry facilities shall be required in mobile home parks designed to accommodate twenty or more mobile homes. Laundry facilities, where provided, shall consist of washers and dryers, in a centrally located service

building. There shall be at least one washer per twenty mobile home lots, and one dryer per forty mobile home lots. A laundry sink shall be installed in every building containing laundry facilities.

### **FIRE PROTECTION IN A MOBILE HOME PARK**

13. Every person residing in a mobile park or providing a mobile home for lease shall provide for such mobile home one fire extinguisher.

### **ANIMALS IN A MOBILE HOME PARK**

14. No owner or person in charge of any dog, cat or other pet shall permit it to run at large or commit any nuisance within the limits of the mobile home park.

### **WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS**

15. Shall conform to the requirements and standards of the City, Medical Officer of Health of the City and the Ministry of the Environment.

### **REGISTER OF TENANTS IN A MOBILE HOME PARK**

16. The operator shall maintain a register containing a record of all the owners and occupants of mobile homes located within the mobile home park, the register to be available for inspection at all times by law enforcement officer, public health officers, the Building Inspector, the Fire Chief, and all other officers whose duties necessitate the acquisition of the information contained in the register which may not be destroyed for a period of seven years following the date of registration and such register shall contain the following information;

- (a) the name and address of each occupant;



- (b) the make, model, licence number and year of each motor vehicle and mobile home;
- (c) the province or state issuing such licence;
- (d) the date of arrival and departure of each mobile home;
- (e) the name and age of all children of school age; and
- (f) the number or name of the lot occupied.

**SCHEDULE 11**

**PAWNBROKERS**

**APPLICATION FOR LICENCE**

1. No person shall engage in the occupation or business of a pawnbroker, without paying the amount of the licence fee, and obtaining a licence under this Schedule and as prescribed by the Pawnbrokers Act, R.S.O. 1990, c. P.6 entitling him or her so to do.
  
2. No licence certificate for a licence granted under the provisions of this Schedule shall be issued except under the hand of the City Treasurer, acknowledging receipt of the amount of the licence fee, and of the security required by the said Act to be furnished to the City to the satisfaction of the City Treasurer.

## **SCHEDULE 12**

### **PEDLARS**

#### **INTERPRETATION**

1. In this Schedule,

“**pedlar**” 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.

#### **LICENCE REQUIRED**

2. No person shall carry on business as a pedlar without a licence under this By-law, entitling him or her so to do.

#### **LICENCE PLATE**

3. Every pedlar while using a vehicle in his or her business shall keep affixed thereto, on the right-hand side thereof in such a manner as always to be readily visible from that side, the current licence plate for said vehicle, and no other licence plate on that side.

#### **MISCELLANEOUS REQUIREMENTS**

4. No pedlar shall;
  - (a) hold any show or entertainment in any street or public place;
  - (b) place or maintain any stand, stall or booth in any street or other public place;

- (c) use in his or her business any horse or other animal not in sound condition and well-cared for;
  - (d) being the holder of a pedlar's licence, allow any other person to use his or her licence certificate;
  - (e) stop in any place in a highway or on a vacant lot adjacent to such highway to sell goods, wares or merchandise; or
  - (f) shall sell goods, wares or merchandise out-of-doors without written permission from the owner or occupant of commercially-zoned lands within the City.
5. Every pedlar shall;
- (a) upon the request of a licence inspector,
    - (i) produce written proof, acceptable to the licence inspector, that he or she has the permission of the owner of the property on which goods, wares, or merchandise are being offered for sale or exposed, to use the property for such purposes; and
    - (ii) produce his or her current licence issue to carry on business as a pedlar;
  - (b) comply with the requirements of the zoning by-law of the former municipality, in which the place where goods are offered for sale, is located.

## **SCHEDULE 13**

### **PERSONAL SERVICE FACILITIES**

#### **INTERPRETATION**

1. In this Schedule:

(a) “**personal service facility**” means any premises or part thereof where substances, instruments, tools or other equipment are applied to any part of the human body for purposes of aesthetic, cosmetic or therapeutic treatment, and includes premises where acupuncture, barber, hairdressing, manicuring, nail treatment, electrolysis, tattooing, body-piercing, ear-piercing and micro pigmentation services are provided to individuals; and

(b) The provision of medical or therapeutic treatment by a person who is a member of the College of a health profession set out in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, is not an aesthetic, cosmetic, or therapeutic treatment for the purposes of this schedule.

#### **LICENCE REQUIRED**

2.(1) No person shall carry on the business of a personal service facility without a licence.

(2) Every person required to obtain a licence under this Schedule shall obtain a separate licence in respect of each premises where the business of a personal service facility is carried on.

## **SCHEDULE 14**

### **PRECIOUS METALS AND JEWELLERY DEALERS**

#### **INTERPRETATION**

1. In this Schedule,
  - a) “**goods**” means old gold and other precious metals and old jewellery or other articles that may be smelted and from which gold may be recovered;
  - b) “**metals dealer**” means a person who for hire or gain purchases or deals in old gold and other precious metals and old jewellery or other articles for the purpose of smelting the same and recovering gold; and
  - c) “**precious metals**” includes silver and platinum.

#### **LICENCE REQUIRED**

2. Except where the person holds a current and valid licence issued under Schedule 11 of this by-law, no person shall carry on business as a metals dealer without a licence under this Schedule, entitling him or her so to do.

#### **DUITES OF METALS DEALERS**

3. Every metals dealer shall comply with the following regulations:
  - (a) Not alter, repair, change or dispose of or give up possession or give up control or in any way part with any goods purchased or taken in exchange or otherwise acquired, from any person until after the expiration of fifteen clear days, exclusive of Sundays and public holidays from the date of purchase, exchange or other acquisition.
  - (b) Keep the goods at all times on the licensed premises for the period of fifteen clear days referred to in subsection (a) above, from the date of purchase, exchange or other acquisition.

- (c) Keep the goods on the licensed premises separate from any other goods previously purchased, taken in exchange or otherwise acquired.
- (d) Not purchase, take in exchange or otherwise acquire any goods for the purpose of smelting the goods and recovering any gold or other precious metals, from any person apparently under:
  - (i) the age of 18 years; or
  - (ii) the influence of liquor.
- (e) Keep and maintain a separate and bound record book approved by the Issuer of Licences in the same manner as required by Schedule 11, entitled “Old Gold, Precious Metals and Jewellery Register”.
- (f) Keep and maintain in the record book referred to in subsection (e), a record only of the purchases, exchanges or other acquisitions of goods transacted in whole or in part, directly or indirectly, in the City.
- (g) Enter into the record book referred to in subsection (e), in the English language, legibly written in indelible ink, a record of all goods purchased, taken in exchange or otherwise acquired.
- (h) Enter into the record book referred to in subsection (e), an accurate description of the goods sufficient to identify the goods, including:
  - (i) the quantity, colour, type and commonly known name and trade name, if any;
  - (ii) the name of the maker, manufacturer or any other name and any initials, description of trademark, crest or other symbol, dates and any other inscribed marking;
  - (iii) the name, address, full particulars of identification and description of the person from whom the purchase or acquisition, or with

whom the exchange was made;

- (iv) the price or other consideration for the goods and a description of the consideration; and
  - (v) the date and exact time the goods were purchased, exchanged or otherwise acquired.
- (i) Make the entry referred to in subsections (g) and (h) above, at the time the goods are purchased, exchanged or otherwise acquired.
  - (j) Not remove, render illegible, alter or vary or in any way change any entry referred to in subsections (g) and (h) at any time, without prior notice to, and approval of the Hamilton Police Service.
  - (k) Not remove any page or part thereof from the record book.
  - (l) Not mutilate or otherwise render unreadable, the record book.
  - (m) Not remove the record book from the City, without prior notice to, and approval of the Hamilton Police Service.
  - (n) Complete a record card in duplicate for each purchase, exchange or other acquisition, in form and content in accordance with a form provided by the Issuer of Licences at the time an entry is made in the record book and file the duplicate copy with the Hamilton Police Service.
  - (o) Retain the original record card on file.
  - (p) Deliver the duplicate copy of the record cards to the Hamilton Police Service not later than two o'clock in the afternoon on the same day that the entry was made in the record book.
  - (q) Produce the record book immediately upon demand by a licence inspector or a police officer for the purpose of such inspection and reproduction of content as may be required.



- (r) Produce the goods recorded or required to be recorded in the record book and kept on the premises in accordance with this Schedule, immediately upon demand by a licence inspector or a police officer for the purpose of inspection.
- (s) Carry on the business of a metals dealer only at the place, location or site identified in the licence.
- (t) Keep and maintain the place, location or site separate and apart from any other trade, calling, business or occupation carried on upon the premises, by means of counters, partitions, walls or other like barriers.

**SCHEDULE 15**

**PUBLIC BATHS**

**LICENCE REQUIRED**

1. No person shall keep any class or classes of public bath premises operated for profit, without a licence.

**SCHEDULE 16**

**PUBLIC GARAGES**

1. In this Schedule,

(a) “**landscaped area**” shall mean an area of land provided and maintained on the same lot on which the building, structure or use is situated, no part of which shall be other than:

- (i) fully and completely open and exposed to natural light and air and unobstructed above the surface; and,
- (ii) used exclusively for scenic, recreational or like uses; and,

Provided that not less than 50% of which shall be natural earth comprised of the natural planting of grass lawns, trees, shrubs and flowers in such manner as to establish and enhance the beautification of the landscaped area and any building or structure on the same lot, and may include a planting strip, but shall not include area used for parking space, manoeuvring space, access or egress driveways or any other vehicular purpose of any kind, nor any area occupied by an accessory building, nor any open space beneath, within or on the roof of any building;

(b) “**planting strip**” means an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a visual barrier or buffer; and

(c) “**public garage**” means a public garage, parking facility, automobile service station or car wash.

2.(1) No person shall in the City of Hamilton, carry on the business of a public garage without first paying the amount of the licence fee and obtaining a licence under this By-law, entitling him or her so to do.

(2) Subject to subsection 2(3), every person required to obtain a licence under this

Schedule shall be required to obtain a separate licence and comply with the requirements applicable to each class or licence category, for each class of public garage carried on from the garage.

- (3) In the event a garage requires more than one class of licence under this Schedule, the licensee or applicant shall, as the licence fee, pay only the amount applicable for one licence.

### **CLASSES OF LICENCE**

- 3.(1) Any licence entitles the licensee to carry on only such class or classes of public garage as may be specified, and the licensee shall not be entitled to carry on or engage in any class of public garage for which he has not been granted a licence.
- (2) The various classes of public garage shall be as follows:
  - (a) "Garage A" a building or place where motor vehicles are stored or kept for sale;
  - (b)
    - (i) "Garage B1" a building or place used as a motor vehicle repair shop, including body and fender repairs;
    - (ii) "Garage B2" a building or place used as a motor vehicle repair shop excepting body and fender repairs; and
    - (iii) "Garage B3" a building or place used as a motor vehicle repair shop for body and fender repairs only;
  - (c) "Garage C" an automobile service station, or a building or place where gasoline or oils are stored or kept for sale, except a retail store where any such gasoline or oils are sold in sealed containers only;

- (d) “Garage D” a parking station or a parking lot, provided that the renting of parking space for not more than five motor vehicles, by the operator of an automobile service station licensed as such under this By-law, shall not bring any such automobile service station within this class; and
- (e) “Garage E” a building or place used for washing or cleaning motor vehicles, excepting a licensed public garage without special equipment capable of washing or cleaning more than fifteen motor vehicles in one day.
- 4.(1) For the purpose of this section, “**car wash**” means a building or place used for washing or cleaning motor vehicles as defined in paragraph 3(2)(e).
- (2) “**car wash, manual**”, shall mean a vehicle wash wherein the motor vehicle does not move during washing or is washed only manually by a person but without insertion of a coin into a vending machine or receptacle to commence or continue the washing process.
- (3) “**car wash, mechanical**”, shall mean a vehicle wash wherein the vehicle is driven or towed into the washing bay and does not move during any one or more phases of the washing process and is washed by equipment that is stationary or moves about the vehicle, but without the insertion of a coin into a vending machine or receptacle to commence or continue the washing process.
- (4) “**car wash, coin-operated**”, shall mean a vehicle wash wherein the vehicle is washed either manually or mechanically only upon the insertion of a coin in a vending machine or receptacle to commence or continue the washing process.
- (5) “**car wash, high-speed mechanical**”, shall mean a vehicle wash wherein the vehicle is moved by, on, or along a conveyor system during different phases of the washing process.

#### **APPLICATION FOR LICENSE**

- 5.(1) Every application for a public garage licence shall be in writing and shall show

the applicant's name and postal address, the name and address of the public garage or proposed public garage, the class or classes of licence applied for, and a sufficient description of the premises used or proposed to be used, together with sufficient particulars of his arrangements for carrying on the business, and shall be filed with the Issuer of Licences, together with six true copies.

- (2) Save where a similar licence was in force for the previous year with respect to the same premises and there is no change in the relevant information, the application shall be accompanied by a satisfactory plot plan signed by the applicant, with six true copies, based on a registered plan of survey if any, and otherwise in accordance with the actual property lines, drawn to a scale of ten feet to the inch where the area of the site is 25,000 square feet or less, and otherwise to a scale of twenty feet to the inch.
- (3) In the case of a parking lot, the plan shall be substantially in accordance with the form of plot plan and showing,
  - (a) location of the premises, position of adjacent street lines, sidewalks, boulevards, fire hydrants, poles and driveways, and the position and type of use of adjacent buildings, structures and premises, all according to scale and including an indication of the north point;
  - (b) the drainage system and type and specifications of surfacing of all outdoor areas to which motor vehicles will have access, together with complete grade levels and the location and dimensions of all catch-basins and other drainage facilities, the location and dimensions of all fuel pumps and islands, and of all barriers, signs, poles, trees, buildings, structures and things above the level of the paving, and of all access driveways, manoeuvring space and parking spaces, entrances, exits and ramps;
  - (c) in the case of any building or structure, the location of the vehicular and pedestrian entrances and exits, the entrance and exit driveways, the location and grade of ramps within the premises giving access to or from the ground level, the location and size of receiving and exit areas, and where parking tickets or car washing tickets are to be issued, the location and

nature of ticket-issuing points; and

- (d) landscaping, paving, fencing, markings, bumpers/wheel barriers and lighting where such is required under the applicable zoning by-law of the former municipality in which the premises are located.
- (4) The form of every plot plan other than one for a parking lot shall also be in accordance with the scale and general principles above provided for parking lots.
- (5) In the case of an application for a licence to operate a public garage under a Garage B1, Garage B2 or Garage B3 licence, the applicant shall submit a copy of a current valid Certificate of Approval issued by the Ministry of the Environment pursuant to Section 9 of the Environmental Protection Act, R.S.O. 1990, c. E.19.
6. Whenever a licence has been granted for any public garage and the business so authorized has not yet been commenced as a regular business within one calendar year following the issuing of the licence, a public garage licence shall not again be issued for the location in question unless and until a new application has been made and the circumstances of the delay dealt with in a report to the Licensing Committee accompanying the application for a new licence; and in the case of every public garage licence issued, the following words shall appear on the face of the licence:

“If the business authorized by this licence has not been commenced on a regular basis within twelve months from date of issue, a new licence will not be issued until the circumstances of the delay have been reviewed by the City of Hamilton Licensing Committee.”

#### **MISCELLANEOUS REGULATIONS FOR ALL PUBLIC GARAGES**

- 7.(1) Every public garage shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and without restricting the generality of the foregoing,

- (a) all grades and drainage facilities shall be such as to prevent drainage to any street, sidewalk or other adjoining land;
  - (b) all lighting facilities shall be such as not to cause annoyance from direct glare, to persons on the street or on adjoining land;
  - (c) all means of ingress and egress shall be in accordance with the plans submitted with the application for licence, or as subsequently authorized and, wherever there is a public sidewalk or curb, shall be by means of an approach ramp installed in accordance with the provisions of the Streets By-law 86-77 as amended; and
  - (d) every sign shall be so located, and shall have such content, colour and design as not to create any unusual hazard or confusion to any pedestrian or to any driver of a motor vehicle.
- (2) The operator of every public garage shall be responsible,
- (a) that all signs and required facilities are maintained in conformity with the requirements hereinbefore set forth;
  - (b) that save as may be otherwise lawfully authorized by a licence to use part of the boulevard for the parking of vehicles and motor vehicles, no part of any street, public lane or other public place is used for the parking or manoeuvring of motor vehicles, or in any other manner as if it were part of the public garage premises;
  - (c) that there is no outside storage except of whole motor vehicles in operating condition;
  - (d) that the premises are kept in an orderly and clean condition, without any scrap, debris or refuse left lying about; and
  - (e) that prompt report is made to the Hamilton Police Service, of any motor vehicle which there may be reason to suspect is either stolen or abandoned.



## **ADDITIONAL REQUIREMENTS FOR PARKING STATIONS AND PARKING LOTS**

- 8.(1) Every parking station and parking lot shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and, without restricting the generality of the foregoing,
- (a) a permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained on all outside areas to which motor vehicles will have access;
  - (b) save as may be otherwise lawfully authorized by a licence to use part of the boulevard for the parking of vehicles and motor vehicles, all parking spaces and all outside areas to which motor vehicles have access, except exits and entrances, shall be provided with barriers, so designed, constructed, located and otherwise suitable as to prevent any part of a motor vehicle from projecting over any part of a street, public lane or other public place, or within three inches of the boundary of any other adjoining land;
  - (c) there shall be provided at each entrance where it may readily be seen by every driver of a motor vehicle about to enter the premises, a suitable sign no nearer to the ground than seven feet, and no farther from the ground than twelve feet, bearing in clear and legible letters and figures no less than four and no more than twelve inches high, the name of the operator, his business address, and the hours and rates for the parking of motor vehicles;
  - (d) there shall be provided the required sanitary facilities except where the medical officer of health is satisfied that they are not necessary and has given a written waiver which remains unrevoked;
  - (e) all open areas, except areas required to be landscaped, shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands;

- (f) every lighting facility shall be so designed, installed and maintained as to ensure that light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected; and
  - (g) lighting shall be provided to a minimum level of 5 foot candles, as measured by readings taken at three feet from the ground, in all areas used for parking and access of vehicles as well as those areas used for pedestrian access to and from the parking areas.
- (2) The operator of every parking station and parking lot shall be responsible,
- (a) that all signs and required facilities are maintained in conformity with all applicable provisions hereinbefore set forth;
  - (b) that every entrance, exit, and access aisle is kept unobstructed for its full length and width, and that all entry, parking and discharge of vehicles is conducted only as indicated on the plans submitted with the application for licence or as subsequently authorized; Provided that this clause shall not be deemed to prohibit a suitable ticket office or automatic control device which does not contribute to congestion or unreasonably obstruct any means of ingress or egress;
  - (c) that except in the case of a metered or automatically controlled parking station or parking lot, a competent attendant is on duty at all times during business hours as indicated on the sign;
  - (d) that while no parking spaces are available, a suitable notice announcing that fact is prominently displayed at the entrance; and
  - (e) that no person is allowed to loiter about the premises.
- (3) Subject to subsection (4), the operator of every parking station and parking lot shall provide and maintain the facilities as set out in the approved plot plan required by section 5 of this Schedule, which shall be a condition of obtaining or continuing to hold the licence.

- (4) The operator of an existing licensed parking station or parking lot on the date of enactment of this Schedule, whose existing facilities pertaining to landscaping, paving, fencing, markings, bumpers/wheel stops and minimum lighting are not in accordance with the requirements as set out in this Schedule, as a condition of obtaining and continuing to hold a licence, shall:
  - (a) provide a satisfactory plot plan in accordance with section 5 notwithstanding the exemption contained therein; and
  - (b) within one year of the date of enactment of this Schedule, provide the facilities as required, in accordance with the approved plot plan.

#### **ADDITIONAL REQUIREMENTS FOR SALES LOTS**

- 9.(1) Every place where motor vehicles are stored or kept for sale shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and, without restricting the generality of the foregoing,
  - (a) all outside areas to which motor vehicles will have access shall be suitably surfaced with asphalt or concrete, or with crushed stone or slag or other as suitable material so treated as to make it dust free and prevent it from spilling or spreading onto any street or other adjoining land; and
  - (b) save as may be otherwise lawfully authorized by a licence to use part of the boulevard for the parking of vehicles and motor vehicles, all parking or storage areas shall be equipped with barriers as hereinbefore required for a parking lot, so designed, constructed and located, and otherwise suitable, as to prevent any part of a motor vehicle from projecting over any part of a street allowance or public lane, or within three inches of the boundary of any other adjoining land.
- (2) The operator of every place where motor vehicles are stored or kept for sale shall be responsible, that all signs and required facilities are maintained in

conformity with all applicable provisions hereinbefore set forth.

10. Every building or place used for washing or cleaning motor vehicles, except a licensed public garage without special equipment capable of washing or cleaning more than fifteen motor vehicles in one day, shall be in all respects suitable for the purpose, and, without restricting the generality of the foregoing,

#### Wash-racks

- (a) Every wash-rack and other equipment for washing or cleaning motor vehicles, except steam-cleaning equipment, shall be located within a building; and

#### Surfacing

- (b) All outside areas to which motor vehicles will have access shall be suitably surfaced with,
  - (i) hot-mix asphalt on macadam base; or
  - (ii) concrete; or
  - (iii) other as hard-surfaced and otherwise suitable material not including loose crushed stone or slag.

**SCHEDULE 17**

**PUBLIC HALLS AND PLACES OF AMUSEMENT**

**LICENCE REQUIRED**

1. In this Schedule;

- (a) “**amusement machine**” means a machine, device or contrivance activated by mechanical or other action or any other means by the user thereof with a view to achieving a desirable result through skill or chance or a combination of both, in terms of points, score, measurement of any other characteristic of the machine, device or contrivance but does not include a pinball machine;
- (b) “**amusement machine parlour**” means a premises or place on a premises where four or more amusement machines are kept for the amusement of the users thereof;
- (c) “**billiard parlour**” means a premises or place on a premises on which there is one or more billiard tables or pool tables for hire or gain;
- (d) “**bingo parlour**” means a premises or place on a premises used as a public hall for the assembly of persons playing bingo;
- (e) “**Certificate of Inspection**” means a certificate in a form approved by the Medical Officer of Health which sets out the results of the most recent inspection conducted under the Health Protection and Promotion Act and the regulations there under, and which states that the establishment was in compliance with the conditions required for safe handling of food at the time of the inspection;
- (f) “**pinball machine**” means a machine in which a ball, object, thing, or image, or symbol or sign becomes mobile or otherwise active or visible upon being activated or called into existence or use by mechanical or other action or

any other means so as to mechanically or otherwise project the ball, object, thing, or image, or symbol or sign through skill or part skill and part chance of the user thereof, upon or under a surface, or on a screen or other viewing surface within a full or part enclosure or not within an enclosure, with a view to achieving a desirable result in terms of points, score, measurement or any other characteristic of the machine, device or contrivance;

- (g) “**pinball machine parlour**” means a premises or place on a premises where four or more pinball machines are kept for the amusement of the users thereof;
  - (h) “**place of amusement**” includes a bingo parlour, pinball parlour, amusement machine parlour and all other places of amusement;
  - (i) “**proprietary club**” means all clubs other than those in which the use of any billiard, pool or bagatelle table is only incidental to the main objects of the club;
  - (j) “**public hall**” means premises or a part thereof, including a portable building or tent, used as a place of assembly which is operated as a business, where members of the public gather for the purpose of any meeting, dancing or entertainment, but does not include premises used solely for religious purposes or a theatre within the meaning of the Theatres Act, R.S.O. 1990, c. T-6, as amended; and
  - (k) “**public health inspector**” means a public health inspector employed in the Social and Public Health Services Department.
- 2.(1) No person shall for profit or gain, and no proprietary club shall, directly or indirectly, keep or have any billiard, pool, or bagatelle table on or about the premises which the person or club controls, including a house or place of public entertainment or resort, without a licence entitling the person to do so.
- (2) Subsection 2(1) does not apply to a restaurant or public hall licensed under this By-law, where not more than two billiard, pool, or bagatelle tables are located on or about the premises, and the use of such tables is incidental to the principal

business of the restaurant or public hall.

- 3.(1) Except as otherwise permitted , no person shall carry on or operate without a separate licence for:
  - (a) an exhibition held for hire or gain;
  - (b) a music hall;
  - (c) a bowling alley;
  - (d) rolling skating rink;
  - (e) skate boarding facility;
  - (f) indoor bicycle facility;
  - (g) motor vehicle racing track;
  - (h) a public hall; or
  - (i) any place of amusement.
- (2) Every person who operates a place of amusement shall take out a separate licence for each of the following:
  - (a) a bingo parlour.
  - (b) a pinball parlour.
  - (c) an amusement machine parlour.
  - (d) any other place of amusement.
- 4.(1) Without a separate licence to do so, no person shall carry on or operate:

- (a) an exhibition of waxworks;
  - (b) a menagerie;
  - (c) circus-riding; or
  - (d) any other like shows usually exhibited by showmen including a carnival.
- (2) Except as otherwise permitted, no person shall carry on or operate without a separate licence for:
- (a) a merry-go-round;
  - (b) a switchback railway;
  - (c) a carousel; or
  - (d) any other like contrivances.
5. No licence shall be required for any exhibition or traveling show or any other show or performance held in a licensed public hall.
6. Every application for a licence for any public hall or place of amusement shall include particulars of the financial responsibility of the applicant.
7. Every application for a licence for any public hall or place of amusement shall include a Certificate of Compliance as issued by the Planning and Economic Development Department pursuant to the Property Standards By-law.
8. Every application for a licence for any public hall or place of amusement shall include proof of liability insurance.

**GENERAL REQUIREMENTS**



9. Every person carrying on or operating any exhibition, show, public hall, place of amusement or amusement contrivance for which a licence is required under this Schedule shall be responsible that the following requirements are observed, namely;
- (a) A Certificate of Compliance, as issued by the Building and Licensing Division of the Planning and Economic Development Department, pursuant to the Property Standards By-law, for the premises used for carrying on the exhibition, show, public hall, place of amusement or amusement contrivance, shall be provided to the City on a bi-annual basis prior to that year's renewal licence being issued;
  - (b) Proof of liability insurance in the amount of not less than \$1,000,000.00 in accordance with the Amusement Devices Act, R.S.O. 1990, c.A.20, and the regulations there under, or as required by the Issuer of Licences, shall be provided to the City prior to a licence being issued or renewed;
  - (c) There shall not be published, displayed or distributed any advertising matter which is vulgar or indecent;
  - (d) The premises shall be kept clean and orderly and maintained in all respects reasonably suitable for the purpose for which they are used, and, in particular, while open for business and for the period of at least one-half hour before and after, the same shall be kept suitably lighted and ventilated, adequate sanitary facilities shall be available, and no snow or ice shall be allowed to accumulate on any fire escape or other means of egress in such manner or to such an extent as to create any unnecessary danger;
  - (e) Except as hereinafter otherwise provided or as otherwise specifically authorized by law or as provided by by-law, the hours or operation of the premises shall comply with the regulations as set out by the Alcohol & Gaming Commission of Ontario;
  - (f) Subject to the terms and conditions of the charitable gaming licence, a

public hall which may be used to conduct a Monte Carlo event under a provincial charitable gaming licence is permitted to open for the licensed event as per the regulations as set out by the Alcohol and Gaming Commission of Ontario;

- (g) There shall not be allowed in or about the premises any disorderly or unseemly conduct;
- (h) All necessary measures shall be taken to prevent any obstruction of the highway by patrons;
- (i) In case of fire, panic or other emergency or untoward incident, the police and fire departments shall be notified promptly, and there shall be taken such other precautionary or protective measures as may be reasonable needful under the circumstances.
- (j) No amusement ride shall be operated unless the licence holder has submitted to the Issuer of Licences:
  - (i) a licence to carry on the business of operating amusement devices issued by the Director under the Amusement Devices Act; and
  - (ii) a current permit for each amusement device signed by an inspector employed by the Technical Standards and Safety Authority.

### **SPECIAL REGULATIONS**

#### Bowling Alleys

10.(1) Notwithstanding the provisions of section 7 of this Schedule respecting hours, the business hours of a bowling alley on Monday, Tuesday, Wednesday, Thursday and Friday may be extended until one o'clock in the morning of the following day, but the keeper shall be responsible, that no person under the age of fourteen years shall be allowed to be on the premises after nine o'clock in the

afternoon or before eight o'clock in the forenoon of any day unless accompanied by one of his or her parents or a responsible adult.

#### Public Halls

- (2) Every keeper of a public hall shall be responsible that the following requirements are observed, namely:

##### Undesirable Activities

- (a) No indecent or disorderly performance or other such undesirable activity shall be allowed in or about the licensed facility; and

##### Dances

- (b) When dancing is held in a public hall, other than a bona fide private dance held by a private person or a bona fide religious, charitable, patriotic or fraternal organization, notwithstanding the provisions of subsection 9(5) of this Schedule respecting hours, the hours of operation of the premises shall comply with the regulations as set out by the Alcohol and Gaming Commission of Ontario.

Provided that nothing herein shall be deemed to prohibit the continuance of any dance on New Year's Eve, until three o'clock of the following morning.

#### Bingo Parlours

- (3) Notwithstanding any provision of this Schedule, a person shall carry on or conduct the hours of operation of a bingo parlour in compliance with the regulations as set out by the Liquor Licence Act and its regulations.
11. The premises of the following places of amusement or entertainment shall be closed and remain closed on all other days except Saturday, as follows:
- (a) Roller Rinks, from one o'clock in the forenoon until six o'clock in the

forenoon of the same day.

- (b) Billiard Parlours, from three o'clock in the forenoon until eight o'clock in the forenoon of the same day, except that any pinball machine and amusement machine on the premises shall be closed and remain closed from twelve o'clock midnight until eight o'clock in the forenoon of the following day.
12. No person to whom a licence has been issued to carry on or engage in the business of a billiard parlour shall permit or cause to be permitted any person less than 14 years of age to be within the billiard parlour after nine o'clock in the afternoon and before eight o'clock in the forenoon of the following day.
- 13.(1) No person shall erect, construct, operate or maintain a race track for the purposes of racing motor vehicles or motor cycles or conduct or take part in races between any type of motor vehicles within the city without a licence having been obtained to do so, and except in accordance with the provisions of this by-law.
- (2) No such race track shall be erected or operated in the City except within that part of the Fifth Concession bounded on the east by Brock Road and on the west by the Town line between the former Township of West Flamborough and Beverly.
  - (3) (a) No track shall be erected upon a parcel of land having an area of less than forty-five acres, and such parcel of land shall be fenced with a fence of height of at least four feet constructed of standard heavy weight 9 gauge wire farm fence or heavier.
    - (b) In addition to the aforementioned fence, the Licensee shall also place chicken wire along the farm fence from a point commencing at the pit area to the northern boundary of the property.
  - (4) The licensee shall implement and maintain a tree planting program, whereby commencing at the race tracks' frontage on Concession 5, cedar trees shall be planted around the perimeter of the race track property.

- (a) Any track shall have a surface paved with hot asphalt or concrete, and no racing shall be conducted upon any surface other than a surface paved as aforesaid.
  - (b) The paved surface of the track shall be located at a minimum distance of one hundred and forty feet from any outside boundary of the parcel of land upon which the track is located.
  - (c) The paved surface of the track shall be enclosed completely on its outside boundaries with wire fence and concrete guards of a type and design adequate to prevent cars from running off track, provided, however, that openings shall be permitted where necessary for the entrance and exit of cars from the track itself.
- (5) A grandstand shall be provided of a seating capacity of at least six thousand persons and any standing room facilities shall be subject to adequate safety protection for the spectators.
- (a) The grandstand and any spectators seating accommodation shall be constructed of steel or concrete or a combination of these materials, and shall be located on permanent concrete foundations, and shall not be of a temporary or portable type. Wooden flooring and wooden seats and wooden stairways may be used.
  - (b) No new structures, buildings, or enclosures shall be located beneath the grandstand, unless an adequate fire resistance rating is maintained and sufficient air space exists between the roof of any such building and the grandstand floor.
  - (c) For every one thousand seats contained in the stands, the following washroom accommodation shall be required;
    - (i) one male water closet, three urinals for males, one wash basin for males; and
    - (ii) three water closets for females, and one wash basin for

females.

(6) Police supervision shall be supplied by the Licensee by hiring police for the purposes of maintaining order on the site, and for the purpose of regulating traffic, to ensure that there shall be no congestion on leaving the track.

(a) A minimum of two police officers shall be provided at least 2 hours prior to the scheduled end of the races. These police officers shall be posted at the corner of Brock Road and Fifth Concession Road West, one-half hour before the completion of the day's racing events, to provide traffic control on all race days, and shall remain there as long as deemed necessary.

(b) In addition to police supervision, the Licensee shall provide a minimum of two security guards to assist in maintaining order on the site, including the grandstands, entrance areas, pit area and parking areas. Security shall remain until patrons and drivers have left the site following the conclusion of the days racing events.

14.(1) On the additional racing dates permitted in subsection 14(3) the hours of operation will be as follows;

(a) On five of the eight permitted additional race dates, racing, practicing and testing shall not be permitted to commence before 4:00 p.m. or after 10:45 p.m.

(b) On three of the eight permitted additional race dates, racing, practicing and testing shall not be permitted to commence either:

(i) before 4:00 p.m. or after 10:45 p.m.;

or

(ii) before 12:00 noon or after 6:45 p.m.

(c) Racing, practicing and testing will not be permitted during the afternoon hours and evening hours, as specified in paragraph 14(1)(b), of the same

race date.

- (2) Races will not be permitted on more than two consecutive dates.

In addition to the regular racing dates, the Licensee shall be permitted to hold races on eight additional dates per calendar year.

- (3) The Licensee shall record the start and finish times of the last race on each race night and submit this record to the Issuer of Licences at the end of the race season.

- (4) The Licensee shall report the holding of each of the eight additional racing rights detailed in section 8 to the City within 48 hours of the holding of each of the additional racing nights. This report shall be in writing and shall be directed to the Issuer of Licences.

- (5) Two ambulances shall be provided at every race meet and no race shall proceed unless at least one of the ambulances is still in attendance.

- (6) Fire protection shall be provided by the Licensee at all meets. The following minimum equipment shall be provided;

(a) one extinguisher in the pit area;

(b) three extinguishers properly located around the track; and

(c) a fire extinguisher shall also be provided in each booth or room for the sale of refreshments and two additional extinguishers shall be provided beneath the grandstand, or these shall be accessible at all times when races are been conducted. A properly qualified individual shall be assigned to attend each of the foregoing extinguishers.

15. All wrecked motor vehicles must be removed from the premises within twenty-four hours.

16. The Licensee shall provide at least two tow-trucks in attendance at all race meets and for one hour after the race meets for the purpose of being available to remove obstructions caused by accidents in leaving the premises.
17. Adequate parking facilities for the purpose of parking spectators' cars shall be provided for every four seats in the grandstand.
18. Internal roads leading to sodded parking areas shall be properly graded, drained, gravelled, and maintained at all times, and shall be treated to prevent dust.
19. All parts of the premises including the part surrounded by the paved track and parking areas shall be planted with grass and kept cut at all times, and suitably landscaped.
20. An adequate sewage disposal system shall be provided and maintained. The Licensee shall comply with the provisions of the Public Health Act and the directions of the Medical Health Officer there under.
21. The track during operations shall be illuminated in a manner adequate to provide for safety.
22. All parking areas, entrance roads, pathways, and the stand shall be adequately at all times while the race track is being operated.
23. Alcoholic beverages shall be prohibited at a Motor Vehicle Race Track except on premises licensed under the Alcohol and Gaming Commission of Ontario. This prohibition shall be posted at all entrances, in the pit area and on race track fencing.
24. Upon the breach by a licensee of any of the provisions hereof the right to hold races shall be automatically forthwith suspended until the breach is remedied.
25. As of the commencement of the race season in 2001, all motor vehicles will require mufflers. The standard for the mufflers will be a Magnaflow 11219 muffler or equivalent.



26. Overnight camping is strictly prohibited.
27. The tower lights will be extinguished within fifteen minutes after the completion of the final race.
28. Notwithstanding section 7, practicing and testing of motor vehicles shall be permitted during race season on Tuesdays; with race cars not being permitted on site before 2:00 p.m.; and practicing and testing not to commence before 3:00 p.m. and to be completed no later than 6:00 p.m.

#### **POSTING OF CERTIFICATES OF INSPECTION**

- 29.(1) Every person who carries on the business of a public hall shall permit a public health inspector to post a Certificate of Inspection in a clearly visible and conspicuous location at all entrances by which members of the public may enter the premises.
- (2) Every person who carries on the business of a public hall shall permit a public health inspector at any reasonable time to remove a Certificate of Inspection which has been posted on the premises.
- (3) When a Certificate of Inspection has been removed by a public health inspector under subsection (2), the person who carries on the business of a public hall shall not post a copy of the Certificate of Inspection or a facsimile of the certificate at any location on the premises.

**SCHEDULE 18**

**RECREATIONAL CAMPING ESTABLISHMENTS**

**LICENCE REQUIRED**

1. In this schedule:

- (a) “**building inspector**” means a building inspector of the City;
- (b) “**campsite**” means a parcel of land in a recreational camping establishment designed and intended for accommodation of a recreational vehicle or tent;
- (c) “**fire chief**” means the Chief of the Hamilton Fire Department;
- (d) “**medical officer of health**” means the Medical Officer of Health of the City of Hamilton or a person authorized by him or her;
- (e) “**members of the public**” means person who, while utilizing the facilities and amenities provided by a recreational camping establishment, maintain their ordinary and usual place of residence elsewhere;
- (f) “**motorhome**” means a self-propelled vehicle that includes as an integral part a temporary accommodation for travel, vacation or recreation;
- (g) “**operator**” means every person who by himself or his agents owns or operates a recreational camp;
- (h) “**person**” includes a firm or corporation to whom or to which the context applies;
- (i) “**potable**” means water which is fit for human consumption and satisfies the health related parameters of the Ministry of Environment Ontario Drinking Water Standards;

- (j) “**recreational camping establishment**” means any land in or upon which trailers, motor homes, recreational vehicles, truck campers or campsites are parked, placed, located kept or maintained as the case may be for the temporary occupancy or accommodation of members of the public while they are engaged in recreational activities, whether or not a fee or charge is paid or made in connection with the use of such land;
  - (k) “**recreational vehicle**” means a vehicle designed to be utilized as temporary accommodation for travel, vacation or recreational use including, but not restricted to, motorhome, trailers and truck campers;
  - (l) “**site plan**” means a scaled graphic illustration of the proposed recreational camping establishment which shall include any details required by the city;
  - (m) “**tent**” means a collapsible shelter of canvas or other fabric stretched and sustained by poles;
  - (n) “**trailer**” means any vehicle constructed for the purpose of being drawn or propelled by a motor vehicle for use as a temporary accommodation for travel, vacation or recreation; and
  - (o) “**truck camper**” means a structure mounted on the bed or chassis of a truck, with or without an over-cab section, for use as a temporary accommodation for travel, vacation or recreation.
2. No person shall own or operate a recreational camping establishment without a current licence under this By-law.
3. Each applicant for an Recreational Camping Establishment licence shall complete the prescribed form, pay all fees and provide such information as Council requires including, but not limited to,
- (a) name and address of the owner;
  - (b) name and address of the operator;

- (c) location and legal description of the recreational camping establishment;
  - (d) complete plans and specifications of the existing or proposed Recreational Camping Establishment; and
  - (e) a site plan including, but not limited to,
    - (i) the area and dimensions of the tract of land;
    - (ii) the number, location and size of all campsites;
    - (iii) the location and width of roadways and walkways;
    - (iv) the relationship of the proposal to all surrounding land uses;
    - (v) the design of all common recreational facilities;
    - (vi) the location of water and sewer lines and river pipes;
    - (vii) plans and specifications of the water supply and sewage disposal facilities;
    - (viii) plans and specifications of all buildings constructed or to be constructed within the recreational camp, (pursuant to the application);
    - (ix) the location and details of lighting and electrical systems; and
    - (x) the location and details of all signage.
4. Each application submitted for an existing or new Recreational Camping Establishment or for alterations or additions to existing camping establishment shall;
- (a) be accompanied by ten copies of the site plan of the camp, the proposed

new camp or the proposed alteration or addition; and

- (b) be circulated for comment by the Issuer of Licences to;
  - (i) the Social and Public Health Services Department;
  - (ii) the appropriate Hydro One Inc.;
  - (iii) the Building Inspector;
  - (iv) the Planning Department;
  - (v) the Fire Chief;
  - (vi) the Ministry of the Environment;
  - (vii) the applicable Conservation Authority; and
  - (viii) the Ministry of Natural Resources.
- 5. No licence for a new Recreational Camping Establishment shall be issued and no alterations or additions shall be permitted to existing Recreational Camping Establishments prior to the registration of a new Site Plan Agreement or an amendment to an existing Site Plan Agreement.
- 6.(1) Every corporation applying for an owner's or operator's licence shall file with its application,
  - (a) a copy of its incorporating documents duly certified by the issuing authority; and
  - (b) a Return in Form 5 supplied by the Issuer of Licences containing a list of all the shareholders of the corporation;
  - (c) where the shares of the corporation applying for a licence are held in whole or in part by another corporation, the corporation applying for the

licence shall file all such Returns for all corporations owning shares until the names of all living individuals are shown and identified as shareholders of any or all corporations having an interest directly or indirectly in the shares of the applicant corporation; and

- (d) the Returns mentioned in subsection b), shall be filed with the Issuer of Licences at the same time as the filing of the application.
- 7.(1) Upon approval, a licence will be issued effective for the calendar year and shall be renewable annually upon payment of the prescribed annual fee.
- (2) Recreational Vehicles remaining in the Recreational camping establishment for all or part of the term of the licence shall not be utilized as accommodation except between April 15 and October 31 of the same year.
8. Every person owning or operating a recreational camping establishment shall follow all requirements of the Environmental Protection Act and its regulations and any orders or regulations issued under the authority of any other statute, regulation or by-law.
9. Every person licensed under this by-law is responsible for the observance and performance of all the provisions of this by-law by himself and all others in respect of the place or premises with whom he has a contractual relationship.
10. The licence, together with a copy of this by-law, shall be posted in a conspicuous place in the office or on the premises of the recreational camping establishment.

## **SITE DESIGN CRITERIA**

### **CAMPSITE REQUIREMENTS**

11. Campsites in recreational camping establishments may be used by recreational vehicles, trailers, motor homes, truck campers, tents and motor

vehicles, provided that any vehicle bears a current licence plate. If any vehicle does not have a current licence plate it shall be removed immediately from the camping establishment.

12. All recreational vehicles and tents within a camping establishment shall be located on a campsite. Only one removable, non-permanent, pre-fabricated modular addition to a recreational vehicle, shall be permitted.
13. Campsites shall be of such elevation, distance and angle in relation to internal camp streets and the lot access such that placement and removal of recreational vehicle units can be accomplished without impingement on other property or allowing the body chassis of the recreational vehicle to make contact with the ground.
14. Each campsite shall be permanently marked with a lot number and shall have its boundary delineated.
15. Each campsite intended for the placement of a recreational vehicle shall be properly graded and compacted so as to be durable, level and adequate in accordance with accepted engineering practices, for the support of maximum anticipated loads under varying weather conditions.
16. The internal yard requirements of each campsite within the Recreational Camping Establishment shall be,
  - (a) minimum campsite area, 186 sq. meters  
including parking area
  - (b) minimum lot frontage 9 meters
  - (c) minimum lot driveway width 3.7 meters
  - (d) minimum clearance between the 6 meters  
door side of a Recreational Vehicle or  
Motor Vehicle and any other Recreational  
Vehicle, building or extension.

- (e) minimum clearance between any Recreational Vehicle or Motor Vehicle And any internal street. 3 meters
- (f) minimum distance between internal streets, external roadways, except when joining 7.6 meters

Notwithstanding the above requirements, any Recreational Camping Establishment existing on the date of the passage of By-law 01-156 shall not be required to comply with this section, provided that, in the opinion of the City and any department circulated with a copy of the site plan for the recreational camping establishment under Section 4 of this By-law, the camping establishment does not create any hazard to health or safety.

- 17. The operator of a recreational camping establishment shall not allow the recreational camp to consist, at any time, of more campsites than in the proportion of thirty-eight campsites for each hectare of land identified in the registered site plan agreement.

### **RECREATIONAL AREAS**

- 18. Recreational areas shall be suitably graded and shall include play facilities for the use of children.

### **COOKING AREAS**

- 19. All cooking areas within a recreational camping establishment including barbecue pits, fireplaces, wood burning stoves and incinerators shall be located, constructed, maintained and used so that no fire hazards or smoke nuisance will be created. Fire extinguishers requested by the Fire Chief shall be provided.



**SCREENING**

20. All recreational camping establishments adjacent to industrial, commercial, institutional or residential land uses shall provide visual screening by fences or natural growth along the adjacent property boundary.

**STREETS AND WALKWAYS INTERNAL TO THE RECREATIONAL CAMPING ESTABLISHMENT**

21. Any internal streets shall comply with the following,
- (a) all internal streets shall be reasonably smooth and free from mud, dust or standing water and shall provide a sound driving surface,
  - (b) all roadways are to be constructed of a granular “A” or granular “C” material, as specified by the Ministry of Transportation, to a depth of 150 mm,
  - (c) street widths shall not be less than,

	Minor	Major
One Way	5.5 m	6.0 m
Two Way	8.5 m	9.0 m

- (d) minimum cul-de-sac or dead-end street turning circle shall have a 15 meters radius, and
- (e) the maximum grade shall be ten percent.

Notwithstanding the above requirements, any recreational camping establishment on date of the passage of By-law 01-156 shall not be required to comply with subsections (c), (d), and (e) of this section provided that, in the opinion of the City and any department circulated with a copy of the site plan for the recreational camping establishment under Section 4 of this By-law, the

camping establishment does not create any hazard to health or safety.

22. All walkways shall comply with the following,
- (a) walkways shall provide a sound walking surface, reasonably smooth and free from mud, dust or standing water at all times when the camp is in operation;
  - (b) minimum walkway width shall be one meter, and
  - (c) all walkways leading from an internal street to a service or recreational building used at night shall be illuminated between sunset and sunrise.

### **SANITARY FACILITIES**

23. Every toilet convenience, bathroom, privy, washroom, semi-private bathroom, plumbing installation, sewage disposal system and equipment used in the maintenance thereof shall comply with the Health Protection and Promotion Act, the Environmental Protection Act, all their regulations and any orders or regulations issued under the authority of any statute, regulation or by-law.

In addition to the above, every applicant and licence holder shall ensure that the Recreational Camping Establishment is provided with sanitary facilities in sufficient quantity, location and condition satisfactory to the City and the Social and Public Health Services Department.

### **WATER SUPPLY**

24. Every operator of a recreational camp shall ensure that the water supply of each camp operated by him is,
- (a) obtained from a source or sources approved by the medical officer of health,

- (b) sufficient to meet the requirements of the campers and employees of the camping establishment, and
  - (c) potable.
25. For unserviced lots potable water shall be available at a station designed exclusively for the supply of such water.

### **REFUSE HANDLING & DISPOSAL**

26. Every applicant and licence holder shall ensure that the Recreational Camping Establishment is provided with refuse handling and disposal equipment and collection methods to ensure that in the opinion of the City and the Social and Public Health Services Department, a clean and sanitary environment is provided and that refuse is properly disposed of. Furthermore, every Recreational Camping Establishment is to provide bins for the recycling materials which are able to be recycled, and shall provide for the collection of such recyclable material.
27. Recreational vehicle sewage disposal stations or sanitary stations for the purpose of removing and disposing of wastes from holding tanks shall be located in accordance with setbacks established by the regulations under the Environmental Protection Act to the satisfaction of the Social and Public Health Services Department. Notwithstanding the above requirements, any Recreational Camping Establishment existing on the date of the passage of By-law 01-156 shall not be required to comply with this section, provided that, in the opinion of the City and any department circulated with a copy of the site plan for the recreational camping establishment under Section 4 of this Schedule, the camping establishment does not create any hazard to health or safety.
28. Each recreational vehicle sewage disposal station shall consist of a drainage basin constructed of impervious material containing a disposal hatch, self-closing cover and related washing facilities. Such stations should be provided

on the basis of one for every one hundred self-contained units or fractional part thereof.

## **FIRE PROTECTION**

29. Every recreational camping establishment shall be equipped with two fire extinguishers approved by the City Fire Department, one of which shall be installed in a centrally located building and the other shall be installed in a service vehicle used by the operator of the camping establishment. Additional fire extinguishers or fire stations shall be provided as required by Fire Chief upon review of the site plan drawings.
30. Every recreational camping establishment operator shall ensure an adequate supply of water for fire fighting operations.

## **REGISTRATION**

31. Each camp operator shall maintain records of persons, motor vehicles and recreational vehicles accommodated in the recreational camp. Such registers shall contain the following information,
  - (a) the name and home address of each person staying at the Recreational Camping Establishment,
  - (b) the licence number and the name of the registered owner of each recreational vehicle or motor vehicle staying at the Recreational Camping Establishment,
  - (c) the name or number of the campsite occupied, and
  - (d) the date of arrival and departure of each person accommodated.

32. An entry in the register described in section 31 shall be preserved for at least three years from the date of entry.
  
33. The owner/operator of the Recreational Camping Establishment shall, upon reasonable notice, produce the register for inspection on the premises by the Issuer of Licences.

**SCHEDULE 19**

**REFRESHMENT VEHICLES**

1.(1) In this Schedule,

- (a) “**Certificate of Inspection**” means a certificate in a form approved by the Medical Officer of Health which sets out the results of the most recent inspection conducted under the Health Protection and Promotion Act and the regulations thereunder, and which states that the establishment was in compliance with the conditions required for safe handling of food at the time of the inspection;
- (b) “**public health inspector**” means a public health inspector employed in the Social and Public Health Services Department; and
- (c) “**refreshment vehicle**” shall mean any vehicle from which refreshments are sold for consumption by the public and includes, without limiting the generality of the foregoing, carts, wagons, trailers, trucks, and bicycles, irrespective of the type of power employed to move the refreshment vehicle from one point to another, and refers to:
  - (i) ‘**Class A**’ refreshment vehicle is any refreshment vehicle that is used as a non traveling, site specific food service premise in which some limited food preparation takes place; including but not limited to catering trucks, chip trucks, refreshment trailers.
  - (ii) ‘**Class B**’ refreshment vehicle is any refreshment vehicle that is used as a traveling food premise; including but not limited to catering trucks, chip trucks, ice cream trucks, refreshment trailers, and hot dog carts;
  - (iii) ‘**Class C**’ refreshment vehicle is a non motorized vehicle that is used as a traveling food service premise which offers pre-packaged frozen products exclusively; including Dickee Dee type ice cream bikes, yogurt and juice carts.

- (2) For the purposes of description and regulation, the types of vehicles are named as follows:
- (a) “**refreshment cart**”, means a wheeled, non-motorized refreshment vehicle, other than a refreshment cycle;
  - (b) “**refreshment cycle**”, means a non-motorized bicycle or tricycle;
  - (c) “**motorized refreshment vehicle**”; and
  - (d) “**ice cream vehicle**”, which means one of the above types of vehicles from which the food sold is or includes ice cream, frozen desserts or other frozen confections.

## LICENCE AND APPLICATIONS

2. No person, without being licensed under this By-law to do so, shall engage in or carry on the business of selling, from a vehicle, refreshments for consumption by the public.
3. A person applying for a refreshment vehicle licence shall supply with the application:
  - (a) a list of the types of refreshments to be sold, specifying whether the items include ice cream, frozen desserts or other frozen confections;
  - (b) particulars of the type of vehicle (i.e. motorized vehicle, cart, bicycle, etc.)
  - (c) name and address of business under which the refreshment vehicle or vehicles will be operated; and
  - (d) shall submit the vehicle to be licensed for inspections and reports by a Licence Inspector and a Health Inspector, the results of which may be used in considering the application.

4. No person shall engage in or carry on the business of selling, from a vehicle, refreshments for consumption by the public, unless a separate licence has been obtained for each vehicle so used.
- 5.(1) To be licensed, and to continue to be licensed for use, a refreshment vehicle shall be equipped and maintained as follows:
  - (a) with a clean compartment for the storage of food, and in the case of an ice cream vehicle, the compartment shall be refrigerated; and
  - (b) with a suitable refuse container.
- (2) No person shall carry on or engage in the business of selling refreshments for public consumption from a refreshment vehicle, unless the refreshment vehicle is equipped and in the condition required in subsection (1).
- (3) To be licensed, and to continue to be licensed for use, a Class B refreshment vehicle shall additionally be equipped and maintained as follows:
  - (a) with the warning "WATCH FOR CHILDREN", in readily legible black letters at least six inches high on a yellow background, conspicuously displayed on the rear of the vehicle;
  - (b) with a minimum of two amber lights on top, so placed as to be readily visible by a person five feet in height standing four feet in front of or behind the vehicle, and equipped with a device to keep the lights flashing while the vehicle is stopped for the sale of refreshments;
  - (c) that the vehicle's rear bumper shall have an angled cover on top designed and placed so as to prevent a child from standing or sitting on top;
  - (d) set out garbage receptacles prior to selling products and prior to leaving the location, collect the garbage from the receptacles and the area immediately surrounding the location of sale; and
  - (e) immediately attend to any health hazard identified.



- (4) No person shall carry on or engage in the business of selling refreshments for public consumption from a Class B refreshment vehicle, unless the vehicle is additionally equipped and in the condition required in subsection (3).
- (5) As soon as an employee becomes aware that he or she is suffering from a communicable disease or virus infection likely to cause disease by transmission of food he or she shall immediately give notice of the fact to the owner or operator of the refreshment vehicle.
- (6) As soon as an employee becomes aware of any health hazard he or she shall immediately give notice of the fact to the owner of the refreshment vehicle.

## **REGULATIONS AND PROHIBITIONS**

- 6.(1) In this section and section 8, “eating establishment” means a building or premises where food is prepared and offered for sale to the public, to be consumed either on the premises or elsewhere.
- (2) A person, being the owner or operator of a licensed eating establishment, and being licensed under this by-law for a refreshment vehicle, may operate the refreshment vehicle on the premises of the eating establishment without having to comply with paragraph 8(1)(c)(ii) by being a certain distance from an eating establishment, and without requiring the written permission of other eating establishments as provided in this section.
- (3) Subject to subsection (2), no person shall carry on or engage in the business of selling refreshments for public consumption from a refreshment vehicle, without obtaining:
  - (a) in the case of a refreshment vehicle being operated on private property, the prior written permission of the property owner,
  - (b) in the case of a refreshment vehicle being operated in public park, the prior written approval of the City, or

- (c) in the case of a refreshment vehicle being operated within 100 meters (328 feet) of an eating establishment, the prior written approval of the owner of the eating establishment. Measurement is to be taken from the property line of the eating establishment to the refreshment vehicle.
  - (4) A person carrying on or engaging in the business of selling refreshments for public consumption from a refreshment vehicle, shall provide the written approval or permission required under subsection (3) to a licence inspector, by-law enforcement officer or police officer upon request.
  - (5) A person who has obtained the approval or permission required under subsection (3), may operate from respectively, the private property or park, or within 100 meters (328 feet) of the eating establishment, notwithstanding paragraph 8(1)(c)(ii) of this Schedule.
7. Every person engaging in or carrying on a business for which a licence is required under this Schedule, shall be responsible:
- (a) that the Issuer of Licences and the Hamilton Police are notified in writing within six days of any change of address of the licensee or business;
  - (b) that no refreshment vehicle is used excepting those which are licensed under this by-law;
  - (c) that no such vehicle is used when not in safe operating condition;
  - (d) that no such vehicle is used for business without having affixed to the right hand side thereof, in a position in which it may most readily be seen, the City's current licence plate issued for that refreshment vehicle whereas an improper plate shall be removed by the City's enforcement officer, and having no other licence number showing except the current provincial licence number or numbers;
  - (e) that no motorized refreshment vehicle is driven by any person not currently holding a valid provincial driver's licence; and

- (f) that no person shall be licensed to sell foodstuffs from a refreshment vehicle or booth while under the age of sixteen.
- 8.(1) A person operating a refreshment vehicle or engaging in the selling of refreshments from a refreshment vehicle shall comply with the following:
- (a) check each day, prior to use of the refreshment vehicle, that the vehicle is safe for operation, and shall not operate the vehicle unless it is, and is maintained, in safe operating condition.
  - (b) that there is no crying of wares, sounding of any chimes or use other audible means of recognition while the vehicle is in motion, or for more than five seconds at intervals of not less than five minutes, or in any residential area after eight o'clock in the evening or before eight in the morning;
  - (c) the vehicle shall not stop for the sale of any products:
    - (i) within 5 feet of an intersection;
    - (ii) subject to section 6, within 100 meters (328 feet) of any eating establishment, school ground, recreation ground, playground or public park;
    - (iii) for more than ten minutes at any one location on a residential street; or
    - (iv) without being properly parked;
  - (d) there shall be no service of any customer who is standing in the roadway;
  - (e) that all children and customers are safely away from the vehicle before putting it in motion;
  - (f) there shall not be any unnecessary washing or repairing of a vehicle in a street, alley or other public place; and

- (g) at all times while the vehicle is stopped for the sale of food, the lights required by section 5 shall be flashing.
- (2) A licence holder under this by-law shall not cause or permit the operation of the licensed vehicle or vehicles, contrary to subsection (1).
- 9.(1) Subject to subsection (2), no person shall sell refreshments or confections, from a basket, wagon, cart or other vehicle upon paved portion of the highway maintained for the passage of motor vehicles, which does not include the side walk or boulevard, if the highway is a designated snow route.
- (2) This section does not apply to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.
10. In addition to non-compliance with this by-law or other laws, the failure to comply with the Highway Traffic Act, R.S.O. 1990, c. H-8, or regulations under the Act, by a person while operating a refreshment vehicle, shall be grounds for the Issuer of Licences to recommend, and for Council or the Licensing Committee to consider a licence suspension or revocation, or the adding of conditions.
11. Charity barbecues and bake sales will be exempt from the provisions of this Schedule, however, organizers of said events are required to notify the City and The Social and Public Health Services Department at least 21 days in advance of the scheduled event.

## **POSTING OF CERTIFICATES OF INSPECTION**

- 12.(1) Every person who carries on the business of selling, from a vehicle, refreshments for consumption by the public shall permit a public health inspector to post a Certificate of Inspection in a clearly visible and conspicuous location on the refreshment vehicle.
- (2) Every person who carries on the business of selling, from a vehicle, refreshments for consumption by the public shall permit a public health

inspector at any reasonable time to remove a Certificate of Inspection which has been posted on the refreshment vehicle.

- (3) When a Certificate of Inspection has been removed by a public health inspector under subsection (2), the person who carries on the business of selling, from a vehicle, refreshments for consumption by the public shall not post a copy of the Certificate of Inspection on the refreshment vehicle.

**SCHEDULE 20**

**RESIDENTIAL CARE FACILITIES**

**PART I: INTERPRETATION**

1. In this Schedule:

- (a) **“activities of daily living”** means the activities of an individual that maintain his or her sufficient nutrition, hygiene, warmth, rest and safety;
- (b) **“additional care”** means community services such as long term care services, or rehabilitative services that can be provided to a tenant either in the residential care facility or in the community;
- (c) **“ambulatory”** means in respect of an individual, that he or she is independently mobile, by mechanical or any other means, or with minimal assistance of another person;
- (d) **“attic”** means the space between the roof and the ceiling of the top storey of a facility or between a dwarf wall and a sloping roof of a facility, which is not finished in such a way as to provide suitable habitation for tenants;
- (e) **“basement”** means a storey of a facility located below the first storey which is more than 50 per cent below grade or which is not finished in such a way as to provide suitable habitation for tenants;
- (f) **“care home”** means a residential complex that is occupied or intended to be occupied by four or more persons for the purpose of receiving care services, whether or not receiving the services is the primary purpose of the occupancy;
- (g) **“care home information package”** means an information package that contains the information required by the Residential Tenancies Act, 2006, S.O. 2006, c. 17;

- (h) “**care services**” means advice, information, or supervision provided to tenants in the activities of daily living and may also include:
- (i) periodic personal care, as required, such as the giving of medications, bathing assistance, assistance with feeding, incontinence care, dressing assistance, assistance with personal hygiene, and ambulatory assistance;
  - (ii) provision of recreational or social activities, housekeeping, laundry services, and assistance with transportation;
  - (iii) personal emergency response services, including assistance in evacuating under emergency conditions due to mental limitations and/or developmental handicaps and limitations of the tenants;
- (i) “**continuing education**” means a course, lecture, seminar or other professional activity in which an employee participates as part of the individual’s conditions of employment and as defined in the Guidelines issued by the Medical Officer of Health;
- (j) “**drug**” means any substance or mixture of substances manufactured, sold or represented for use in:
- (i) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in an individual; or
  - (ii) restoring, correcting or modifying of organic functions in an individual;
- (k) “**Guidelines**” means the guidelines for the operation of facilities licensed under this Schedule, which the Medical Officer of Health is authorized to issue under section 61;

- (l) **“inspector”** means:
- (i) a building inspector of the Building Division of the Planning and Economic Development Department;
  - (ii) an inspector of the Fire Prevention Bureau or Fire Department;
  - (iii) a public health inspector employed in the Social and Public Health Services Department;
  - (iv) a registered nurse employed in the Social and Public Health Services Department;
  - (v) an inspector appointed by the Issuer of Licences.
- (m) **“long term care facility”** means an institution such as a nursing home or a home for the aged that provides personal care on a continuing 24-hour basis, with medical and professional nursing supervision and provision for meeting the psycho-social needs of the tenants;
- (n) **“operator”** means a person licensed under this Schedule to operate a facility;
- (o) **“physician”** means a legally qualified medical practitioner;
- (p) **“prescribed”**, when used with reference to a drug or mixture of drugs, means that a legally qualified medical practitioner or a dentist has directed the dispensing of the drug or mixture of drugs to a named individual;
- (q) **“prescription drug”** means a drug that may be dispensed by a pharmacist only upon the direction of a physician or dentist;
- (r) **“rehabilitative services”** means services for a person with a physical, mental, or developmental handicap, and includes,
- (i) homemaker services,



- (ii) day care,
  - (iii) training and rehabilitation,
  - (iv) casework and counselling, and
  - (v) training in life skills.
- (s) **“residential care facility”** means a care home for which a licence is required under this Schedule, and the term “facility” has a corresponding meaning;
- (t) **“single facility incident”** means a situation, or the likelihood of an impending situation, which could reasonably be expected to have an abnormal effect on the health, safety, welfare, or personal property of one or more tenants of a facility, and which, because of its nature or magnitude, requires a controlled and co-ordinated response by the operator;
- (u) **“tenant of a facility”** means a person, other than an operator or employee, who
- (i) resides in a residential care facility, and to whom the operator provides care services;
  - (ii) is ambulatory; and
  - (iii) has decreased physical or mental functional ability;
- and the term “tenant” has a corresponding meaning; and
- (v) **“volunteer”** means a person, other than an operator or employee, who assists tenants with social activities.

## **PART II: LICENSING**

- 2.(1) No person shall operate a residential care facility without a licence.
- (2) Every applicant for a licence shall submit to the Issuer of Licences before the licence is issued or renewed, the following certificates:
  - (a) by Hydro One Inc., that the facility complies with the Ontario Electrical Safety Code;
  - (b) by the Medical Officer of Health, that the facility complies with the health and safety standards in this Schedule;
  - (c) by the insurer of the facility, that the insurance coverage required under subsection 18(e) of this Schedule is in effect for the facility;
  - (d) those required by section 3 and 12 as to the age, health and education of the operators and employees;and the single facility incident plan required by section 5.
- (3) Every applicant for a licence shall submit, before a licence may be issued or renewed:
  - (a) a birth certificate or other certificate showing that the applicant is at least 18 years of age at the time of application; and
  - (b) an Ontario Secondary School Graduation Diploma or evidence satisfactory to the Issuer of Licences of equivalent standing from the Ontario Ministry of Education and Training.
- (4) Where the applicant for a licence is a corporation or a partnership, a partner, or an officer or director of the corporation, shall submit the certificates or other documents required under subsection (3).
- (5) Paragraph 2(3)(b) does not apply to a person who is the holder of a licence to operate a care home under the by-law of a former area municipality on the date that By-law 01-156 came into force and effect.

- 3.(1) A licence to operate a facility shall not be issued unless the applicant, if an individual,
- (a) is eighteen years of age or over at the time of the application;
  - (b) he or she produces an Ontario Secondary School Graduation Diploma or evidence satisfactory to the Issuer of Licences of equivalent standing as determined by the Ministry of Education and Training; and
  - (c) evidence satisfactory to the Issuer of Licences, of employment experience in work comparable to the administration of the facility which he or she proposes to operate.
- (2) Where the applicant for a licence is a corporation or a partnership, a licence shall not be issued unless at least one partner, or one director or officer of the corporation, satisfies the requirements set out in subsection (1).
- (3) Subsection (1)(b) does not apply to a person who is the holder of a licence to operate a care home under the by-law of a former area municipality on the date that this By-law comes into force.

### **PART III: OPERATOR**

4. The operator of a facility shall ensure that the provisions of this Schedule, including the Guidelines issued by the Medical Officer of Health, are complied with.
5. The operator shall prepare a “single facility incident plan”, satisfactory to the Medical Officer of Health, which shall be filed with the Medical Officer of Health, and a copy of the plan shall be kept in the facility, in a readily accessible location.
6. The operator shall ensure that there are no firearms kept in the facility.

7. The operator shall ensure that access to a telephone is available within the facility:
  - (a) for employees and volunteers; and
  - (b) in a private setting for tenants of the facility.
8. The operator shall ensure that, at all times, a qualified employee has been designated as the person responsible for the operation of the facility and whose primary duty is the supervision of the tenants.
9. The operator shall provide evidence satisfactory to the Issuer of Licences that each employee has received training in the areas specified on the new staff orientation checklist within two weeks of an individual commencing employment in a facility.
- 10.(1) The operator shall give every employee a notice of the collection of personal information in a form approved by the Issuer of Licences and the Medical Officer of Health which describes the procedures under this Schedule for the collection of personal information about employees, at the time when an individual commences employment at the facility.
  - (2) The notice under subsection (1) shall also contain:
    - (a) the legal authority for the collection of personal information about employees by inspectors;
    - (b) the principal purpose or purposes for which the personal information is intended to be used; and,
    - (c) the title, business address, and business telephone number of an officer or employee of the City who can answer questions from an employee of the facility about the collection of his or her personal information.
  - (3) Where the operator has not given an employee a notice under subsection (1), the operator shall give the employee a letter in a form approved by the Issuer of

Licences and the Medical Officer of Health which contains the information set out in subsections (1) and (2), within seven days after being directed to do so by the Issuer of Licences.

- (4) Notwithstanding subsection (1), the operator shall give a notice of the collection of personal information to an employee within seven days after being directed to do so by an inspector appointed by the Issuer of Licences.
11. The operator shall post in a conspicuous place in the facility:
- (a) the current licence for the facility;
  - (b) a notice stating the operator's name, address and telephone number, and the name, address and telephone number of the employee who has been designated as the person responsible for the operation of the facility, if that person is not the operator;
  - (c) rules for the conduct of employees and tenants of the facility; and
  - (d) a notice of the collection of personal information in a form approved by the Issuer of Licences which contains:
    - (i) the legal authority for the collection of personal information about tenants and employees of the facility by inspectors;
    - (ii) the principal purpose or purposes for which the personal information is intended to be used; and
    - (iii) the title, business address and business telephone number of an officer or employee of the City who can answer questions from individual tenants and employees of the facility about the collection of their personal information.

#### **PART IV: EMPLOYEES**

12.(1) A person shall not be employed in a facility unless he or she:

- (a) is eighteen years of age or over;
  - (b)
    - (i) produces an Ontario Secondary School Certificate, or evidence of equivalent standing; or
    - (ii) produces evidence satisfactory to the Issuer of Licences of employment experience in comparable work;
  - (c) has a physical examination by a physician not more than 30 days before commencing employment;
  - (d) produces evidence satisfactory to the Issuer of Licences of successful completion of the new staff in-service orientation training as described in section 9 within 30 days of commencing employment.
- (2) A person who is sixteen years of age but less than eighteen years of age is exempt from the requirements of clause 1(b), but shall not be designated as the person responsible for the operation of the facility.
13. Every employee whose primary duty is the supervision of tenants shall participate in continuing education to a minimum of 20 hours within each consecutive period of twenty-four months from the date of commencing employment.
14. At least one employee whose primary duty is the supervision of tenants shall be available on the premises of the facility at all times during his or her regularly scheduled hours of work.
15. An employee whose duties require communication with the tenants shall be able to communicate clearly and effectively with the tenants.

**PART V: GENERAL**

16. The Medical Officer of Health shall determine the authorized capacity of the facility in accordance with the requirements of sections 20, 21 and 23 of this Schedule and the provisions of the pertinent zoning by-law of the former area municipality in which the facility is situated.

## **LOCATION**

17. A licence shall not be issued to a facility established after October 1, 1980, which is situated in a location where, in any hour, the noise level exceeds 58 decibels.

## **CONDITIONS OF LICENCES**

18. Every licence to operate a facility shall be subject to the following conditions:
  - (a) that the authorized capacity of the facility is not exceeded;
  - (b) that the applicable zoning by-laws of the former area municipality in which the facility is located, are complied with;
  - (c) that no construction, renovation, addition or alteration of a facility is carried out, except in compliance with this Schedule, the Ontario Building Code, the Ontario Fire Code, and under a valid building permit;
  - (d) that at least the operator or one employee is available in the facility and able to provide care services to the tenants, twenty-four hours a day; and
  - (e) that a policy of commercial general liability insurance, including coverage for bodily injury and property damage resulting from the operation of the facility, with an inclusive limit of at least one million dollars (\$ 1,000,000) per claim or occurrence, is in force at all times when one or more tenants is present in the facility.

**PART IV: CONSTRUCTION AND SAFETY**

19. Every facility shall be so constructed and maintained that there is at all times:
- (a) an adequate supply of potable and of hot water;
    - (i) which can provide at least 227.303 litres (50 gallons) for each tenant and employee, per day;
    - (ii) of at least .362 kilograms pressure per square centimetre (8 pounds per square inch), when a fixture is in use;
    - (iii) the temperature of the water serving all bath tubs, showers and hand basins used by tenants shall not exceed 49° Centigrade (120° Fahrenheit) and shall be controlled by a device, inaccessible to the tenants, that regulates the temperature; and
  - (b) freedom from hazards to the health and safety of tenants.

**BEDROOMS AND FURNISHINGS**

- 20.(1) A bedroom for a tenant or tenants in a facility established before October 1, 1980, shall provide a minimum of 16.8 cubic meters (600 cubic feet) of air space and 6.96 square meters (75 square feet) of floor space for each tenant.
- (2) A bedroom for a tenant or tenants in a facility constructed, renovated, added to or altered on or after June 1, 1980, shall provide a minimum, exclusive of the space provided for built-in or portable clothes closets, of:
- (a) 10.22 square meters (110 square feet) of floor space in a single-bed unit, provided that this area may be reduced to 9.30 square meters (100 square feet) where the facility provides a living room and a one or more dining area;
  - (b) 16.72 square meters (180 square feet) of floor space in a two-bed unit;
  - (c) 25.08 square meters (270 square feet) of floor space in a three-bed unit; and



- (d) 29.73 square meters (320 square feet) of floor space in a four-bed unit.
21. A bedroom for more than one tenant shall be arranged so that all beds are at least .91 meters (3 feet) apart.
22. A bedroom for one or more tenants shall:
- (a) have one or more windows to the outside that:
    - (i) except where another means of ventilation is provided, can be opened to provide an open area of at least 5% of the floor area of the room;
    - (ii) is not less in total area than 10% of the floor area of the room; and
    - (iii) is screened from May 1 to October 31;
  - (b) not be part of a lobby, hallway, passageway, closet, bathroom, stairway, basement, attic, kitchen, storage room, boiler room, laundry room, activity room utility room, chapel, sitting room, administrative office, or tenant examination room.
23. Every bed provided by the operator for a tenant of a facility shall be of a minimum width of 91.44 centimetres (36 inches).
24. (a) No bedroom shall contain more than two beds.
- (b) Subsection (a) does not apply to a facility in respect of which a licence issued under the by-law of a former area municipality was in effect on the date when this By-Law comes into force and effect.
25. Where more than one bed is located in a bedroom, a moveable partition shall be provided between the beds to ensure the privacy of each tenant, unless the persons who occupy the bedroom jointly inform the operator that they do

not require such a partition.

26. Sufficient clean towels, face cloths and bed linen shall be provided for use of the tenants of a facility, and a supply of such linen shall be available at all times in the facility.
27. Towels, face cloths and bed linen shall be changed at least once a week.
28. A clothes closet shall be provided for each tenant in his or her bedroom.
29. A rack on which to hang towels and face cloths shall be provided for each tenant.

#### **DINING AREA**

30. One or more dining areas shall be provided, with a minimum floor space of 1.85 square meters (20 square feet) per tenant and capable of accommodating at least one half of the authorized capacity of the facility at one time.

#### **SITTING ROOMS**

- 31.(1) One or more sitting rooms shall be provided within each facility.
  - (2) The minimum total space for the sitting rooms shall be the greater of:
    - (a) an area equal to 1.39 square meters (15 square feet) of floor space for each tenant; or
    - (b) 11.148 square meters (120 square feet).

#### **TOILET FACILITIES**

- 32.(1) A toilet room or bathroom shall not be within, or open directly into, any dining room, kitchen, pantry, food preparation room, or storage room.
- (2) A toilet shall not be located within a bedroom.
- (3) Toilet facilities shall be provided in at least the following ratios:
- (a) for an authorized capacity of four to seven tenants: one wash basin, one flush toilet, and one bath tub or shower;
  - (b) for an authorized capacity of a fraction of seven tenants beyond the first seven: one wash basin and one flush toilet; and
  - (c) for an authorized capacity of each additional seven tenants beyond the first seven: one wash basin, one flush toilet, and one bath tub or shower.
- (4) A bathroom, toilet, or shower room shall be provided with a door and a lock which is of a type that can be readily released from the outside in case of an emergency.
- (5) One bathroom toilet and shower room shall be of a type that is suitable for use by persons confined to wheelchairs, where one or more such persons have been admitted to the facility as tenants.
- (6) The bottom of each bath tub shall be furnished with non-skid material.

## **HOUSEKEEPING**

33. The facility shall be kept in a clean and sanitary condition.

## **WASTE**

- 34.(1) Rubbish and garbage shall be stored in receptacles which are:

- (a) insect and rodent-proof;
  - (b) water-tight;
  - (c) provided with a tight-fitting cover; and,
  - (d) kept clean.
- (2) Ashes shall be stored in a metal container which has a tight-fitting cover.

## **LIGHTING**

35. The following minimum levels of illumination shall be provided:
- (a) 161.45 lux (15 foot-candles) continuous lighting in all corridors, and halls, at floor level;
  - (b) 215.28 lux (20 foot-candles) continuous lighting in all stairways, and landings;
  - (c)
    - (i) 107.64 lux (10 foot-candles) in all bedrooms; and,
    - (ii) 376.74 lux (35 foot-candles) at bed reading position;
  - (d) 1076.4 lux (100 foot-candles) for drug cabinets;
  - (e)
    - (i) 322.92 lux (30 foot-candles) in general kitchen;
    - (ii) 538.2 lux (50 foot-candles) on range tops and kitchen work surfaces; and,

- (iii) 753.48 lux (70 foot-candles) on kitchen sink.
- (f) 322.92 lux (30 foot-candles) in washrooms;
- (g) 322.92 lux (30 foot-candles) in game rooms;
- (h) 107.64 lux (10 foot-candles) plus local lighting in living rooms;
- (i) 322.92 lux (30 foot-candles) in laundry rooms; and,
- (j) lighting in other areas of the facility shall comply with Illuminating Engineering Society Standards.

## **TEMPERATURE**

36. From September 15 until May 31, and at all other times when heating may be reasonably necessary for the preservation of health, the temperature of all rooms and halls shall be maintained at not less than 21° centigrade (70° Fahrenheit).

## **VENTILATION**

37. Every room shall be adequately ventilated by natural or mechanical means and shall be so designed and installed that it meets the requirements of sections 6.2 and 9.33 of the Ontario

Building Code. Such ventilation shall be installed only after plans have been approved, and a building permit issued, by the Chief Building Official of the City of Hamilton.

## **GENERAL SAFETY**

38.(1) The facility shall be free from hazards to the safety of tenants of the facility, employees, volunteers or visitors.

(2) The following shall be provided:

- (a) handrails, of a type that will ensure the safety of tenants, installed on each side of every stairway that is wider than 111.76 cm (44"); on at least one side of each stairway that is 111.76 cm (44"), or less, in width; and on the open side of each stairway or landing, with the top of each handrail not less than 76.2 cm (30") nor more than 106.68 cm (42") above the finished floor or stair level;
- (b) for each bath tub and each toilet, at least one grab bar or similar device of a type that will ensure the safety of tenants;
- (c) non-skid finishes and coverings on floors and stairway; and,
- (d) balustrades on the open sides of every stairway, landing, balcony, raised porch, or roof to which tenants of the facility have access; no opening in any such balustrade shall be more than 10.16 cm (4") wide.

## **FOOD SAFETY**

39. All food storage, preparation and service areas shall meet the requirements of Regulation 562 of the Revised Regulations of Ontario, 1990. (Food Premises Regulation under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7.)

## **FIRE SAFETY**

40. The operator of a facility shall ensure that the facility meets the requirements of Ontario Regulation 388/97. (Fire Code under the Fire Protection and Prevention Act, 1997).

**PART VII: ADMISSION OF TENANTS**

- 41.(1) Prior to admitting an individual as a tenant of a facility, the operator shall obtain an up-to-date assessment from a physician or other member of a regulated health profession employed by a referring agency designated in the Guidelines, which provides an opinion as to whether or not the individual requires a level of care services which the operator is authorized to provide in the facility.
- (2) An operator shall determine on the basis of the assessment referred to in subsection (1), and the criteria for admission set forth in the Guidelines, whether the level of care services which is provided in the home is adequate to meet the individual's needs in relation to the activities of daily living.
42. An operator shall not admit an individual who is not ambulatory or who requires a level of care services which the operator is not authorized to provide in the facility, except in accordance with the Guidelines.
43. A person shall not be admitted as a tenant in a facility without:
- (a) his or her consent; or,
- (b) the consent in writing of his or her next-of-kin, or attorney for personal care, as the case may be, if the person has been declared mentally or physically incapable of giving consent.
44. The operator shall enter into a written tenancy agreement with each individual who is admitted as a tenant of the facility and shall give each such individual a care home information package (CHIP) as required under the Residential Tenancies Act, 2006, S.O. 2006, c. 17, prior to entering into the tenancy agreement.
- 45.(1) The operator shall give every tenant a notice of the collection of personal

information in a form approved by the Issuer of Licences and the Medical Officer of Health which describes the procedures under this Schedule for the collection of personal information about tenants, at the time when an individual is admitted as a tenant of the facility.

- (2) The notice under subsection (1) shall also contain:
  - (a) the legal authority for the collection of personal information about tenants by inspectors;
  - (b) the principal purpose or purposes for which the personal information is intended to be used; and,
  - (c) the title, business address, and business telephone number of an officer or employee of the City who can answer questions from a tenant of the facility about the collection of his or her personal information.
- (3) Where the operator has not given a tenant the notice under subsection (1), the operator shall give the tenant a letter in a form approved by the Issuer of Licences and the Medical Officer of Health, which contains the information set out in subsections (1) and (2), within seven days after being directed to do so by the Issuer of Licences.
- (4) Notwithstanding subsection (1), the operator shall give a notice of the collection of personal information to a tenant within seven days after being directed to do so by a registered nurse employed in the Public Health and Community Services Department.

#### **PART VIII: CARE SERVICES**

46. The operator shall provide care services to each tenant in a facility in accordance with the Guidelines issued by the Medical Officer of Health.

#### **DRUGS**



47. The operator shall ensure that all prescription drugs:
- (a) are kept in one or more locked drug cabinets, unless the drug requires refrigeration, or must be kept with the tenant for immediate use; and
  - (b) are made available only to those tenants for whom they have been prescribed, as directed by a physician.
48. The operator shall allow self-medication by the tenants of a facility under specified conditions set forth in the Guidelines issued by the Medical Officer of Health.

#### **NUTRITIONAL CARE**

49. The operator shall ensure that the tenants of a facility are served daily sufficient food of good quality and adequate nutritional and caloric value as described in the Guidelines issued by the Medical Officer of Health.

#### **INFECTION CONTROL**

50. The operator shall ensure that all requirements for the control of infectious diseases that are set forth in Guidelines issued by the Medical Officer of Health are complied with, including recommendations for tuberculosis screening, immunization programs, reporting requirements, and outbreak control measures.

#### **MEDICAL CARE**

- 51.(1) Each tenant of a facility or his or her next-of-kin, or attorney for personal care, as the case may be, shall retain a physician to attend to the tenant and to provide emergency medical care to the tenant, as required.

(2) Where the tenant, his or her next-of-kin, or attorney for personal care is unable to do so, the operator shall make arrangements for a physician to provide emergency medical care to the tenant.

52.(1) The operator shall allow a tenant's physician or a member of a regulated health professional who is providing care of treatment to a tenant to enter the facility at any reasonable time for the purpose of attending to the health of the tenant.

(2) The operator shall make arrangements for a physician to be on call to provide emergency services when a tenant's physician is not available.

#### **ADDITIONAL CARE**

53.(1) Wherever the tenant's physician, the operator, the Medical Officer of Health, or a member of a regulated health profession who is employed by a referring agency designated in the Guidelines, determines that a tenant requires additional care for his or her special needs, the operator shall ensure that such services are provided to that tenant while the tenant continues to reside in the facility.

(2) Where the tenant is determined to have special needs of a physical, mental, or developmental nature, the operator shall consult with the tenant, his or her next-of-kin, and/or a community worker, and prepare a plan which may include additional services, such as additional personal care services and/or rehabilitative services.

(3) Where the tenant requires additional personal care services, the operator shall ensure that such services are provided through a referral to a community care access centre or to a private community agency.

(4) Where the tenant requires rehabilitative services, the operator shall support the tenant's rehabilitative goals in the facility and in the community, which may include assisting tenant with meal preparation, laundry, household duties and self-medication.

54. The operator or the employee designated as the person responsible for the operation of the facility, shall inform the tenant, as soon as possible, of the provisions of section 148 of the Residential Tenancies Act, 2006, S.O. 2006, c. 17, and may arrange for the transfer of the tenant to a long term care facility or other appropriate living arrangement, with the agreement of the tenant, where an operator is informed by:
- (a) a community care access centre that a tenant of a facility is eligible for admission to a long term care facility;
  - (b) the tenant's physician or the Medical Officer of Health, that the tenant no longer requires the level of care services which the facility is authorized to provide; or,
  - (c) the tenant's physician or the Medical Officer of Health, that the tenant requires a level of care services that the operator is not authorized to provide.
- 55.(1) Where a tenant is transferred from a residential care facility to a long term care facility or to another facility licensed under this By-law, the operator shall request the tenant, or, if he or she is unable to act, his or her next-of-kin or attorney for personal care, to complete an authorization in Form 1 for the release of information pertaining to the tenant to the long term care facility or other licensed residential care facility.
- (2) Where a tenant is transferred from a residential care facility to another facility licensed under this By-law, or to a hospital, the operator shall complete a transfer in Form 2.

#### **PART IX: RECORDS AND REPORTS**

- 56.(1) The operator shall maintain an up-to-date, alphabetical list of the tenants of a facility which includes the name, sex, age and date of admission of each tenant.

- (2) The operator shall maintain a separate file for each tenant, which contains the following information:
  - (a) sex, age, date of admission and date of discharge or death;
  - (b) name, address and telephone number of next-of-kin;
  - (c) name and telephone number of the tenant's attorney for personal care, if any;
  - (d) the name and telephone number of the tenant's physicians;
  - (e) the name, address and telephone number of any community agency which is providing support to the tenant;
  - (f) tuberculin or chest x-ray testing results, and the dates thereof;
  - (g) a brief medical history of the tenant from the date of his or her admission, including medication information, laboratory results, physicians' orders as available, and staff notes;
  - (h) a care home information package;
  - (i) particulars of each accident suffered by the tenant while in the facility; and
  - (j) Forms 1 and 2 (where used).
- 57.(1) A record in Form 3, shall be made of every occurrence of assault or injury, and shall be placed in the tenant's file and kept available for inspection by the Medical Officer of Health.
- (2) A record in Form 4, shall be made of the death of a tenant resulting from accident or an undetermined cause, or from a communicable disease affecting the tenant, and shall be delivered forthwith to the Medical Officer of Health, and a copy shall be placed in the tenant's file.

58. The operator shall ensure that any document or other record of any kind which contains personal information about a tenant, other than the personal information described in subsections 56(1) and (2) and 57(1) and (2), is maintained in a file which is separate from the file which is maintained pursuant to subsection 56(2).
59. The operator shall ensure that any document or other record of any kind which contains personal information about the performance of duties by an employee of a facility, including personal information which relates to sections 8, 9, 10, 11, 12, 13, and 14, is maintained in a file which is separate from any other file which contains personal information about the employee.

#### **PART X: INSPECTION AND ENFORCEMENT**

- 60.(1) The Medical Officer of Health, the Building Commissioner, the Chief Fire Prevention Officer, the Chief of the City of Hamilton Police, the Issuer of Licences, or an inspector, at all reasonable times, may inspect any facility and the list of tenants required by subsection 56(1).
- (2) The Medical Officer of Health or a member of a regulated health profession authorized by him or her, at any time may inspect the file of any tenant required by subsection 56(2), and may make copies of the contents of such file.
61. The operator of a facility shall allow the Medical Officer of Health or a member of a regulated health profession authorized by him or her, as often as he or she deems reasonably necessary, to make inspections of the facility and its operation in order to determine compliance with the provisions of this Schedule relating to the care and safety of the tenants.
62. The Medical Officer of Health, the Issuer of Licences, the Building Commissioner and the Chief Fire Prevention Officer are authorized to enforce the provisions of this Schedule which are within their respective jurisdiction, and to serve such notices and make and serve such orders as may be necessary to ensure compliance by the operator.

- 63.(1) The Medical Officer of Health may issue Guidelines for the operation of facilities licensed under this By-Law, including any matters relating to the health, safety, and well-being of the tenants of a facility, and shall provide a copy of any such Guidelines and any subsequent additions or revisions to the operator of each facility licensed under this By-Law.
- (2) The Medical Officer of Health may designate the referring agencies which may employ a member of a regulated health profession for the purposes of making an assessment under section 41 and making a determination under subsection 53(1).

**PART XI: MISCELLANEOUS PROVISIONS**

64. Forms 1 to 4 form part of this Schedule.

**SCHEDULE 21**

**RESTAURANT AND FOOD SHOPS**

**INTERPRETATION**

1. In this Schedule,

- (a) “**caterer**” means an establishment where food is prepared for sale, offered for sale, stored or sold to be consumed elsewhere, and which does not provide seating accommodation;
- (b) “**eating establishment**” means a building or premises where food is prepared or offered for sale to the public, to be consumed either on the premises or elsewhere, with the following classes:
  - (i) “**restaurant**”, which means an eating establishment where food is prepared on the premises and which has seating accommodation for more than fifteen persons;
  - (ii) “**lunch counter**”, which means an eating establishment which has seating accommodation for not more than fifteen persons;
  - (iii) “**refreshment stand**”, which means an eating establishment where only food already prepared for immediate consumption by the public without cooking, is served;
  - (iv) “**drive-in restaurant**” which means any eating establishment where carry-out service to patrons in motor vehicles is provided;
  - (v) “**restaurant, take out**”, means an eating establishment where food is prepared and offered for sale to be consumed elsewhere, and which does not provide seating accommodation; and
  - (vi) “**bake shop**”, a place where baked goods are made, offered for sale, stored or sold.

- (c) **“Certificate of Inspection”** means a certificate in a form approved by the Medical Officer of Health which sets out the results of the most recent inspection conducted under the Health Protection and Promotion Act and the regulations there under, and which states that the establishment was in compliance with the conditions required for safe handling of food at the time of the inspection;
- (d) **“food shop”** means a place where food stuffs, intended for human consumption are made for sale, offered for sale, stored or sold; and
- (e) **“public health inspector”** means a public health inspector employed in the Social and Public Health Services Department

## LICENCE REQUIRED

- 2.(1) No person shall carry on the business of a caterer, an eating establishment, or a food shop, without a licence, provided that the keeper of a hotel shall not be required to hold an eating establishment licence to provide food or drinks to patrons of the hotel on the premises.
- (2) A person who holds a current and valid licence under this Schedule or Schedule 19 (Refreshment Vehicle) in respect of a shop, establishment, or vehicle shall not be required to obtain a licence under this Schedule in respect of the shop, establishment or vehicle which is already licensed.
- 3. A licence issued under this Schedule is permission to sell only from the location for which the licence has been issued.
- 4. The holder of a licence under this Schedule shall comply with all by-laws and regulations respecting markets, and shall pay all applicable market fees.

## DUTIES OF OPERATOR



5. Every person carrying on the business of a caterer, an eating establishment or a food shop shall be responsible for keeping the premises clean and orderly and maintained in all respects suitable for the purpose for which they are used for, and for keeping the premises adequately lighted and ventilated.

## **PUBLIC HEALTH APPROVAL**

6. A licence to carry on the business of a caterer, eating establishment or food shop, shall not be issued until a public health inspector has informed the Issuer of Licences that all requirements under the Health Protection and Promotion Act and the regulations there under have been fully complied with.

## **POSTING OF CERTIFICATES OF INSPECTION**

- 7.(1) Every person who carries on the business of a caterer, eating establishment, or food shop, shall permit a public health inspector to post a Certificate of Inspection in a clearly visible and conspicuous location at all entrances by which customers may enter the premises.
  - (2) Where a premises described in 7.(1) does not have an entrance by which customers may enter the premises, the person who carries on the business of a caterer, eating establishment or food shop, shall permit a public health inspector to post a Certificate of Inspection in a clearly visible and conspicuous location at the pick-up window or other location in the premises from which customers are served.
  - (3) Every person who carries on the business of a caterer, eating establishment or food shop shall permit a public health inspector at any reasonable time to remove a Certificate of Inspection which has been posted in the establishment.
  - (4) When a Certificate of Inspection has been removed by a public health inspector under subsection (3), the person who carries on the business of a caterer, eating establishment or food shop shall not post a copy of a

Certificate of Inspection or any facsimile of the certificate at any location on the premises.

**SCHEDULE 22**

**SALVAGE AND SECOND-HAND GOODS BUSINESSES**

**APPLICATION OF SCHEDULE**

- 1.(1) The provisions of this Schedule shall not be deemed,
  - (a) to apply to the business of buying and selling articles being antiques or works of art; or
  - (b) to require the reporting of the purchase or sale of waste paper, rags, bones or bottles, or of used tires, or of ferrous metal scrap which is obviously scrap, or to require the retention of any such goods for any specified period, but the exception provided in this clause does not extend to any motor vehicle or part thereof.
- (2) For the purpose of this Schedule a salvage yard includes an automobile wrecking yard or premises.
- (3) The provisions of subsection 2(1) do not apply to any person engaged in the business for patriotic or charitable purposes.
- (4) The provisions of section 4, and clauses 6(a) and 6(d) do not apply to a person who deals in second-hand goods, only to the extent of receiving traded-in articles the value of which are applied on account of the purchase price of new goods of a like kind being sold in the usual course of the business to the owner of such second-hand goods.
- (5) For the purposes of this Schedule the following definitions shall apply:
  - (a) “**antiques**” means furniture and other goods or articles commonly recognized as collectable because of their quality, value or age, and reproductions of such items, but not including jewellery, precious gems, time pieces, musical instruments, tools, cameras, camera components, or coins;

- (b) “**electronic components**” includes stereos, televisions, compact disk players, video players and recorders, facsimile machines, computers, video cameras, and their components;
- (c) “**jewellery**” means articles of personal adornment made in whole or part of silver, gold or platinum metal;
- (d) “**salvage or second-hand goods shop or yard**” means premises used for the collection, storage, or buying of used manufactured or processed goods, materials or parts, including automobiles or auto parts, whether or not they are further recycled, repaired or salvaged, and which in whole or part are sold or offered for sale by retail; and
- (e) “**works of art**” means paintings, photographs, sculpture and other products of artisans commonly recognized as collectable because of their quality or value, but not including jewellery, precious gems, time pieces or coins.

## LICENCE REQUIRED

- 2.(1) No person shall carry on or engage in the business of a salvage or second-hand goods shop or yard without a licence under this by-law entitling him or her so to do.
- (2) Every person required to obtain a licence shall obtain a separate licence with respect to each and every shop, store, yard or other premises used for the transaction of business or for receiving, keeping or storing salvage or second-hand goods.
- (3) Despite subsection (1), only persons buying or selling second-hand jewellery, precious gems, time pieces, musical instruments, tools, coins, auto parts, cameras or electronic components require a licence under this Schedule.
- (4) An applicant, whose business is either transient or non-resident in Hamilton, shall apply for a licence or renewal of licence at least thirty days in advance of commencing to trade in Hamilton.

3. Any licence required under this Schedule may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified, and no person shall deal in any class of second-hand goods not covered by their licence.

## **RECORD BOOK AND REPORTS**

- 4.(1) Every person carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall, without delay, at the time when any salvage or second-hand goods are purchased, taken in exchange, received on consignment or otherwise received or acquired in any manner whatsoever, enter in the Record Book in ink or indelible pencil and in a plain and easily readable hand and in the English language, a record of all such salvage and second-hand goods (except used motor vehicle tires), the date and time, the price or other consideration given, and the name and address of the person from whom they were so purchased, taken in exchange or otherwise obtained, together with the current licence number of the motor vehicle, if any, in which such salvage or second-hand goods were brought; and, in the case of tools purchased or otherwise obtained, the record shall include a proper description of the same, including the name of the manufacturer, and the identifying number or initials, if any.
- (2) Every person carrying on or engaging in any of the said businesses shall deliver at the office of the Chief Constable before two o'clock in the afternoon daily, except on Sundays and public holidays, a true copy of the entries in the Record Book relating to all such transactions which have taken place since the transaction last so reported; and whenever there is reason to suspect that any goods or articles may have been stolen, all readily ascertainable particulars of the same and of the person offering the same shall be included in the said report.
- (3) Persons carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall treat goods redeemed on pawn tickets as purchased and so entered in the Record Book; and in the case of a used motor vehicle or wrecked motor vehicle purchased, taken in exchange or otherwise obtained,

- there shall be entered in the Record Book the name of the maker, all serial numbers and the current or previous year's motor vehicle licence number, if any.
- (4) Persons carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall treat goods redeemed on pawn tickets as purchased and so entered in the Record Book; and in the case of a used motor vehicle or wrecked motor vehicle purchased, taken in exchange or otherwise obtained, shall produce at the request of the Issuer of Licences or an Inspector the vehicle portion of the permit issued for the vehicle, or notice from Ministry of Transportation that the vehicle has been destroyed.
  - (5) The said Record Book shall be and remain the property of the City and shall be returned to the City by the licensee at any time on demand, and in any event immediately before the expiry of the licence, whether by revocation or otherwise; and the licensee shall take all necessary precautions to guard against its loss, destruction or mutilation.
  - (6) When any Record Book is delivered to the City at any time during currency of the licence, the secretary shall supply to the licensee another Record Book which shall be kept and used in the same manner by the licensee at all times while he or she is without the former Book.
  - (7) All information in said Record Books and Reports shall be confidential to the City, the Chief Constable and those members of the police force authorized to peruse the same and shall not be communicated to any other person except as it may be required to be given in evidence.

#### **IDENTIFICATION AND PURCHASING FROM MINORS**

5. No person carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall directly or indirectly purchase from, exchange with or receive in pledge from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any salvage or second-hand goods.

## MISCELLANEOUS REGULATIONS

6. Every person carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall be responsible:

### Period of Retention of Goods

- (a) That all salvage and second-hand goods purchased, taken in exchange or otherwise obtained, including goods obtained from a dealer in second-hand goods, shall be retained in unchanged condition and exposed to public view in the licensee's shop or yard within the City of Hamilton for a period of at least thirty days thereafter, and that the same shall be kept clearly separated in location during the whole of such period, from all goods previously purchased, and that none of the same shall be sold or otherwise disposed of until after the expiration of the said period, but where the business licensed is transient or non-resident in Hamilton, the terms of this clause otherwise apply except that the period of retention shall be at least sixty days and that the goods shall be at a location in Hamilton accessible between the hours of 9 a.m. and 5 p.m. local time;

### Place of Storage

- (b) That no salvage or second-hand goods are stored or kept any where but at the shop or yard in the City of Hamilton either within a building or within a properly fenced enclosure, that no waste paper or any material likely to blow about the streets is allowed to be deposited or remain where it can do so, and that the whole premises and all salvage and goods therein are kept clean and orderly;

### Soliciting on Highway

- (c) That there is no soliciting of business from any person that is on a public highway;

### Hours of Business

- (d) That no salvage or second-hand goods are purchased, taken in exchange or otherwise obtained on a public holiday, or after eleven o'clock in the afternoon of any day, or before seven o'clock in the morning of any day; and that except during full daylight, there is no collecting or attempted collecting of any goods or salvage, or any passing from house to house along any public or private way, for any such purpose;

#### Identification

- (e) That persons attempting to sell or trade second-hand goods or salvage first be required to produce a valid, government-issued piece of identification, and have a head-and-shoulders photograph or video tape taken in sufficient clarity for later identification of the customer. Persons carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall not complete the transaction until they obtain such identification and photograph from the customer and shall further be responsible for taking and maintaining copies of the identification and photos taken, with a reference to the transaction as contained in the Record Book; and

#### Period of Retention of Photographs Taken for Identification Purposes

- (f) That all photographs taken for the purposes of identification of customers under subsection (e) be retained, for sixty days in the case of a business transient or non-resident in Hamilton, and for thirty days in the case of all other businesses.



**SCHEDULE 23**

**SEASONAL PRODUCE VENDORS**

1. In this Schedule:

“**seasonal produce vendor**” means a person who sells or offers for sale seasonal produce, including, but not be limited to, fresh fruits and vegetables and Christmas trees, at a location on privately owned property.

2.(1) No person shall carry on the business, trade or occupation of a seasonal produce vendor without a licence.

(2) A licence is not required for selling seasonal produce:

(a) to wholesale or retail dealers in seasonal produce;

(b) which is grown in the City and is sold by the grower or his or her agent or employee at the premise of the grower where the seasonal produce is grown;

(c) by an agent of the grower acting on behalf of a dealer who is licensed in respect of premises used for the sale of such seasonal produce pursuant to this Schedule;

(d) by an agent of the grower acting on behalf of a dealer who pays business tax in the City in respect of premises used for the sale of such seasonal produce; or,

(e) to persons, organizations, associations or groups who contribute to the enrichment of community life within the City provided that the person, organization, association or group which purchases the produce is directly responsible for the retail operation and that all proceeds derived from the sale are used to further the enrichment of community life in the City.

3. The applicant for a seasonal produce vendor's licence shall provide the Issuer of Licences with:
  - (a) written proof that he or she has the permission of the owner of the property upon which seasonal produce will be offered for sale, to use the property for such purposes, at the time the application is filed; and
  - (b) verification from the Building and Licensing Division of the Planning and Economic Development Department of the City, that the use of the property upon which seasonal produce will be offered for sale, is permitted under the applicable zoning by-law of the former municipality in which the property is located.
  
4. A seasonal produce vendor:
  - (a) shall not place any signs, stands, or other things used in connection with the sale of seasonal produce on a road allowance;
  - (b) shall not place any stand or fresh produce within 4.5 meters of any lot line abutting a road allowance;
  - (c) shall not place any signs advertising the sale of the seasonal produce on the property which are not in compliance with the sign by-law of the former municipality in which the property, upon which seasonal produce is offered for sale, is located;
  - (d) shall ensure that any signs advertising the sale of seasonal produce shall be located on the property in such a manner as to comply with the sign by-law of the former municipality in which the property, upon which seasonal produce is offered for sale, is located; and
  - (e) shall ensure that all seasonal produce, and signs, stands, or other things used in connection with the sale of seasonal produce are removed from the property when the seasonal produce is no longer being offered for sale on each day during the term of the licence.

5. A licence for seasonal produce vendor shall not be issued for a period which exceeds 45 days in duration.

**SCHEDULE 24**

**SIGN POSTERS AND BILL DISTRIBUTORS, ETC.**

**LICENCE REQUIRED**

1. No person shall carry on or engage in any of the following businesses or occupations:

- (a) bill poster;
- (b) advertising sign painter;
- (c) bulletin board painter;
- (d) sign poster; or
- (e) bill distributor,

without a licence under this by-law entitling him or her so to do.

**MISCELLANEOUS PROHIBITIONS**

2.(1) No person shall post up or distribute any poster, picture or handbill that is indecent or that tends to corrupt morals.

(2) No person required by the provisions of this Schedule to be licensed shall distribute any poster, picture, handbill, printed matter or other paper whether printed or not,

- (a) by handing the same to any person in any highway or other public place;
- (b) by depositing the same in or on any motor vehicle;
- (c) by depositing the same on any lawn, veranda or other such place; or

(d) by depositing the same into any street, alley, park or other public place,

and every such person shall be responsible for any such act of his or her servant or agent.

3. (1) No person shall distribute posters, pictures, or handbills, or any other printed or written material except during the hours of 8 o'clock in the forenoon, and 6 o'clock in the afternoon.

(2) No person shall distribute posters, pictures or handbills, or any other printed or written material to any property where the property owner or tenant has filed a request with the City that the aforementioned not be distributed.

## **SCHEDULE 25**

### **TAXI CABS**

#### **DEFINITIONS AND INTERPRETATION**

1.(1) In this Schedule:

- (a) “**accessible taxicab**” means a motor vehicle approved for use as a taxicab by the Issuer of Licences and originally constructed or subsequently modified to permit the loading, transportation and off-loading of persons confined to a wheelchair, or similar device used to assist the disabled, without transfer and which motor vehicle complies with Ontario Regulation 167/81, as amended and Canadian Standards Association’s Standard D409-M84;
- (b) “**accessible taxicab driver**” means a licensed taxicab driver whose taxicab driver’s licence has been endorsed by the Issuer of Licences to permit the licensee to drive an accessible taxicab in the City of Hamilton;
- (c) “**accessible taxicab owner**” means a licensed taxicab owner whose taxicab owner’s licence has been endorsed by the Issuer of Licences to permit the operation of an accessible taxicab in the City of Hamilton;
- (d) “**applicant**” means a person applying for a licence or renewal thereof under this Schedule;
- (e) “**authorized sign**” means a parking sign as described in this Schedule;
- (f) “**By-Law**” means By-Law 07-170 unless the context refers otherwise;
- (g) “**carry on**” when used in reference to a taxicab or to a taxicab brokerage business means to continuously operate, engage, drive, or make a taxicab available for the conveyance of passengers for hire or reward and includes waiting for, accepting, or dispatching orders;

- (h) “**City**” means the City of Hamilton;
- (i) “**Committee**” means the Licensing Committee of the City;
- (j) “**continuously operate**” means to drive a licensed taxicab and/or to make the taxicab available to the public for the conveyance of passengers for a minimum of eight (8) hours per day for at least five (5) days per calendar week throughout the calendar year save and except for suspensions of operation due to necessary repairs provided that they are made within fourteen (14) calendar days or due to necessary vehicle replacement due to fitness or age reasons provided that it is completed within thirty (30) calendar days;
- (k) “**conveyance**” means to carry, transport, transfer or move;
- (l) “**Council**” means the Council of the City of Hamilton;
- (m) “**disabled**” means any physically, emotionally or mentally handicapped person who is unable because of mobility impairment to use a regular public transit facility;
- (n) “**disabled passenger**” means a passenger who is physically disabled;
- (o) “**dispatch**” means the communication of an order or information in any manner between a taxicab broker and a taxicab driver;
- (p) “**driver’s licence**” means a licence issued to a taxicab vehicle driver under this Schedule and “licensed driver” has a corresponding meaning;
- (q) “**dues**” means any amount of money charged by a taxicab broker to a taxicab owner to receive orders from the taxicab broker;
- (r) “**fare**” means the amount of money displayed on the taxicab meter at the conclusion of a trip, or the flat rate allowed under this Schedule for the trip, together with any additional charges allowed under this Schedule and, where the context so requires, shall also refer to the Tariff/Fare rates set

out in Appendix “1” of this Schedule;

- (s) “**Fees Schedule**” means Schedule “31” of By-Law 07-170 (Licence and Examination Fees), as amended from time to time;
- (t) “**fleet**” means one or more taxicabs being dispatched by one taxi broker or owned by the same person;
- (u) “**fleet owner**” means the owner of a fleet;
- (v) “**grossly unclean person**” means a person covered in an amount of dirt and/or other material so excessive that if transported by the driver, the state of the person could leave the interior of the vehicle in a unclean state;
- (w) “**highway**” includes a road allowance, a common and public highway, street, avenue, parkway, boulevard, square, place, bridge, viaduct or trestle, designed and intended for or used by the general public for the passage of vehicles;
- (x) “**Highway Traffic Act**” means the Highway Traffic Act R.S.O. 1990 c.H. 8, as amended, and the regulations there under;
- (y) “**Issuer of Licences**” means the Issuer of Licences of the Planning and Development Department, Building & Licensing Division, of the City of Hamilton or his or her designates;
- (z) “**lease**” means any contract, agreement, understanding or other arrangement whereby an owner permits another person to manage, operate, control, have custody of, or otherwise employ his or her taxicab and owner’s plate, other than permitting a driver to drive the taxicab for one normal driver’s shift where the taxicab is returned to the owner at the end of such shift; and “to lease a taxicab” includes the act of any owner in entering into or becoming a party to such a contract, agreement,



understanding or other arrangement. Without limiting the generality of the foregoing, “lease” also includes a power of attorney, management contract and any other arrangement or agreement whereby any person other than an owner is allowed to exercise or does exercise any of the rights set out herein;

- (A) “**lease agreement**” means a written agreement wherein a limited interest in a licence is temporarily transferred by a taxicab owner, and containing terms and conditions prescribed in section 49 and any other terms and conditions not contrary to this Schedule;
- (B) “**lessee**” means a person who is either a licensed taxicab owner or taxicab driver under this Schedule and who has entered into a lease with a licensed taxicab owner through which the person acquires certain rights from the owner and under takes to fulfill certain responsibilities with respect to the use of the taxicab owner’s licence, licence plate and vehicle and shall have all the obligations and duties of a taxicab owner in this Schedule;
- (C) “**lessor**” means a taxicab owner licensed under this Schedule and who has entered into a lease with a licensed taxicab owner or taxicab driver through which the owner gives certain rights but maintains the responsibility to ensure that the lessee carries on or engages in the conveyance of passengers while in compliance with the provisions of this Schedule;
- (D) “**licence**” means the document issued, pursuant to this Schedule, to an applicant for same by the City as evidence of being licensed under this Schedule;
- (E) “**licensee**” means any person licensed under this Schedule;
- (F) “**licensed**” means licensed under this Schedule;
- (G) “**motor vehicle**” means an automobile and any other vehicle propelled or driven other than by muscular power, but does not include the cars of

electric or steam railways, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act R.S.O. 1990 c.H. 8;

- (H) “**Municipal Act, 2001**” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended, and any regulations there under;
- (I) “**new taxicab owner’s licences**” means taxicab owner’s licences issued after the original date of enactment of this Schedule, May 28, 2003, save and except renewals or approved transfers of taxicab owner’s licences existing at the date of the enactment of this Schedule;
- (J) “**Officer**” means a Provincial Offences Officer, a Municipal Law Enforcement Officer appointed by the Council and a Police Officer;
- (K) “**order**” means a request for the conveyance of passengers by a taxicab received by a taxicab broker;
- (L)
  - (i) “**owner**” means owner of a taxicab plate; and
  - (ii) “**owner’s plate**” means a metal vehicle licence plate bearing a number specific to a vehicle issued to a taxicab owner under this Schedule;
- (M) “**passenger**” means any person in a taxicab other than the driver;
- (N) “**party**” means any person who has an interest in any premise or vehicle licensed under this Schedule and includes the City;
- (O) “**person**” includes an individual, partnership, corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- (P) “**Priority List**” means the list of applicants for a taxicab owner’s licence

maintained by the Issuer of Licences with names set out thereon in chronological order as to the date and time of receipt of application as set out in Appendix “3” to this Schedule ;

- (Q) “**public place**” means places to which the public is invited and include parking lots, plazas, municipal properties and road allowances;
- (R) “**registered owner**” means the person shown to be the owner of a motor vehicle according to the records maintained by the Registrar of Vehicles for the Province of Ontario;
- (S) “**revoke**” means to withdraw or rescind;
- (T) “**Schedule**” means Schedule 25 to By-Law 07-170;
- (U) “**spare vehicle**” means a vehicle that has been authorized by the Issuer of Licenses to be used as a taxicab in substitution for a vehicle for which an owner’s licence has been issued, pursuant to the provisions of this Schedule;
- (V) “**sub-lease**” means an agreement between a lessee and a person under which the lessee provides certain rights that he or she has acquired from a licensed owner and where the person undertakes to fulfil certain responsibilities to the lessee;
- (W) “**Tariff card**” means the card issued by the Issuer of Licences setting out the tariff/fares set out in Appendix “1” and shall at all time be and remain the property of the City;
- (X) “**taxicab**” has the following meanings:
  - (i) for the purposes of Sections 2 and 11, a motor vehicle as defined in the Highway Traffic Act, used for the conveyance of passengers for hire, compensation or reward
  - (ii) a motor vehicle as defined in the Highway Traffic Act, used for

the conveyance of passengers for hire, compensation or reward for one specific trip exclusively of one person or group of persons, that is approved for use by the Issuer of Licences and equipped with a taximeter and four (4) accessible doors and has a seating capacity of not less than four (4) persons, including the driver, and not more than ten (10) persons, including the driver, and may include a van type vehicle having not less than three doors;

- (iii) a vehicle with the following characteristics: providing transportation on demand, where the location of boarding of the passenger and the destination is unknown in advance of the request of the passenger, where the passenger chooses the destination, where there are no set routes, schedules or stops for boarding, and where any repeat or regular trips by a passenger or passengers are made based on the passengers need or needs for transportation without a relation to the special features of the vehicle;

(Y) “**taxicab broker**” means any person who carries on the business of accepting calls, orders and/or dispatching taxicabs that are used for hire;

(Z) “**taxicab driver**” means a person who is licensed as such or required to be licensed as such under this Schedule and includes a taxicab owner who drives a taxicab;

(AA) “**taxicab owner**” means a person who is licensed as such or required to be licensed as such under this Schedule and includes a lessee, licensed under this Schedule, of a taxicab owner’s vehicle;

(BB) “**taximeter**” means a measuring device used in a taxicab to calculate the fare payable for a meter trip;

(CC) “**taxicab stand**” means a stand or place on a highway or area of land set aside or assigned by the City for the purpose of providing a site for use by a taxicab or taxicabs while it is waiting for, picking up, or otherwise carrying on or engaged in the conveyance of passengers

and that is marked by authorized signs;

(DD) “**trip**” means the distance and time traveling or the distance and time to be traveling measured from the time and point at which the passenger first enters the taxicab or when the meter is first engaged to the time and point at which the passenger finally leaves the taxicab or the meter is disengaged;

(EE) “**trip sheet**” means the written record of the details of each trip of a taxicab as prescribed in this Schedule; and

(FF) “**vehicle**” means a motor vehicle.

(2) In this Schedule unless the context otherwise requires words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

### **SCOPE and APPLICATION OF SCHEDULE**

2.(1) The licensing and fare provisions of this Schedule shall apply to the owners and drivers of taxicabs while waiting for or carrying on or being engaged in the conveyance of passengers originating from any point within the City and to taxicab brokers if any part of the business is carried on within the City even where the business premises of the brokerage business is located outside the City.

(2) This Schedule shall apply to brokers, owners and drivers of taxicab vehicles kept or used for hire in the City of Hamilton. The tariff/fare rates contained in Appendix “1” attached hereto and forming part of this Schedule shall apply respectively for use of taxicabs wholly within the City or to any point not more than 5 kilometres beyond its limits.

- (3) This Schedule shall apply to any person who is operating a “taxicab” or an “accessible taxicab” of any type defined in this Schedule when engaged in the provision of a motor vehicle for hire that is licensed and regulated by the provisions of this Schedule.

### **EXEMPTIONS**

3. The licensing and fare provisions of this Schedule shall not apply to the owners and drivers of taxicabs while:
- (a) engaged in the conveyance of goods or passengers from any point within the City to any point beyond the boundaries of the City where the conveyance is made to an airport owned and operated by the Crown in Right of Canada by a taxicab bearing a valid and subsisting plate issued in respect of the airport under the Government Airport Concession Operations Regulations under the Department of Transport Act (Canada); and
  - (b) engaged in the conveyance of a disabled person, pursuant to a written contract provided the provisions of Section 50 of this Schedule are complied with, from any point within the City to any point outside the City.
4. No person shall be required to be licensed under the provisions of this Schedule for the operation of an ambulance or a funeral hearse.
5. The operation of a motor vehicle that has seating for 10 or more persons excluding the driver, does not require a licence under this Schedule.
6. A motor vehicle operated by or on behalf of the City of Hamilton as part of a public transportation service, including a public transportation service for the transportation of senior citizens or disabled persons, and in particular including a vehicle owner or operated by the Hamilton Street Railway Company or a motor vehicle owner or operated by the Disabled and Regional Transit System (hereinafter called “DARTS”), or being a subcontractor to DARTS, is exempt from the requirement for an owners or drivers licence

under Schedules 8 and 25 of By-Law 07-170, as amended.

7. The transportation of students for hire, to and from school within the City of Hamilton where the vehicle used is a school bus that is licensed under the Public Vehicles Act, R.S.O. 1990, c.54 does not require a licence under Schedules 8 or 25 of By-Law 07-170, as amended. In this Schedule, the words “school” and “school bus” shall have the meanings provided in subsection 175(1) of the Highway Traffic Act.
8. A motor vehicle licensed under the Public Vehicles Act, being used for the transportation of children, deemed to be of special need by the school board or other authority in charge of the school hiring the transportation, does not require a licence under Schedules 8 and 25 of By-Law 07-170, as amended. In this Schedule, a reference to “special need” shall be deemed a reference to needs as provided for in writing in the Transportation Policy of the Board of Education for the City of Hamilton, and The Hamilton-Wentworth Roman Catholic Separate School Board Transportation Policy and Regulations of such school board or other authority in charge of the school, as may be amended or added to from time to time, or as a board or other authority may accommodate under section 190 of the Education Act, R.S.O. 1990, c.E.2.
9. A motor vehicle providing transportation under contract exclusively for children, and operating in a manner distinct from taxicab is exempt from the requirement for an owner’s or driver’s licence under Schedules 8 and 25 of By-Law 07-170, as amended;

For the purposes of the foregoing, the following meanings shall apply:

- (a.) “**contract**” means a written agreement to provide regular transportation services, for the taking of passengers to and from a specific location or to accommodate a need in common to the passengers in addition to transportation, with a term of at least one month, with fees for service fixed in the agreement and not by the metering of time or mileage of actual trips, and includes an agreement with a facility as opposed to the passengers; and

- (b.) **“manner distinct from taxicab”** means lacking one or more characteristics of a taxicab.

### **SHORT TITLE**

10. This Schedule shall be known as “A By-Law to Regulate Taxicabs and Taxicab Drivers, Owners and Brokers”.

### **GENERAL PROHIBITIONS**

- 11.(1) No person shall act as or hold oneself out to be a driver of a taxicab or to otherwise carry on or engage in the conveyance of passengers for hire or compensation within the City unless licensed as a driver under this Schedule.
- (2) No person shall act as or hold oneself out to be the owner of a taxicab or otherwise carry on or engage in the conveyance of passengers for hire or compensation within the City unless licensed as an owner under this Schedule.
- (3) No person shall act as or hold oneself out to be a broker of a taxicab or otherwise carry on or engage in the business of accepting orders and dispatching taxicabs for the conveyance of passengers within the City unless licensed as a taxicab broker under this Schedule.
- (4) No person shall use or operate a motor vehicle to convey persons for hire or compensation or otherwise carry on or engage in the conveyance of passengers within the City except under the authority of a taxicab driver or taxicab owner’s licence.
- (5) No person shall represent or cause to be represented that he or she is licensed as a driver, owner or broker of a taxicab if he or she is not licensed under this Schedule.
- (6) No person, other than a driver of a taxicab licensed under this Schedule, shall park a vehicle at any stand marked as a taxicab stand by authorized signs.



- (7) No person licensed under this Schedule, when requested to do so by an Officer, shall fail to produce or deliver his or her licence and/or any other relevant documents or things required by this Schedule.
- (8) No person shall obstruct an Officer while engaged in duties under this Schedule.
- (9) No person shall operate a taxicab or act as a driver, owner or broker of a taxicab while such person's licence is under suspension.
- (10) No person licensed as an owner or a broker of a taxicab pursuant to this Schedule shall acquiesce in or permit a driver, whose licence is under suspension, to drive a taxicab under the power or control of such owner or broker.
- (11) No owner, operator or driver shall permit or allow any person to smoke in a taxicab.

**GENERAL DUTIES – TAXICAB DRIVERS/OWNERS/BROKERS**

- 12.(1) There shall be taken out by every driver, owner and broker of a taxicab, a licence from the City authorizing such person to carry on or to engage in the conveyance of passengers for hire or compensation in the City.
- (2) Where a person is required to obtain a licence under subsection (1),
  - (a) a separate licence certificate shall be issued for each licence applied for, and
  - (b) a separate licence certificate shall be issued for each taxicab.
- (3) Every licence certificate issued to a taxicab owner or a taxicab broker shall clearly identify the one vehicle in respect of which the licence was issued to

- such taxicab owner or taxicab broker.
- (4) Every driver, owner and broker of a taxicab shall report to the Issuer of Licences and/or an Officer, as required, pursuant to the provisions of this Schedule.
  - (5) Every driver, owner and broker of a taxicab shall provide to the Issuer of Licences and any Officer enforcing this Schedule, upon request and/or when required pursuant to this Schedule, all records and documents required to be prepared, retained and/or produced pursuant to this Schedule.
  - (6) Every driver, owner and broker of a taxicab shall provide to the Issuer of Licences and any Officer enforcing this Schedule, upon request and/or when required pursuant to this Schedule, an address within the City of Hamilton for service for any documents or notices to be provided pursuant to this Schedule or by Law.
  - (7) For the provision of this Section owner shall include the lessee.

### **GENERAL DUTIES – ISSUER OF LICENCES**

13. The Issuer of Licences shall be responsible:
  - (a) to receive and process all applications for licences and for the renewal of licences to be issued under this Schedule;
  - (b) to recommend the issuance and renewal of licences for applicants who meet the requirements of this Schedule;
  - (c) to enforce the provisions of this Schedule;
  - (d) to generally perform all of the administration functions required by this Schedule;
  - (e) upon receipt of an application for a licence or renewal thereof or a leasing agreement proposal made pursuant to this Schedule, make or cause to

be made all investigations required by law, this Schedule or by the Committee relative to such application;

- (f) be responsible for the issuance, suspension and revocation of all licences pertaining to this Schedule;
- (g) when required, provide to applicants for licences under this Schedule the appropriate examination paper to be completed;
- (h) maintain a record of all licences issued including the name and address of each licensee and the number of taxicabs owned by each licensee;
- (i) maintain a record of each vehicle licensed hereunder including the make, model, year, serial number, the Provincial licence plate number, the taxicab owner plate number, and the date of the issuance of each licence;
- (j) issue a licence plate to each licensed taxicab owner;
- (k) issue a Tariff card to each licensed taxicab driver; and
- (l) issue a photo identification card to each licensed taxicab driver.

#### **LICENSING PREREQUISITES – TAXICAB DRIVERS**

14. No person shall be licensed or have a licence renewed as a taxicab driver:
- (a) unless such person attends in person and not by agent or representative at the Issuer of Licences offices of the City and completes a written application for such a licence or a renewal thereof;
  - (b) unless such person pays all required fees, pursuant to this Schedule, the Fees Schedule and/or By-Law 07-170, to the Issuer of Licences;
  - (c) unless such person pays all outstanding fines and/or penalties imposed in accordance with the Municipal Act, 2001 and/or the Provincial Offences

Act to the Issuer of Licences for contravention(s) of this Schedule and/or By-Law 07-170;

- (d) unless such person completes all application forms required under this Schedule, or as required by the Issuer of Licences from time to time, and files same with the Issuer of Licences;
- (e) unless such person fully completes an application for a taxicab driver's licence in a form prescribed by and available from the Issuer of Licences;
- (f) unless such person provides proof to the Issuer of Licences that:
  - (i) he or she is at least eighteen (18) years of age and a citizen of Canada, a landed immigrant, or produces a valid work permit to work as a taxicab driver, issued by the Government of Canada.
  - (ii) he or she holds in his or her name a current, valid, full Class "G" Provincial motor vehicle driver's licence issued by the Province of Ontario under the provisions of the Highway Traffic Act; which is in good standing according to the laws of the Province of Ontario and Canada and the records of the Ministry of Transportation.
  - (iii) he or she is able to speak, read and write the English language; and
  - (iv) they have completed the approved service and skills training program(s) required by the Issuer of Licences under this Schedule;
- (g) unless such person provides a letter of intent to employ from a licensed taxicab owner, lessee or taxicab broker for whom he or she will be driving;
- (h) unless such person provides a Police Security Clearance Record Check and a Ministry of Transportation driver's abstract, dated no later than thirty-six (36) days prior to the application for a licence or renewal thereof, to the Issuer of Licences;

- (i) unless such person meets the requirements of sections 11, 62, 63, 68 and 69 of this Schedule relating to driver duties; and
- (j) where an investigation conducted under subsection 13(e) of this Schedule reveals that an applicant is not entitled to be licensed under section 35 of this Schedule.

### **SERVICE AND SKILLS TRAINING PROGRAM**

15. No person shall be licensed as a taxicab driver:

- (a) unless the applicant for a licence, before a licence is issued, undertakes and successfully completes a service and skills training program, as prescribed by the Issuer of Licences, including an in-car component, as well as in-class tests and sessions encompassing geography, customer service, tourism, hospitality, defensive driving, communication skills, cab maintenance, Schedule 25 provisions and monetary transactions. Without limiting the foregoing, the applicant for a licence, before a licence is issued, shall demonstrate a satisfactory knowledge of,
  - (i) the operation of a taxicab and of this Schedule and By-Law 07-170, as it relates to taxicabs;
  - (ii) the laws and regulations pertaining to traffic and motor vehicles;
  - (iii) the relationship between taxicab drivers and limousines drivers in respect of passengers including duties, behaviours, appearance, decorum;
  - (iv) the use of the equipment part of taxicabs including two-way radio, taximeter, required emergency equipment and roof lights;
  - (v) the use of trip sheets, making damage reports and record keeping; and

- (vi) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides;
- (b) In the interim, prior to the implementation of the service and skills training program by the City set out in subsection 15(a), the applicant for a licence, before a licence is issued, shall undertake and successfully complete one or more written tests set by the Issuer of Licences pertaining to his or her knowledge of,
- (i) the operation of a taxicab and of this Schedule and By-Law 07-170, as it relates to taxicabs;
  - (ii) the laws and regulations pertaining to traffic and motor vehicles;
  - (iii) the relationship between taxicab drivers and limousines drivers in respect of passengers including duties, behaviours, appearance, decorum;
  - (iv) the use of the equipment part of taxicabs including two-way radio, taximeter, required emergency equipment and roof lights;
  - (v) the use of trip sheets, making damage reports and record keeping; and
  - (vi) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides;
16. Notwithstanding the provisions of subsection 15(a), taxicab drivers licensed at the time of the enactment of this Schedule shall be required to undertake and complete an updating service and skills training program, as prescribed by the Issuer of Licences, within three (3) years from the date of the enactment of this Schedule unless the Issuer of Licences determines, in his or her opinion, that circumstances warrant that a driver should undertake and complete the updating service and skills training program at or within an earlier time period or should undertake and complete the full service and skills training program before renewal of his or her licence;

17. Only those persons successfully completing the required service and skills training program will be issued a taxi driver licence or renewal thereof in the City of Hamilton, and all such drivers shall be required to undergo updating or re-testing as deemed necessary by the Issuer of Licences;
  
- 18.(1) Notwithstanding any other provision of this Schedule, no licence shall be issued to an applicant nor any licence renewed unless such person applying, if required to undertake and complete any testing, updating or re-testing program, including but not limited to those programs stipulated in subsections 15(a) and (b),
  - (a) receives a mark of at least seventy-five percent (75%) on the first attempt in each section of the written tests and other examinations of such program; or
  - (b) receives a mark of at least eighty-five percent (85%) on the second or any subsequent attempt in each of the written tests and other examinations of such program.
  
- (2) Only three (3) attempts to successfully undertake and complete the interim testing program, as set out in subsection 15(b), may be made by an applicant for a licence. This provision shall not limit the right of an applicant to attempt the service and skills training program set out in subsection 15(a).
  
19. The City shall undertake a regulatory role in the provision of the driver service and skills training and testing programs with the administrative role being carried out by educational institutions approved by the Issuer of Licences.

**LICENSING PREREQUISITES – TAXICAB OWNERS**

20. No person shall be licensed as a taxicab owner or have such a licence renewed:

- (a) unless such person attends in person and not by agent or representative at the Issuer of Licences offices of the City and completes a written application for such a licence or a renewal thereof,
  - (i) where the applicant is a partnership, a partner shall attend for the purpose of subsection 20(a);
  - (ii) where the applicant is a corporation the application shall be completed and filed personally by an officer or director of the Corporation having signing authority for the purpose of subsection 20(a);
- (b) unless such person pays all required fees and completes and files all application forms required under this Schedule with the Issuer of Licences;
- (c) unless such person fully completes an application for a taxicab owner's licence in a form prescribed by and available from the Issuer of Licences;
- (d) unless:
  - (i) such person is licensed as a taxicab driver under this Schedule and where the person is a corporation, the person holding shares carrying at least fifty-one percent (51%) of the voting rights attached to all shares of the corporation for the time being issued and outstanding shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule;
  - (ii) if no one person holds at least fifty-one percent (51%) of the voting rights of the corporation, then the minority shareholder, holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule. Where among the minority shareholders there are more than one minority



shareholder holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, the corporation shall designate the minority shareholder among such group who shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule. This provision shall be phased in over five years from the date of enactment of the re-wording.”

- (e) unless such person files with the Issuer of Licences proof that he or she holds a current passenger motor vehicle permit which is in good standing and was issued only in the applicant’s name by the Ontario Ministry of Transportation for the motor vehicle of which he or she is the owner;
- (f) unless such person produces and files with the Issuer of Licences, either an Ontario Ministry of Transportation Vehicle Inspection Report, showing that the vehicle to be licensed has been approved and accepted, within the previous thirty-six (36) days, or a safety standards certificate issued under the Highway Traffic Act R.S.O. 1990, c. H. 8 within thirty-six (36) days of application;
- (g) unless such person produces and files with the Issuer of Licences, a copy of a current and valid Ontario Standard Automobile Insurance policy for the vehicle for which such person is the owner and the policy shall be endorsed to provide that the Issuer of Licences will be given at least thirty (30) days’ notice in writing prior to any cancellation, expiration or change in the coverage amount or terms of the policy and the policy shall have a third party liability limit of no less than \$2,000,000.00 per occurrence, exclusive of interest and costs, indemnifying and protecting the owner and the public, including passengers and goods carried in such vehicles, inclusive of public liability and property damage;
- (h) unless, where the applicant is an individual or a partner of a partnership, such person provides proof that he or she is at least eighteen (18) years of age;

- (i) unless, where the applicant is a corporation, the applicant has submitted to the Issuer of Licences a copy of the incorporating documentation, a copy of the last initial notice/notice of change which has been filed with the appropriate government department and a Certificate of Status issued by the Ministry of Consumer and Business Services;
- (j) unless, where the applicant is a corporation, the applicant has provided details of the corporate ownership in a form acceptable to the Issuer of Licences;
- (k) unless, where the applicant is a partnership, the applicant has provided details of the partners and interests in the partnership of each such partner in a form acceptable to the Issuer of Licences;
- (l) unless such person provides a Police Security Clearance Record check, dated no later than thirty-six (36) days prior to the application for a licence or renewal thereof, to the Issuer of Licences,
  - (i) in the case of a partnership, the Police Security Clearance Record check shall be of each partner; and
  - (ii) in the case of a corporation, the Police Security Clearance Record check shall be of each officer, director and shareholder;
- (m) unless the vehicle registered in the persons name meets the requirements of sections 53 to 58, inclusive, of this Schedule relating to vehicle approval;
- (n) unless such person provides on his or her own or in conjunction with a licensed taxicab broker, a suitable office for the carrying on or engaging in his or her business and keeps the same orderly, clean and neat;
- (o) unless the applicant, and in the case of a Corporation an officer of the Corporation, files with the Issuer of Licences a valid certificate of completion of an approved service and skills training program required pursuant to this Schedule by the Issuer of Licences;

(p) unless the applicant for a taxicab owner's licence has been directly and actively engaged in taxicab industry for a period of at least twelve (12) months preceding the date of application;

(i) For the purposes of subsection 20(p), "directly and actively engaged in the taxicab industry" shall mean active for an average of at least 35 hours per week during at least forty (40) weeks of the previous twelve (12) month period, preceding the date of application for a licence, in the City of Hamilton taxicab industry in the capacity of a licensed taxicab driver, a licensed taxicab owner, a licensed taxicab broker, a taxicab dispatcher, a taxicab telephone service operator or a taxicab business mechanic;

(ii) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfill the requirements of subsections 20(p), the applicant may complete and file with the Issuer of Licences in lieu thereof a sworn Declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario and such other evidence as the Issuer of Licences may require and a sworn declaration that he or she has actually engaged in the taxicab industry on a full time basis in the City as,

- a licensed taxicab driver,
- a licensed taxicab owner,
- a licensed taxicab broker,
- a taxicab dispatcher,
- a taxicab telephone service operator, or
- a taxicab business mechanic,

for a period of not less than one (1) year immediately preceding the onset of the medical disability and during any period that the applicant was able to be so actively engaged during the year preceding the date of application and is, at the date of application, fit to undertake active engagement in the management or day to day operations of his or her taxicab(s) as defined in subsection 20(q)(i).

(q) unless the applicant for the renewal of a taxicab owner's licence has been directly and actively engaged in the management or day to day operations of his or her taxicab for a period of at least twelve (12) months preceding the date of application;

- (i) For the purposes of subsection 20(q), "directly and actively engaged in the management or day to day operations of his or her taxicab(s)" shall mean active for an average of at least 35 hours per week during at least forty (40) weeks of the previous twelve (12) month period, preceding the date of application for a licence or renewal thereof, in the City of Hamilton in the capacity of a licensed taxicab owner;
- (ii) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 20(q), the applicant may complete and file with the Issuer of Licences in lieu thereof a sworn Declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario and such other evidence as the Issuer of Licences may require and a sworn declaration that he or she has actually engaged in operating a taxicab on a full time basis in the City as a licensed taxicab owner for a period of not less than one (1) year immediately preceding the onset of the medical disability and during any period that the applicant was able to be so actively engaged during the year preceding the date of application and is, at the date of application, fit to resume active engagement in the management or day to day operations of his or her taxicab(s).

- (r) Upon enactment of this Schedule, every holder of a taxicab owner's licence shall provide proof that he or she renewed his/her taxicab plate licence in the year 2000.
- (s) unless such person meets the requirements of Sections 11, 64, 65, 68 and 69 of this Schedule relating to owner duties; and
- (t) where an investigation conducted under subsection 13(e) of this Schedule reveals that the applicant is not entitled to be licensed under Section 35 of this Schedule.
- (u) For the provision of this Section, owner shall include the lessee.
- (v) That thirty (30) new taxicab owner plates be issued at three (3) plates per year over the next ten (10) years commencing January 2005; with an evaluation being undertaken by staff in 2007, and bi-annually throughout the ten year phase-in to assess the impact of issuance on the taxicab industry. These plates are non transferable except in accordance with Subsection 29(8) of this Schedule.

#### **LICENSING PREREQUISITES – ACCESSIBLE TAXICAB OWNERS**

- 21. Each applicant for an accessible taxicab owner licence or renewal thereof shall:
  - (a) be a licensed taxicab owner with the City of Hamilton in accordance with the provisions of this Schedule and meet the prerequisites thereof;
  - (b) submit his or her taxicab owner licence to the Issuer of Licences for endorsement to permit the use of the taxicab as an accessible taxicab.

#### **LICENSING PREREQUISITES – TAXICAB BROKERS**

- 22. No person shall be licensed as a taxicab broker or have such a licence

renewed:

- (a) unless such person attends in person and not by agent or representative at the Issuer of Licences offices of the City and completes a written application for such a licence or a renewal thereof and where the applicant is a corporation, the application shall be completed and filed personally by an officer or director of the Corporation having signing authority;
- (b) unless such person pays all required fees and completes and files all application forms required under this Schedule with the Issuer of Licences;
- (c) unless such person fully completes an application for a taxicab broker's licence in a form prescribed by and available from the Issuer of Licences;
- (d) unless, where the applicant is an individual or a partner, such person provides proof that he or she is at least eighteen (18) years of age;
- (e) unless such person provides a Police Security Clearance Record check, dated no later than thirty-six (36) days prior to the application for a licence or renewal thereof, to the Issuer of Licences,
  - (i) in the case of a partnership, the Police Security Clearance Record check shall be of each partner; and
  - (ii) in the case of a corporation, the Police Security Clearance Record check shall be of each officer, director and shareholder;
- (f) unless, where the applicant is a corporation, the applicant has submitted to the Issuer of Licences a copy of the incorporating documentation, a copy of the last initial notice/notice of change which has been filed with the appropriate government department and a Certificate of Status issued by the Ministry of Consumer and Business Services;
- (g) unless, where the applicant is a corporation, the applicant has provided details of the corporate ownership in a form acceptable to the Issuer of Licences;

- (h) unless, where the applicant is a partnership, the applicant has provided details of the partners and interests in the partnership of each such partner in a form acceptable to the Issuer of Licences;
- (i) unless such person provides proof to the Issuer of Licences that the premises from which he or she intends to operate, carry on or engage in the business of a taxicab broker, on his or her own or in conjunction with a licensed taxicab owner, are situated within the limits of the City and will continue to be so situated throughout the term of his or her licence and are suitable for the operation of, carrying on or engaging in the taxicab broker business and that such premises will be kept orderly, clean and neat and comply with applicable zoning;
- (j) unless such person provides proof to the Issuer of Licences that he or she has a satisfactory system for receiving and dispatching calls for the taxicabs operating within his or her fleet, and that such system will not interfere with the operation of the taxicabs of another taxi broker, taxicab owner or fleet;
- (k) where, on application for renewal of a broker's licence, the licensee has not complied with Sections 11, 66, 67, 68 and 69 of this Schedule or where the licensee has not returned the licence issued for the year immediately prior to renewal; and
- (l) where an investigation conducted under subsection 13(e) of this Schedule reveals that the applicant is not entitled to be licensed under section 35 of this Schedule.

### **LICENCE FEES**

- 23. The licence fees to be paid to the City for those licences referred to in this Schedule shall be as outlined in the Fees Schedule (Schedule "31" of By-Law 07-170, as amended from time to time).

**TERMS AND CONDITIONS**

24. Notwithstanding any other provision of this Schedule, the Council, on the recommendation of the Committee, may issue a licence or renew a licence subject to such terms and conditions as are necessary to give effect to the intent and purpose of this Schedule and By-Law if first consented to by the applicant or licensee or if recommended by the Issuer of Licences during a hearing or after a hearing as provided in section 36 of this Schedule.

**LIMITATIONS**

- 25.(1) The following limitations are imposed on the issuance of taxicab owner licences in the City:
- (a) A licence issued under the provisions of this Schedule shall expire one year from the date of issue or on the date specified on the licence, unless renewed or previously suspended or revoked,
  - (b) The issuance of new taxicab owner's licences shall be in accordance with the current ratio of taxicab owners' licences to population of one (1) taxicab owner's licence per 1,170 population.
- (2) Notwithstanding any other provision of this Schedule, no taxicab owner's licence shall be issued, except for renewals or approved transfers, until Council authorizes the issuance of licences for that year.
- (3) Notwithstanding any other provision of this Schedule, Council may authorize the issuance of additional temporary licences for major special events in the City, as determined by Council, expiring upon the termination of the event.
- (4) Every licence and licence plate issued under this Schedule is the property of the City and no person shall enjoy a vested right to a licence issued under this Schedule.

**EXISTING PRIORITY LISTS**

26. Any and all names on the taxicab owner's licence Priority Lists for the former City of Hamilton and the former City of Stoney Creek, existing at the original time of passage and enactment of By-law 03-128, May 28, 2003, shall be transferred to the Priority List of this Schedule and in the same order of



priority as was in existence at such time. The Priority List is set out in Appendix "3" to this Schedule.

### **CLOSURE OF PRIORITY LIST**

27.(1) No names shall be added to the Priority List and the Issuer of Licences shall not receive or process any application for entry to the list, subject to the powers of the Issuer of Licences under this Schedule and the powers of Council.

(2) No transfers or changes of position on the Priority List shall be permitted.

### **STAYING ON PRIORITY LIST**

28.(1) Persons whose names are on the Priority List shall renew their entry on the list on or before September 30 of each year, by paying the prescribed fee and attending before the Issuer of Licences, to confirm his or her entry on the Priority List as accurate by filing with the Issuer of Licences a sworn declaration to that effect or amend the details of such entry.

(2) The Issuer of Licences may receive and process all renewals and fees from persons on Priority List, note any changes, and submit an amended list to the Licensing Committee for approval.

(3) A person who fails to renew their entry on the Priority List, as required by subsection 28(1) herein, on or before September 30 shall attend before the Issuer of Licences to pay the prescribed renewal fee together with a late filing fee in accordance with the Fees Schedule and to confirm his or her entry on the Priority List as accurate by filing with the Issuer of Licences a sworn declaration to that effect or amend the details of such entry, no later than December 31 of that same year, so as to have their entry maintained on the Priority List, failing which the person's name and entry shall be struck from the Priority List.

(4) Where a person fails to meet the requirements of this section for staying on the

Priority List and renewal, the Issuer of Licences shall delete their name from the Priority List.

- (5) Service of any documents on an applicant on the Priority List shall be made to the last recorded address filed by the applicant with the Issuer of Licences.
- (6) Upon a transfer of a licence or a change in ownership of a licence or interest thereof being approved pursuant to section 46 of this Schedule, the names of the transferor and transferee shall be struck off the Priority List.
- (7) The Issuer of Licences shall remove the name of a taxicab owner or a taxicab driver from the Priority List immediately upon his or her death.
- (8) An applicant for a taxicab owner's licence on the Priority List must be directly and actively engaged in the taxicab industry, as defined in paragraph 20(p)(i), at all times to have his or her name remain on the Priority List and to remain on the Priority List:
  - (a) the applicant must annually complete and file with the Issuer of Licences, a sworn Declaration confirming that he or she was directly and actively engaged in the Hamilton taxicab industry in the capacity of a licensed taxicab driver, a licensed taxicab owner, a licensed taxicab broker, a taxicab dispatcher, a taxicab telephone service operator or a taxicab business mechanic, for an average of at least 35 hours per week during at least forty (40) weeks of the previous twelve (12) month period;
  - (b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of paragraph 28(8)(a), the applicant may complete and file with the Issuer of Licences in lieu thereof, a sworn Declaration so stating together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario, and a sworn declaration that he or she has actually engaged in operating a taxicab on a full time basis in the City as,
    - (i) a licensed taxicab driver,

- (ii) a licensed taxicab owner,
- (iii) a licensed taxicab broker,
- (iv) a taxicab dispatcher,
- (v) a taxicab telephone service operator, or
- (vi) a taxicab business mechanic,

for a period of not less than two (2) consecutive years immediately preceding the onset of the medical disability.

- (c) Where an applicant elects to file a sworn declaration under paragraph 28(8)(b), on or before the date of consideration of the application by the Licensing Committee, the applicant shall provide evidence, to the satisfaction of the Licensing Committee, of the medical disability from not less than two duly licensed medical practitioners of the applicant's choice and, if required by the Licensing Committee, shall submit to a medical examination by a medical practitioner selected by the Licensing Committee and the City of Hamilton Human Resources Department.
- (d) Nothing in this subsection 28(8) shall operate to relieve an applicant from any other applicable conditions or requirements of this Schedule.
- (e) Where an applicant fails to meet the requirements of paragraphs 28(8)(b) and (c) or the requirements of paragraph 28(8)(a), as the case may be, his or her name shall be deleted from the Priority List and no licence shall be issued to that applicant.

### **ISSUANCE OF OWNER'S LICENCES FROM PRIORITY LIST**

29.(1) When Council gives approval for the issuance of new taxicab owner licences, the Issuer of Licences shall advise the Licensing Committee of the numbers of licences to be issued.

- (2) The Issuer of Licences may then send a notice to the person whose name appears first on the Priority List in number felt sufficient to complete the issuance of available taxicab owner's licences, and arrange for hearings before the Licensing Committee to be held on applications. In the event that more than one applicant appears first on the Priority List due to being entered on the Priority List on the same date, subject to any restrictions imposed by the Licensing Committee or Council, the Issuer of Licences shall forward a notice to all such applicants of their eligibility to apply for an owner's licence.
- (3) If an applicant fails to provide the Issuer of Licences with a current and valid mailing address on the original application or any amendments thereto, the Issuer of Licences shall not be required to make any additional effort to locate the applicant or a forwarding address for the applicant. The applicant shall be deemed notified three (3) days after the notice is mailed to the applicant in accordance with this section.
- (4) A person who is entered on the Priority List, after being notified or deemed notified by the Issuer of Licences under subsections 29(2) and (3), shall file a completed application with the Issuer of Licences within fourteen (14) days of the date of the said notice and prior to consideration of the application by the Licensing Committee, together with the following:
  - (a) a sworn declaration, in a form prescribed by and available from the Issuer of Licences, that he or she has actively engaged in operating a taxicab full-time in the City as,
    - (i) a taxicab owner,
    - (ii) a licensed taxicab driver,
    - (iii) a taxicab dispatcher,
    - (iv) a taxicab business mechanic, or
    - (v) a taxicab telephone service operator,

for a period of not less than two (2) full and consecutive years immediately preceding the date of consideration of the application by the Licensing Committee; and

(b) either,

(i) a certified true copy by the Canada Customs and Revenue Agency (“Revenue Canada”) of income tax returns for two consecutive years immediately preceding the date of consideration of the application by the Licensing Committee; and/or

(i) any one of, or any combination of the following in respect of the two consecutive years immediately preceding the date of consideration of the application by the Licensing Committee:

- a certified copy of record of employment,
- statements of insurable earnings as issued by the Unemployment Insurance Commission,
- statements of contributions to the Canada Pension Plan as issued by Revenue Canada,
- monthly charge statements as issued by a taxicab broker operating in the City of Hamilton.
- original trip records, or
- such other or equivalent documentation as the Licensing Committee may accept.

(c) In the case of a taxicab driver, for all purposes of paragraphs 29(4)(a) and (b), “one full year” shall mean not less than 1400 hours in a full year;

- (d) in the case of a taxicab dispatcher or telephone service operator, for the purpose of paragraphs 29(4)(a) and (b), “one full year” shall mean not less than 1400 hours in a full year;

If the applicant fails to file with the Issuer of Licences the required documentation in the stipulated time, the individual’s application shall be voided and no licence issued, and the individual shall be struck from the Priority List.

- (5) Upon issuance or denial of a taxi owner’s licence to an individual under this Schedule, the Issuer of Licences shall delete the individual’s name from the Priority List.
- (6) The Issuer of Licences shall notify an individual that a taxi owner’s licence may be issued, and the individual shall within fourteen (14) days of the date of giving notice submit proof of compliance with Sections 12 and 14 of this Schedule failing which the individual’s application shall be voided and no licence issued, and the individual shall be struck from the Priority List.
- (7) Upon approval of the applicant by the Licensing Committee, the Issuer of Licences shall issue forthwith the licence to that person whose name appears first on the Priority List, provided the person complies with and meets the criteria and obligations for being licensed under this Schedule.
- (8) No taxicab owner issued a new licence after the enactment of this Schedule shall lease or give up possession, custody or control of his or her licensed taxicab for a period of five (5) years from the date of issuance of his or her licence from the Priority List except to drivers engaged by the taxicab owner on an individual shift basis in accordance with this Schedule and except in the case of a vehicle replacement in accordance with this Schedule.
- (9) No person on the Priority List at the enactment of this Schedule who is issued a new owner’s licence shall sell, transfer or give up any control or interest of or in the said owner’s licence for a period of five (5) years from the date of

issuance of such licence.

- (10) Subsections 29(8) and 29(9) do not apply to a taxicab owner issued a new licence from the Priority List who is sixty-five (65) years old or older and he or she shall be subject to all other applicable provisions of this Schedule and By-law.
- (11) Subsections 29(8) and 29(9) do not apply to a taxicab owner issued a new licence from the Priority List who dies during the five (5) year period after his or her licence is issued and the estate of a taxicab owner shall be subject to all the other applicable provisions of this Schedule and By-law.
- (12) When a taxicab owner's licence is issued to the applicant whose name is on the Priority List, the name of that applicant shall be removed from the Priority List by the Issuer of Licences and all other applicants on the Priority List shall be moved forward one position.

#### **EFFECTIVE ISSUE FROM PRIORITY LIST**

- 30.(1) When an owner's licence and plate is issued from the Priority List, the applicant who has been approved for the issuance of a licence shall, within thirty (30) days of the date of being notified by the Issuer of Licences of the available taxicab owner's licence, affix the licence plate to a vehicle registered in his or her name that shall be continuously operated as a taxicab and put his or her taxicab into operation in accordance with this Schedule.
- (2) In the event that the applicant fails to meet the thirty (30) day period set out in subsection 30(1), his or her application for the licence shall be voided and he or she shall be ineligible for the licence and the next person on the Priority List shall become eligible for the licence.

#### **NO VESTED INTEREST OR BINDING EFFECT**

- 31.(1) The Priority List shall not oblige the City to issue a licence to anyone on the

list, regardless of being at the top or the earliest entry, nor give any such person a vested interest in a taxi owner licence and its use shall be solely for establishing the order of priority of persons seeking a taxi owner's licence.

- (2) Notwithstanding the provisions of sections 26, 27, 28, 29 and 30, Council may, delete names of individuals from the Priority List.

### **TIME FOR RENEWAL**

- 32.(1) Every licensee shall apply for renewal of a driver's, owner's or taxicab broker's licence before the expiry date of the licence. Where an application for renewal of a driver's, owner's or taxicab broker's licence is not delivered to the Offices of the Issuer of Licences in the manner prescribed by this Schedule prior to the expiry date of the licence, the licence shall be deemed to have been abandoned. Any licensee who makes application for renewal of a licence after one month after the expiry date of the licence shall do so as a new applicant.
- (2) The Issuer of Licences may forward a renewal notice to all licensees, to the last address filed by the licence holder with the Issuer of Licences. The Issuer of Licences shall not be required to make any additional effort to locate a forwarding address for the licensee.
- (3) The failure to receive a notification of renewal shall not relieve a licensee from the responsibility to renew a licence issued under this Schedule within the time frame and in the manner as prescribed in subsection 32(1) of this section.

### **ISSUE AND RENEWAL OF LICENCE**

33. Where an application for a licence is made or where an application for a licence renewal is made in accordance with the provisions of this Schedule and where the applicant or licensee meets all the prerequisites as provided for in sections 14, 20, 21 or 22 of this Schedule, as applicable, and By-Law 07-170 and, in the



case of a licence renewal, has complied with all of the duties, obligations and responsibilities of a licensee contained in this Schedule and By-Law 07-170, unless previously suspended or revoked, upon payment of the prescribed fee, the Issuer of Licences may issue or renew a licence on an annual basis which shall set out the expiry date and, in the case of a taxicab owner's licence, shall also issue an owner's plate and the applicant shall thereby be licensed. A person who is the owner of a fleet shall take out a separate licence for each vehicle owned by such owner which is to be used as a taxicab in the City.

### **SUSPENSION AND REVOCATION**

- 34.(1) In addition to any other penalty which may be imposed pursuant to this Schedule, the Issuer of Licences:
- (a) may suspend a licence for failure to comply with any of the provisions of this Schedule;
  - (b) may suspend a licence where it is, on reasonable grounds, in the public interest to do so, including but not limited to public health and safety reasons;
  - (c) shall suspend a taxicab owner's licence upon failure to maintain on file proof of insurance in accordance with section 64(d) of this Schedule; and
  - (d) shall suspend a taxicab driver's licence upon failure to comply with sections 11, 62, 63, 68 and 69;
  - (e) shall suspend a taxicab owner's licence upon failure to comply with sections 11, 64, 65, 68 and 69;
  - (f) shall suspend a taxicab broker's licence upon failure to comply with sections 11, 66, 67, 68 and 69;
- (2) A suspension shall be and remain in force until such time as the licensee has satisfied the Issuer of Licences as to his or her compliance with the Schedule

and, where applicable, the licensee has satisfied the Issuer of Licences that the public interest no longer requires the suspension of such licence.

- (3) Upon notification of suspension of his or her licence, the licensee shall surrender such licence to the Issuer of Licences.
- (4) Any licence which has been under suspension for a period in excess of 120 days shall be revoked by the Issuer of Licences.
- (5) The decision of the Issuer of Licences may be appealed to the Licensing Committee in accordance with section 36.

**GROUND FOR REFUSAL TO ISSUE, REFUSAL TO RENEW OR TO REVOKE A LICENCE**

35.(1) An applicant is entitled to be licensed and a licensee is entitled to have his or her licence renewed except where:

- (a) having regard to his or her financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business which is to be licensed or is licensed;
- (b) the past conduct of the applicant or licensee or lessee affords reasonable grounds for the belief that the applicant or licensee or lessee will not carry on the activity for which a licence had been or may be issued or renewed in accordance with this Schedule and the law and with professionalism, integrity and honesty;
- (c) the issuance, renewal or continuance of the licence would be contrary to the public interest;
- (d) the applicant fails to comply with section 14, 20, 21 or 22 of this Schedule, as applicable;

- (e) the licensee is a driver and a proven customer complaint has been received relating to the driver's knowledge of the geography of the City and the Issuer of Licences requires the licensee to attempt and successfully complete a written test prior to having his or her licence renewed and the licensee does not obtain a mark of at least seventy-five percent (75%);
- (f) the applicant or licensee is, has been during the term of the licence or will be, by act or omission, in contravention of this Schedule or By-Law 07-170 or has failed to comply with his or her duties, obligations and responsibilities contained in this Schedule or By-Law 07-170;
- (g) the applicant or licensee is a corporation; and
  - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the business for which it is to be licensed;
  - (ii) the past conduct of the officers or directors of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he or she is to be licensed or continue to be licensed in accordance with law; or,
  - (iii) the issuance, renewal or continuance of the licence would be contrary to the public interest;
- (h) the applicant or licensee cannot provide proof of public liability and property damage insurance in the form and amount prescribed by this Schedule; and/or
- (i) the applicant has misrepresented or omitted to a representative of the Issuer of Licences or to the Licensing Committee a material fact in his or her application for the licence being applied for or for a prior licence.

- 36.(1) Where an applicant or licensee is not entitled to be licensed or to have his or her licence renewed for any of the grounds set out in section 35, the Issuer of Licences shall recommend to the Licensing Committee that the Committee suspend the licence or, that Committee issue a licence on terms and conditions or that the Committee recommend to Council that the licence not be issued or renewed or that it be revoked.
- (2) Where the Issuer of Licences suspends, revokes or denies an applicant a licence or renewal thereof, written notice advising the applicant or licensee of such suspension, revocation or denial shall be made by the Issuer of Licences to the applicant.
- (3) Where the Committee receives a recommendation to refuse to issue or refuse to renew a licence or to suspend or revoke a licence, written notice advising the applicant of the recommendation being made by the Issuer of Licences to the Committee with respect to the licence shall be given to the applicant or licensee by the Issuer of Licences.
- (4) The written notice to be given under subsections (2) and (3) shall:
- (a) set out the grounds for the recommendation, suspension, revocation or denial;
  - (b) give reasonable particulars of the grounds for the recommendation, suspension, revocation or denial;
  - (c) be signed by the Issuer of Licences; and
  - (d) inform the applicant that he or she is entitled to a hearing before the Committee if he or she delivers within seven (7) days after the date of service of the written notice, a written request for a hearing before the Committee together with the non-refundable fee set out in the Fees Schedule.

**HEARING FEE & NOTICE**

- 37.(1) On receipt of a written request for a hearing from an applicant together with the non-refundable fee set out in the Fees Schedule, as amended from time to time, the City's Clerk shall convene a meeting of the Committee for a purpose of hearing over the matter and shall give the applicant reasonable written notice thereof.

### **SERVICE OF WRITTEN NOTICE**

- 38.(1) Subject to any specific notice provisions to the contrary contained in this Schedule, any written notice referred to in this Schedule, to be provided by the Issuer of Licences, an Officer, the Licensing Committee, the Council, the City or a Clerk thereof, is sufficiently served if delivered personally or sent by regular mail addressed to the person to whom service is required to be made according to the Issuer of Licences records at the last address filed by such person with the Issuer of Licences.

- (2) When service is made by regular mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he or she did not, acting in good faith, through accident, illness or other cause beyond his or her control, receive the written notice until a later date.

### **THE COMMITTEE HEARING**

- 39.(1) An applicant is entitled to a hearing before the Committee where the Issuer of Licences has suspended, revoked or denied his or her licence or a renewal thereof or the Issuer has submitted to the Committee a recommendation to that effect, if the applicant delivers within seven (7) days after the date of service of the written notice set out in subsection 36(4), a written request for a hearing before the Committee together with the non-refundable fee set out in the Fees Schedule.

- (2) When the applicant who has been given written notice of the hearing pursuant

to sections 37 and 38 does not attend at the appointed time and place, the Committee may proceed with the hearing in his or her absence and the applicant shall not be entitled to any further notice of the proceedings.

- (3) Where an applicant elects to file a sworn declaration under paragraphs 20(p)(ii) and 20(q)(ii) on or before the date of consideration of the application by the Licensing Committee, the applicant shall provide evidence, to the satisfaction of the Licensing Committee, of the medical disability from not less than two duly licensed medical practitioners of the applicant's choice and, if required by the Licensing Committee, shall submit to a medical examination by a medical practitioner selected by the Licensing Committee and the City of Hamilton Human Resources Department.
- (4) At the conclusion of a hearing, the Committee may:
  - (a) confirm, modify, quash or otherwise vary any action taken or recommendation made by the Issuer of Licences;
  - (b) refuse to issue or refuse to renew or revoke any licence; and
  - (c) issue a licence and attach any condition as deemed necessary.
- (5) At the conclusion of a hearing, the Committee shall, as soon as practicable, submit a written report on the hearing to Council and the report shall:
  - (a) summarize the evidence and the arguments presented by the parties to the hearing;
  - (b) set out the findings of fact and record any actions taken or decisions made by the Committee; and
  - (c) set out all the actions or recommendations taken or made by the Committee and the reasons for such actions or recommendations.

#### **COUNCIL AFTER THE HEARING**

- 40.(1) The Issuer of Licences shall submit to the Council, as soon as practicable after the conclusion of a Committee hearing, the Committee's hearing report and the Council may:
- (a) confirm, modify, quash or otherwise vary any action taken or recommendation made by the Committee;
  - (b) refuse to issue or refuse to renew or revoke any licence;
  - (c) issue a licence and attach any condition as deemed necessary; and
  - (d) do any act or make any decision that it might have done had it conducted the hearing itself and upon reaching a decision the applicant or licensee shall not be entitled to a further hearing on the matter before Council.

**COMMITTEE'S POWER TO RECOMMEND TO COUNCIL LICENCE REVOCATION OR REFUSAL**

- 41.(1) The Committee may recommend that Council refuse to issue, refuse to renew or revoke a licence where:
- (a) the applicant or licensee has failed to comply with the prerequisites contained within sections 14, 20, 21 or 22 of this Schedule, as applicable, or any of the duties, responsibilities, obligations or prohibitions of an applicant or licensee contained in this Schedule or By-Law 07-170 or would be disentitled to a licence for any of the reasons set out under section 35 of this Schedule.
  - (b) the applicant or licensee is a taxicab owner and has failed to continuously operate the vehicle for which a taxicab owner's plate has been issued unless the taxicab owner can show to the satisfaction of the Committee just cause for such failure.
  - (c) the licensee is a taxicab broker and has failed to carry on or engage in the

taxicab brokerage business unless the taxicab broker can show cause to the satisfaction of the Committee just cause for such failure.

- (d) the licensee has failed to comply with any term or condition attached to the licence issued or renewed under this Schedule.

### **COMMITTEE'S POWER TO SUSPEND A LICENSE**

42.(1) Committee may suspend a licence where:

- (a) the licensee would be disentitled to a licence for any of the reasons set out under section 35 of this Schedule;
- (b) the licensee has failed to comply with any of the duties, responsibilities, obligations or prohibitions of contained in this Schedule or By-Law 07-170;
- (c) the licensee is an owner and has failed to continuously operate the vehicle for which the taxicab owner's plate has been issued unless the owner can show to the satisfaction of the Committee just cause for the failure;
- (d) the licensee is a taxicab broker and has failed to carry on or engage in the taxicab brokerage business unless the taxicab broker can show to the satisfaction of the Committee just cause for such failure; or
- (e) the licensee has failed to comply with any term or condition attached to the licence issued or renewed under this Schedule.

### **FEES NON-REFUNDABLE**

43. Unless otherwise provided in this Schedule, any fee required to be paid pursuant to the Fees Schedule shall not be refunded.



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

- 44.(1) When a licence has been revoked or suspended, the holder of the licence shall return the licence and, if applicable, owner's plate to the Issuer of Licences within twenty-four (24) hours of service of written notice of the decision of Committee or Council and the Issuer of Licences or Officer may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking or removing the said licence and owner's plate.
- (2) When a person has had his or her licence revoked or suspended under this Schedule, he or she shall not refuse to deliver up or in any way obstruct or prevent the Issuer of Licences or Officer from obtaining the licence and the owner's plate in accordance with subsection (1) of this section.

**DESTRUCTION or LOSS OF OWNER'S PLATE or PRESCRIBED CARDS**

45. When an owner's plate, the Tariff card, the Taxicab Passengers' Bill of Rights card, the Taxicab Driver's Bill of Rights card, the driver's photo identification or the licence is defaced, destroyed or lost, the licensee shall, within seventy-two (72) hours, apply to the Issuer of Licences for a replacement and shall pay the appropriate fee for same, and the Issuer of Licences may issue a replacement.

**TRANSFER OF LICENCE HOLDER**

- 46.(1) For the purposes of this section, "transfer" shall include any transfer, sale or other form of disposition of an interest in a taxicab owner's licence including but not limited to the transfer of a partnership interest in a partnership or the controlling interest of a corporation, which holds a taxicab owner's licence, or an interest of a sole owner of a taxicab owner's licence.
- (2) The licence issued to a taxicab driver or taxicab broker under this Schedule is not transferable.

- (3) The licence issued to a taxicab owner under this Schedule is not transferable except as otherwise provided for in this Schedule and only upon the approval of the Issuer of Licences.
- (4) The name of the holder of a taxicab owner's licence shall not be changed or transferred unless and until:
  - (a) the applicant for a transfer of a taxicab owner's licence or name change has filed with the Issuer of Licences:
    - (i) a complete application for transfer of the holder of a taxicab owner's licence or name change in a form prescribed by and available from the Issuer of Licences;
    - (ii) proof that the proposed new holder of the taxicab owner's licence has complied with the prerequisites of this Schedule for obtaining a taxicab owner's licence;
    - (iii) a duly executed copy of a written agreement between the holder of the owner licence and the proposed new holder of the taxicab owner's licence containing all details of their dealings concerning the taxicab owner's licence and, where applicable, the taxicab vehicle, equipment and taximeter, and any other thing included in the agreement pursuant to which the current holder of the taxicab owner's licence agrees to have the proposed new holder of the taxicab owner's licence replace him or her as the holder of such licence; and
    - (iv) two (2) sworn affidavits, one made by the current holder of the taxicab owner's licence and the other made by the proposed new holder of the taxicab owner's licence setting out the true consideration for the taxicab owner's licence and, where applicable, the taxicab vehicle, equipment and taximeter and shall also include the interest of the current holder and the interest of the proposed new holder in the licence and licence plate, goodwill, if any, and any other thing included in the

agreement and any other details as requested by the Issuer of the Licences.

- (b) the proposed transferor of the taxicab owner's licence or name change pays to the Issuer of Licences the required transfer fee as set out in the Fees Schedule;
- (5) The Issuer of Licences shall give notice to the current holder of the taxicab owner's licence of the approval or refusal of such taxicab owner's application for change or transfer of the holder of such taxicab owner's licence.
- (6) Where an application for change or transfer of the holder of a taxicab owner's licence has been approved by the Issuer of Licences, a replacement taxicab owner's licence will be issued to the proposed new holder of the taxicab owner's licence.
- (7) The purchase of the controlling interest of a corporation which holds a taxicab owner's licence by any person shall be deemed a transfer of the taxicab owner's licence and shall meet all the requirements in this Schedule for the transfer of a taxicab owner's licence.
- (8) Where the transfer of the taxicab owner's licence is not approved by the Issuer of Licences, the current licensed taxicab owner may sell his or her vehicle and its equipment to any person, however, upon such sale, the taxicab owner's licence issued in respect of such vehicle shall be terminated unless the owner replaces such vehicle and all required equipment within thirty (30) days from the effective date of such sale in accordance with sections 59 and 60 of this Schedule.
- (9) Where an application to transfer a licence is not approved by the Issuer of Licences, any administrative fee incurred shall not be refunded, subject to the authority of Council.
- (10) Where a corporation is the holder of a taxicab owner's licence or licences, the corporation shall forthwith notify the Issuer of Licences in writing of any and all transfers of existing shares and of the issue of any and all new shares of the

capital stock of the corporation.

- (11) Where, as a result of the transfer of existing shares or by the issue of new shares of a corporation, the Issuer of Licences has reasonable grounds to believe that the corporation may not be entitled to the continuation of its licence in accordance with this Schedule, the Licensing Committee may determine whether the licence or licences shall be revoked or have conditions placed on it.
- (12) Where, by the transfer of issued shares in, or by the issuance of new shares of, a corporation holding one or more taxicab owner's licences, the controlling interest in such corporation is sold, transferred or acquired, such licence or licences shall be deemed transferred, and the parties thereto shall comply with the requirements in this Schedule in respect to a transfer of the Issuer of Licenses may issue a new licence or new licences upon payment of the prescribed fee.
- (13) The Licensing Committee may, in its discretion, refuse to transfer or issue a new licence or licences to a transferee in a transaction under this section if it determines that it is not in the public interest so to do or for any other reason which it is authorized by law to consider upon such application, subject to the approval of Council.
- (14) Nothing in this section shall obligate the City to approve the transfer of the licence.

#### **DEATH OF LICENCE HOLDER**

- 47.(1) In the event of the death of the holder of a taxicab owner's licence, the heirs, executors, administrators, successors or other legal representatives shall have a period of six (6) months within which to arrange for the change or transfer of the name of the holder of the owner licence in accordance with section 46 of this Schedule, without the licence being revoked, provided that the death of the licensee was reported to the Issuer of Licences within thirty (30) days of its happening.

- (2) If the licence expires within the aforementioned period of six (6) months, the heirs, executors, administrators, successors or assigns or other legal representatives may renew the licence on the condition that it will expire on the termination of the aforementioned period of six (6) months.
- (3) Nothing in this section shall relieve the transferor and transferee from compliance with the provisions of this Schedule including but not limited to those in respect to the transfer of a licence.

### **NOTIFICATION OF CHANGE OF INFORMATION**

- 48.(1) When a licensee changes his or her name or address or any information relating to his or her licence, such licensee shall notify the Issuer of Licences within six (6) days of the change of information relating to the licence and shall return the licence immediately to the Issuer of Licences for amendment.
- (2) When the licensee is a corporation and there is any change in the relevant information on the application or licence, including but not limited to names or addresses of Officers or directors, location of the corporate head office or change in the ownership of shares, the licensee shall report the change to the Issuer of Licences within six (6) days of the change and if necessary, the licence shall be returned immediately to the Issuer of Licences for amendment.

### **LEASING**

- 49.(1) Except as provided in this section, no taxicab owner shall lease his or her taxicab and taxicab owner's plate.
- (2) A taxicab owner may lease or renew a lease of his or her taxicab owner's plate, provided that:
  - (a) a leasing agreement proposal has been filed with the Issuer of Licences

and approval has been granted together with payment of the fee prescribed by the Issuer of Licences;

- (b) the proposal contains a lease agreement which provides for lease of the taxicab owner's plate
- (c) where a leasing agreement proposal is filed with the Issuer of Licences, the agreement must be in writing, signed by the parties thereto and specify the following:
  - (i) the date of execution of the leasing agreement and its effective date;
  - (ii) the name and address of the lessee and lessor;
  - (iii) a full description of the vehicle which is the subject of the lease, including the serial number, the make, model, serial number and year of the motor vehicle, the Provincial plate number, and the number of the taxicab owner's licence and plate issued by the Issuer of Licences in respect of such vehicle;
  - (iv) the motor vehicle permit number issued pursuant to the Highway Traffic Act;
  - (v) the term and expiry or termination date of the leasing agreement;
  - (vi) the terms and conditions under which the lessee has the right to possession and control of the vehicle under specified terms and conditions;
  - (vii) all of the lessor's and lessee's rights to early termination of the leasing agreement;
  - (viii) the consideration and the signatures of the lessee, the lessor and the witnesses thereto;

- (ix) a statement that the leasing agreement is considered null and void in the event that the owner or lessee either by a written or verbal agreement sub-leases the taxicab or transfers responsibility for the operation of the taxicab to a third party;
  - (x) the Revenue Canada G.S.T. account number of the lessee;
  - (xi) the taxicab owner is responsible for maintenance of and insurance on the vehicle; and
  - (xii) under the terms of the lease the taxicab owner provides a motor vehicle equipped, inspected, approved and registered in accordance with this Schedule;
- (d) the lessee is licensed by the City as a taxicab driver and has successfully completed the approved service and skills training program recognized and approved by the Issuer of Licences and required under this Schedule;
- (e) the lease pertains to one vehicle, and expires upon the sale, replacement or other disposition of such vehicle save and except a vehicle replacement made in accordance with this Schedule; and
- (f) the plate issued to such taxicab owner by the Issuer of Licences is affixed to the right side of the rear bumper of the taxicab which is the subject of the lease in a conspicuous position or at a location and in a manner as the Issuer of Licences may require, and remains affixed thereto throughout the term of the lease.
- (g) In the event of a renewal of a leasing agreement, which has been approved by the Issuer of Licences, the taxicab owner shall file with the Issuer of Licences satisfactory evidence of the renewal of same in a form prescribed by the Issuer of Licences.
- (3) Where a proposal for a leasing agreement is filed by a taxicab owner in accordance with the provisions of this Schedule and where the proposal

meets all the requirements as provided for in this section, the Issuer of Licences may approve the proposed leasing agreement.

- (4) Where the Issuer of Licences denies or refuses to approve a proposed leasing agreement, written notice, in accordance with subsection 36(3) of this Schedule, shall be given to the taxicab owner by the Issuer of Licences.
- (5) Where the Issuer of Licences denies or refuses to approve a proposed leasing agreement, the taxicab owner may appeal the decision to the Licensing Committee for consideration within fourteen (14) days of the receipt or deemed receipt of written notice of the denial or refusal set out in subsection 49(4). The Licensing Committee shall cause an investigation to be conducted under subsection 13(e) of this Schedule and where an investigation reveals that the proposal should not be approved because the lessee or lessor is unlikely to or unable to comply with section 35 of this Schedule or where the proposal does not comply with subsection (2) of this section, the Licensing Committee may deny or refuse to approve the proposed leasing agreement or approve the proposal on specified terms and conditions.
- (6) Where a proposal to lease is not approved by the Licensing Committee, any administrative fees incurred shall not be refunded.
- (7) No lessee shall sub-lease or purport to sub-lease a taxicab vehicle to any person.
- (8) No taxicab owner shall, by a term in a lease or otherwise, acquiesce in or permit any lessee or other person to sub-lease or purport sub-lease his or her taxicab vehicle.
- (9) Any person licensed under this Schedule who enters into or purports to enter into any lease or purported lease of a taxicab, other than in accordance with this section, shall, in addition to any penalty to which he or she may be liable under this Schedule, be required to attend before the Issuer of Licences to show cause why his or her licence should not be suspended or revoked.



(10)

(a) Every owner shall notify the Issuer of Licences and the lessee in writing of the expiration or other sooner termination of any lease to which he or she is a party or of any change in custody and control over his or her taxicab, at least fifteen (15) days prior thereto; and provide proof of service upon the lessee by way of a sworn affidavit.

(b) Every lessee shall notify the Issuer of Licences and the lessor in writing of the expiration or other sooner termination of any lease to which he or she is a party or of any change in custody and control over his or her taxicab, within fifteen (15) days prior thereto; and provide proof of service upon the owner by way of a sworn affidavit.

(11) Every taxicab owner and lessor shall:

(a) ensure that every driver or lessee and every other person involved in the operation of his or her vehicle complies in full with the requirements of this Schedule;

(b) maintain knowledge at all times of the identity of any person having custody of or control over his or her taxicab; and

(c) provide full information to the Issuer of Licences or his or her designates, as to any of the facts or records required to be maintained or provided by him or her pursuant to this Schedule, forthwith upon a request travelling by the Issuer of Licences or his or her designate.

(12) Every taxicab owner shall ensure that every lease filed with the Issuer of Licences sets out fully and accurately all of the facts and terms required by this Schedule and that such information is kept fully up-to-date and accurate.

(13) No taxicab owner shall enter into or be a party to more than one lease at any one time with respect to any one of his or her taxicabs.

(14) No person shall enter into or be a party to any agreement or transaction purporting to transfer, assign, lease or otherwise convey rights over a taxicab

licence or plate, or give or receive any consideration or remuneration travelling, except as part of a transaction permitted by this Schedule.

- (15) No lessor having an authorized lease agreement respecting a taxicab owner's licence and/or vehicle approved for use as a taxicab shall acquiesce in, allow or permit a lessee to fail to continuously operate the vehicle for which a taxicab owner's licence has been issued.
- (16) The Issuer of Licences shall have the authority to refuse to approve a lease agreement and/or rescind or withdraw approval of a lease agreement that does not meet or continue to meet the requirements of this Schedule or on such other grounds as are consistent with the grounds of refusal set out in section 35 of this Schedule.
- (17) The lessee shall affix the taxicab plate on the vehicle within forty-eight (48) hours of the approval of the lease agreement.
- (18) All lessees must have and maintain a current City of Hamilton taxicab driver's licence.
- (19) An administration fee shall be charged to a lessee of a taxicab for the late registration of a lease agreement with the Issuer of Licences in accordance with the Fees Schedule of By-Law 07-170.
- (20) A taxicab owner or lessee shall not undertake more than one lease agreement per owner's plate at any time in the City of Hamilton.
- (21) Effective five years from the date of enactment of this Schedule, a taxicab broker shall not act as an agent or party to any lease agreement.

### **CONTRACT AGREEMENTS**

50.(1) Subject to Section 156(2) of the Municipal Act, 2001, any owner or driver of a taxicab is exempt from the fare provisions of this Schedule while engaging in the conveyance of physically, emotionally, or mentally disabled persons,

provided:

- (a) the conveyance is made pursuant to a written contract;
- (b) the written contracts contain the following information:
  - (i) specifies the date and point of commencement and the point of destination of each conveyance;
  - (ii) specifies the charge for each conveyance;
  - (iii) specifies the frequency of the conveyance; and
  - (iv) specifies the nature of the handicap of the person(s) being conveyed.
- (c) the written contracts or copies thereof are filed with the Issuer of Licences upon request;
- (d) the conveyance is made from a point in the City to a point outside the City;
- (e) the taxicab providing the conveyance is licensed by the City or the municipality where the conveyance originates and/or ends.

### **MEDICAL CERTIFICATE**

51. The Issuer of Licences or an Officer may require a licensed driver, at any time, to provide the Issuer of Licences or such Officer with a certificate, prepared by a duly qualified medical practitioner, attesting to whether or not the licensee is physically fit and able to operate a taxicab, if the Issuer of Licences or such Officer considers it in the public interest, upon reasonable grounds.

**RE-PHOTOGRAPHING OF DRIVERS**

52. If at any time the driver's photograph(s) required on the application for a driver's licence issued under this Schedule does not have a reasonable likeness and/or clear image of the driver because of physical changes to the appearance of the driver, the passage of time, the poor quality of the photography or the deterioration of the photograph or photo identification card, the Issuer of Licences may require that the driver attend at the Issuer of Licences office of the City for another photograph of himself or herself.

**TAXICAB METER**

- 53.(1) Every owner of a taxicab shall have affixed to each taxicab, in respect of which such owner is licensed, a taxicab meter for registering distance travelled, waiting time and computing the fares to be paid, and each taxicab meter shall be:
- (a) submitted by such person to the Issuer of Licences for testing, inspection and sealing in each year and at such other times as directed by the Issuer of Licences;
  - (b) illuminated between dusk and dawn;
  - (c) located in a position clearly visible to all passengers in the taxicab;
  - (d) adjusted in accordance with the rates prescribed by Appendix '1' (Taxicab Tariff/Fares) of this Schedule;
  - (e) used only when the seal thereon is intact;
  - (f) used for not longer than one year without re-testing and resealing; and
  - (g) kept in good and accurate working condition at all times.

**TAXICAB METER ROAD TEST**

54. Where an Officer is not available to road test and approve the taxicab meter on a weekend or statutory holiday because the Officer's services have been requested outside of the regular business hours of the Issuer of Licences, the licensed taxicab owner or the licensed taxicab driver who has had the taxicab meter repaired or replaced, may operate the taxicab for a period of up to twenty-four (24) consecutive hours from the date and time of such repair or replacement, provided that licensed taxicab driver has in his or her possession a certificate or receipt for the repair or installation of the taxicab meter, signed by the person who made the repairs or installation and the receipt sets out the date, time and nature of the repairs or installation and has notified the Issuer of Licences immediately of the repair or replacement of the taxicab meter.

### **RIGHT OF INSPECTION OF VEHICLES**

- 55.(1) The Issuer of Licences or any Officer may, at any time, enter in and inspect the vehicle(s) of any licensee to insure that the provisions of this Schedule have been complied with.
- (2) Upon an inspection under subsection (1), the Issuer of Licences or an Officer is entitled to request and have produced all relevant licences and permits and to have access to all invoices, vouchers, appointment books and trip sheets or like documents of the person being inspected, provided such documents are relevant for the purposes of the inspection and the person inspecting may remove any of the aforementioned documents for the purpose of examining and reproducing or photocopying, provided a receipt is given to the licensee and the documents are returned to the licensee within forty-eight (48) hours of any such removal.

### **VEHICLE INSPECTION**

- 56(1) Every taxicab owner licensed under this Schedule shall submit his or her vehicle to the Issuer of Licences for mandatory inspections for compliance with this Schedule, at the taxicab owner's expense, in accordance with sections 55, 56 and 57.

- (2) Inspections shall be conducted by Officers and will include and not be limited to:
- (a) taxicab meter accuracy road tests (where required);
  - (b) visual exterior and interior inspections of the taxicab vehicle;
  - (c) assessment of mechanical fitness and safety; and
  - (d) driver and owner record examinations of documents required to be maintained under this Schedule.
- (3) In addition to the inspections referred to under subsection (1) and (2) herein, each licensed owner shall provide at the time of renewal and at such other times as directed by the Issuer of Licences, at the taxicab owner's expense, either:
- (a) an Ontario Ministry of Transportation Vehicle Inspection report, showing that the vehicle has been accepted within the past thirty-six (36) days, or;
  - (b) a Safety Standards Certificate issued under the Highway Traffic Act within thirty-six (36) days of the inspection date.
- (4) Notwithstanding section 57, where an Officer believes that a previously approved vehicle no longer meets the inspection and vehicle requirements of this Schedule, such Officer or the Issuer of Licences may at any time direct the licensed owner to submit his or her vehicle to an Officer or the Issuer of Licences for the purpose of conducting a re-inspection of the taxicab to ensure compliance with the provisions of this Schedule, at the taxicab owner's expense.
- (5) When the licensed owner meets the requirements of this section and the vehicle requirements in this Schedule, the vehicle shall be deemed to be approved for use as a taxicab.

**TAXICAB VEHICLE STANDARDS AND INSPECTIONS**

57(1) A taxicab vehicle shall not be more than six years old, excluding the manufactured year, at any time subject to the following age restrictions and exemptions:

(a) a licensed taxicab vehicle previously approved by the Issuer of Licences shall meet all of the vehicle requirements contained in this Schedule;

(b) DELETED – REPEALED 2006;

(c) DELETED – REPEALED 2006;

(d) notwithstanding the age restriction set out in subsection 57(1) any taxicab vehicle fuelled by an alternative fuel, as determined by the Issuer of Licences from time to time, shall be permitted one additional year of service to seven years of age, excluding the manufactured year.

(2) To operate as a licensed taxicab, the vehicle shall be subject to the following mechanical fitness and safety inspections to be licensed or to have a licence renewed, as follows:

(a) taxicab vehicles from one (1) to less than three (3) years of age, excluding the manufactured year, shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors and provide a safety standards certificate issued under the Highway Traffic Act one time per year or at such greater frequency as may be required by the Issuer of Licences;

(b) taxicab vehicles three years of age to a maximum of six years of age, excluding the manufactured year, shall be required to undergo mechanical fitness and safety inspections by City inspectors and provide safety standards certificates issued under the Highway Traffic Act two times per year or at such frequency as may be required by the Issuer of Licences.

**SPARE VEHICLES**

- 58(1) The owner of one or more spare vehicles may, with approval of the Issuer of Licences, register a vehicle or vehicles with the Issuer of Licences for use as a spare vehicle.
- (2) Every taxicab owner of a spare vehicle that is used to substitute for a taxicab in respect of which an owner's licence has been issued, shall comply with all of the requirements for a licensed taxicab vehicle under this Schedule.
- (3) The use of a spare taxicab vehicle shall be limited to operate for no more than seven (7) consecutive days.
- (4) The taxicab owner shall notify the Issuer of Licences prior to placing a spare vehicle in use and identify the licensed taxicab vehicle which the spare vehicle is replacing.
- (5) The taxicab owner shall be limited to one (1) spare vehicle per five (5) licensed taxicab vehicles owned by such taxicab owner to a maximum of nine (9) spare vehicles.
- (6) The owner of a spare taxicab vehicle(s) must submit such spare taxicab vehicle(s) to the Issuer of Licences for inspection and determination of compliance with the vehicle requirements of this Schedule prior to the taxicab owner's licence being approved for issuance or renewal and, at any time during the term of a licence, upon the request of the Issuer of Licences.
- (7) Every driver of a spare vehicle that is used to substitute for a taxicab in respect of which an owner's licence has been issued, shall comply with the provisions of this Schedule applicable to a taxicab driver.
- (8) A vehicle previously authorized as a taxicab by the Issuer of Licences, may be continued to be used as a spare vehicle only provided that it does not exceed seven years in age, excluding the manufactured year.

**REPLACEMENT VEHICLE APPROVAL**



59. Every taxicab owner who ceases to use his or her taxicab vehicle of which an owner's licence has been issued and acquires another vehicle to be used as a replacement for the licensed taxicab vehicle shall ensure that such replacement vehicle complies with all of the requirements for a licensed taxicab vehicle under this Schedule. No replacement vehicle shall be approved until the taxicab owner first complies with the taxicab disposal requirements in section 60 for the vehicle which is being replaced.

### **DISPOSAL OF TAXICAB**

60.(1) When the licensed owner disposes of or otherwise ceases to use as a taxicab a vehicle approved for use under section 56 of this Schedule, he or she shall immediately remove from such vehicle:

- (a) the roof light,
- (b) the taxicab meter,
- (c) all identifying decals or markings,
- (d) fender or side numbers and letters and
- (e) all other items which make the vehicle appear to the public to be a taxicab.

### **TARIFFS**

61.(1) The rates for fares to be charged by the owners or drivers of taxicabs for the conveyance of passengers wholly within the City or to any point not more than 5 kilometres beyond its limits, shall be exactly as shown in Appendix "1" (Taxicab Tariff/Fares) attached hereto and forming part of this Schedule, and no higher or lower amount than that contained in the said tariff shall be charged or payable, whether such rates and charges are determined by distance or by time; provided that an owner and a customer may enter into a

- written contract for services that extends for the period of a year or more on runs between fixed points at an agreed tariff, and that the terms of such contract shall be filed with the Issuer of Licences within ten (10) days from the effective date of the contract and be in accordance with the provisions of this Schedule with the exception of the tariffs set out in Appendix "1".
- (2) Nothing contained in this Schedule shall prevent the driver of a taxicab from making a charge to be negotiated with a passenger prior to the trip, for parcel handling, and such charge shall not be required to be recorded on the trip record, and shall not apply to luggage or baggage accompanying a passenger or passengers transported between any transportation terminal and the pick-up or destination point of the passenger or passengers.
  - (3) At the conclusion of a trip, the driver of a taxicab shall call the passenger's attention to the amount of the fare registered on the meter and place the meter in a non-recording position.
  - (4) No owner or driver of a taxicab shall be entitled to recover or receive any fare or charge from any person unless the current Tariff card is on display in the holder provided therefore.
  - (5) Each taxicab driver shall ensure that when more than one passenger is being transported in a taxicab, and said passengers have different destinations, the taximeter is re-flagged after each destination. The individual or individuals shall then be responsible for the fee registered on the taximeter at the point of their particular destination.
  - (6) When a passenger first enters a taxicab, the taximeter shall be immediately placed in operation and shall remain so placed throughout the trip or until such trip extends to a point 5 kilometres beyond the limits of the City. The shortest and quickest possible route shall be taken to the destination if within the said limit of 5 kilometres beyond the limits of the city, unless the passenger designates another route. If a trip extends beyond such 5 kilometres limit hereinbefore referred to, the driver and the passenger may agree before the start of the trip to a flat rate, but the taximeter must remain in a recording position at all times within such limit.

- (7) The amount of the adjustment shall not exceed the percentage annual increment in the Taxi Cost Index (TCI) as set out in Appendix 6.

**DUTIES OF A TAXICAB DRIVER**

62.(1) No licensed taxicab driver shall fail to:

- (a) ensure that the Tariff card, Taxicab Passenger's Bill of Rights, Taxicab Driver's Bill of Rights and taxicab driver's photo identification is in place and maintained in place in the holder required to be provided in the taxicab pursuant to this Schedule which such driver is operating;
- (b) when operating a taxicab, be neat and clean in personal appearance and personal hygiene;
- (c) when operating a taxicab, be civil and behave courteously;
- (d) turn off any radio, tape player or any other sound producing mechanical device in his or her taxicab and turn down the volume on any two-way radio or cell phone in his or her possession or control, used for receiving or confirming calls for his or her taxicab services, upon being requested to do so by any passenger, and having done so, shall leave such devices in the off or turned down position, as the case may be, until termination of the trip with that passenger;
- (e) maintain the interior and exterior of the taxicab within his or her control in a clean and tidy condition;
- (f) keep in his or her taxicab a current street guide or map of the City and surrounding area;
- (g) when operating a taxicab, punctually keep all his or her appointments and engagements, and no licensed taxicab driver shall make any appointment if a previous engagement would prevent such driver from fulfilling it;

(h) except when the driver has a previous order or engagement when operating a taxicab, serve the first person who may lawfully require the service of his or her taxicab at any place within the City and at any time during his or her work shift, whether day or night, except when the person:

- (i) is unruly or disorderly;
- (ii) refuses to give his or her destination;
- (iii) is in possession of an animal other than a seeing-eye dog;
- (iv) is eating or drinking any food or beverage and refuses to dispose of same prior to entry into the taxicab vehicle;
- (v) has not paid a previous fare or cancellation fee;
- (vi) is, in the reasonable belief of the driver, unable or unwilling to pay the fare and has been unable or unwilling to satisfy the driver that he or she has the funds to pay the fare;
- (vii) is a grossly unclean person;
- (viii) in the reasonable belief of the taxicab driver, poses a threat to his or her personal safety; or
- (ix) is smoking and refuses to extinguish the cigarette, cigar or pipe or other smoking product and/or instrument prior to entry into the taxicab vehicle

(i) when operating a taxicab, upon the request of any passenger or whenever there is a dispute over the fare, provide a complete receipt for the fare or charge made and paid, indicating thereon:

- (i) the place of pick up and discharge of such passenger;

- (ii) the taxicab driver's name;
  - (iii) the number of his or her taxicab driver licence;
  - (iv) the identifying number on the taxicab vehicle;
  - (v) the number of the taxicab owner's licence for the vehicle;
  - (vi) the Provincial Motor Vehicle Permit Number for the taxicab; and
  - (vii) that it is a "Taxicab" receipt;
- (j) when operating a taxicab, take due care of all property delivered or entrusted to him or her and accepted by him or her for conveyance or safekeeping, and immediately upon termination of any hiring or engagement, search the interior of his or her vehicle for any property lost or left therein and forthwith deliver to the person owning the same all money or property left in his or her taxicab; or if the owner of the money or property cannot be at once found, deliver all of the said money and property to the nearest City of Hamilton Police and report all information pertaining thereto in his or her knowledge, possession and belief;
- (k) at the conclusion of a trip, call the passenger's attention to the amount of the fare registered on the meter and place the meter in a non-recording position;
- (l) ensure that when more than one passenger is being transported in a taxicab, and said passengers have different destinations, the taximeter is re-flagged after each destination. The individual or individuals shall then be responsible for the fee registered on the taximeter at the point of their particular destination;
- (m) take the shortest in distance and most practical route to the destination provided by the passenger, unless the passenger directs the taxicab driver to take another route;

- (n) while operating a taxicab, keep and maintain at all times in such taxicab sufficient bills and coins such that change may be provided to passengers of such taxicab;
- (o) be permitted to engage the taxicab meter before the passenger enters the vehicle, only after the taxicab driver has notified the passenger of his or her arrival and has waited at least five (5) minutes after the taxicab driver has notified the passenger of his or her arrival;
- (p) engage the taxicab meter at the commencement of the trip and keep it engaged throughout the trip, unless otherwise exempted under this Schedule;
- (q) when operating a taxicab, keep a daily trip sheet, in the form attached to Appendix “2”, or as approved by the Issuer of Licences, containing the following information:
  - (i) the name, address and taxicab driver’s licence number of the driver;
  - (ii) the date;
  - (iii) the number and date of issue of the taxicab owner’s licence issued pursuant to the provisions of this Schedule;
  - (iv) the location, date and time of the beginning and end of every trip made trip and the number of passengers carried;
  - (v) the amount of the fare collected for each trip; and
  - (vi) the meter readings at the start and finish of each working period;
- (r) provide the owner of the vehicle with a copy of the trip sheets daily;
- (s) retain a copy of the daily trip sheet for a least twelve (12) months and

make them available for inspection at the request of the Issuer of Licences;

- (t) make his or her trip record and all information as to passengers carried available to any Officer and to the Issuer of Licences when requested to do so;
- (u) notify the Issuer of Licences in writing within six (6) days of a change of address and produce his or her licence for that change of address to be entered;
- (v) each day, before commencing the operation of a taxicab, examine the vehicle for mechanical defects, interior or exterior damage, and a jack and usable spare tire and wheel and shall report forthwith any defects found to the owner of the vehicle;
- (w) each day, upon completion of the operation of a taxicab, return the vehicle to his or her employer and report all defects and all accidents to the owner;
- (x) report forthwith to his or her employer and the Issuer of Licences any accident in which he or she was involved while operating his or her employer's cab;
- (y) at the expiration of his or her work period return the cab to his or her employer and shall not at any time abandon the cab or permit any other person to drive same;
- (z) when operating a taxicab, carry at all times and produce on request of an Officer, the driver's licence issued under this Schedule and his or her Ontario driver's licence;
- (A) when operating a taxicab, carry and display a current Tariff card at all times and produce same on request of an Officer or a passenger;
- (B) when a dispute arises with a passenger about the fare, refer the dispute to Issuer of Licences;

(C) when operating a taxicab:

- (i) only enter a taxicab stand by taking his or her position at the end of any line formed by the taxicabs already at the stand;
- (ii) while waiting at a taxicab stand or at any other public place:
  - not obstruct or interfere in any way with the normal use of the taxicab or public place, or interfere with the surrounding traffic patterns;
  - be sufficiently close to his or her taxicab to have it under observation at all times;
  - not wash the taxicab; and
  - not make repairs to his or her taxicab, unless the repairs are immediately necessary.
- (iii) subject to the Taxicab Passengers' Bill of Rights, not pick up any passenger within sixty (60) meters of a taxicab stand when there is one or more taxicabs at the stand:
  - unless an arrangement has been previously made with the passenger to pick him or her up at that location; or,
  - unless the passenger exhibits a preference for that taxicab, and the chosen taxicab driver notifies the driver of the first taxicab on the taxicab stand;

(D) provide the medical certificate, as required by the Issuer of Licences, pursuant to section 51 of this Schedule; and

(E) in addition to complying with all other requirements of this Schedule with respect to taxicab drivers, every licensed accessible taxicab driver shall:



- (i) ensure that all wheelchairs being transported within the taxicab are securely fastened so as to prevent them from moving when the taxicab is in motion;
- (ii) ensure that the accessible taxicab he or she is operating:
  - is equipped with an extra tire, wheel and jack ready for use for that vehicle;
  - is in compliance with Ontario Regulation 629/02, as amended and Canadian Standards Association's Standard D409-M84; and
  - has wheelchair tie down that comply with the regulations set out in subsection (ii) above;
- (iii) ensure that only a person licensed under the provisions of this Schedule as an accessible taxicab driver, and whose licence is endorsed by the Issuer of Licences, is permitted to drive an accessible taxicab under his or her control;
- (iv) keep accurate, daily, records of the number of trips made for disabled passengers and for non-disabled passengers; and
- (v) give priority to the use of the accessible taxicab by disabled passengers, and then permit its use for non-disabled passengers.

### **DRIVER PROHIBITIONS**

63.(1) No licensed driver shall;

- (a) operate a taxicab where the number of passengers carried exceeds the manufacturer's seating capacity rating and no more than the maximum insured capacity for the vehicle;

- (b) operate a taxicab where seat belts are not available for use by each passenger carried;
- (c) operate a taxicab with luggage or any object placed in, hung on or attached to the vehicle in such a manner as will obstruct the drivers view;
- (d) be under the influence of any intoxicant or take, consume or have in his or her possession any alcohol, drugs or intoxicants while in charge of or operating a taxicab nor shall the use thereof by him or her be apparent while he or she is operating or is in charge of such vehicle;
- (e) operate a taxicab for more than 12 consecutive hours during any period of 24 consecutive hours;
- (f) operate a taxicab other than as a taxicab;
- (g) use any fare or Tariff card while operating a taxicab other than the Tariff card issued by the City;
- (h) remove, exchange, lend or otherwise dispose of a Tariff card issued by the City;
- (i) while operating a taxicab take on any additional passengers after the vehicle has departed from any one starting point, except under the following circumstances:
  - (i) when done at the request of a passenger already in the taxicab;  
or
  - (ii) in an emergency situation; or
  - (iii) an accessible taxicab, when engaged in the conveyance of disabled persons.
- (j) operate a taxicab which does not have an owner's plate affixed thereto;
- (k) operate a taxicab where the owner of the taxicab is not licensed as an

owner under this Schedule;

- (l) when operating a taxicab permit a passenger to stand while the vehicle is in motion;
- (m) when operating a taxicab recommend hotels, restaurants or other like facilities unless requested to do so by the passengers;
- (n) operate a taxicab when the taxicab meter is not in accordance with the then existing current tariff/fare rates set out in this Schedule;
- (o) operate a taxicab when the taxicab meter does not operate properly;
- (p) operate a taxicab when the taxicab meter seal has been broken, altered or removed unless authorized under section 54;
- (q) operate a taxicab without door side numbers and/or letters and/or a roof light as required by this Schedule;
- (r) operate a vehicle which is not approved for use as a taxicab by the Issuer of Licences;
- (s) operate a taxicab unless such vehicle:
  - (iv) is equipped with a spare tire and jack, ready for use for that vehicle;
  - (v) meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation Vehicle Inspection report, or meets the standards for the issue of a Safety Standards Certificate of mechanical fitness;
  - (vi) is clean, dry and in good repair as to its interior; and
  - (vii) is clean and in good repair as to its exterior, free from exterior body damage and with a well maintained exterior paint finish.
- (t) recover or receive any fare or charge from any passengers or persons who had demanded his or her services which is greater or less than the

fare, tariff or charge authorized by this Schedule save and except for a tip or gratuity, or otherwise as authorized under this Schedule;

- (u) when operating a taxicab recover or receive any fare or charge from any person to whom he or she has refused to show the Tariff card;
- (v) when operating a taxicab, make any charge for time lost through defects or inefficiency of the taxicab or the incompetence of the driver;
- (w) when operating a taxicab, make any charge for the time elapsed due to early arrival of the taxicab in response to a call for the taxicab to arrive at a fixed time;
- (x) when operating a taxicab, induce any person to engage his or her taxicab by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by that person;
- (y) knowingly drive about the streets in his or her cab any person for the purpose of soliciting from the cab for acts of prostitution or for the purpose of any illegal act ;
- (z) solicit any person to take or use his or her taxicab by calling out or shouting. The person wishing to use or engage a taxicab shall be left to choose without interruption or solicitation;
- (A) employ or allow any runner or other person to assist or act in concert with such driver in obtaining any passenger or baggage at any of the public taxicab stands, railway stations or elsewhere in the said City;
- (B) DELETED – REPEALED 2006;
- (C) carry any passenger who is under the influence of any intoxicant while his or her taxicab is occupied by a person who is not accompanying the person so under the influence;
- (D) carry any person while on duty or subject to call, other than the person or

persons employing his or her services, unless first approved by that person;

- (E) smoke in a taxicab;
- (F) transport liquor, spirits, beer or any other alcoholic beverage except in strict compliance with the applicable legislation;
- (G) when requested by the Issuer of Licences, fail to return or surrender any licence issued under this Schedule;
- (H) overcrowd a public taxicab stand, nor back onto the same nor push or displace any taxicab already in the stand. (A driver who wishes to enter a public taxicab stand with his or her taxicab shall do so by taking his or her position at the end of any line formed by other taxicabs already in the stand and when a driver is either first or second in line in such stand, he or she shall remain in the driver's seat of his or her taxicab ready to be hired);
- (I) while carrying on or engaged in the conveyance of passenger(s) stop, stand or park a taxicab on any highway except as authorized by law; or
- (J) take on any additional passenger after the cab has departed with one or more passengers from any starting point except at the request of a passenger already in the cab or with the approval of the Issuer of Licences due to special emergency conditions;

### **OWNER'S DUTIES**

64.(1) No licensed owner or lessee shall fail to:

- (a) hold a separate taxicab owner licence for each vehicle used or kept for hire as a taxicab;
- (b) obtain and maintain in good standing a taxicab driver's licence issued in accordance with this Schedule;

- (c) keep at all times in the taxicab of which he or she is the owner, the original, or a traveling copy of the original, of each of the following documents:
- (i) the motor vehicle registration issued under the Highway Traffic Act and current Ontario Ministry of Transportation passenger Motor Vehicle Permit issued for that taxicab;
  - (ii) the current taxicab owner's licence issued in accordance with this Schedule;
  - (iii) when operating the taxicab, the current taxicab driver's licence issued under this Schedule; and
  - (iv) the certificate of liability insurance for the vehicle, in accordance with this Schedule;
- (d) for each taxicab for which the owner holds a licence, and before use of the taxicab,
- (i) obtain and maintain a policy of insurance in respect of the taxicab in full force and effect during the entire period of time for which the licence is issued and in full force and effect in an amount not less than \$2,000,000.00, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;
  - (ii) provide a special endorsement to the policy of insurance referred to in paragraph (i), for passenger hazard in an amount not less than \$2,000,000.00, exclusive of interest and costs;
  - (iii) cause to be endorsed on the policy of insurance referred to in paragraph (i), that the City shall be given at least thirty (30) days prior notice of any cancellation, expiration or change in the

amount of the insurance or in terms of the policy; and

- (iv) deposit a certified true copy of the policy of insurance and all endorsements with the City;
- (e) obtain, place and maintain therein or thereon, for each vehicle licensed pursuant to this Schedule, the following:
- (i) a current Tariff card, Taxicab Passengers' Bill of Rights card, Taxicab Driver's Bill of Rights card and driver's photo identification in a holder securely affixed on the upper portion of the rear of the driver's seat of the vehicle in a location clearly visible to the passenger(s) or in a manner approved by the Issuer of Licences;
  - (ii) the taxicab owner's plate securely affixed to the left rear trunk, or at a location and in a manner approved by the Issuer of Licences; and
  - (iii) the owner's plate number for that taxicab displayed in contrasting colours in letters of at least 15cm affixed on both side doors or at a location and in a manner approved by the Issuer of Licences;
- (f) inform the Issuer of Licences forthwith of any changes in the motor vehicle registration of the taxicab;
- (g) have in his or her vehicle a taxi meter of the type approved and road tested by the Issuer of Licences or Officer and mounted in a position approved by the Issuer of Licences or Officer so that it is clearly visible to the passengers in the front and rear seats of the taxicab;
- (h) have on his or her vehicle an electrically illuminated roof sign which is securely attached to the top of the taxicab in a manner approved by the Issuer of Licences or Officer and wired to the taxicab meter and working in conjunction with the taxicab meter so that it is not illuminated when the

meter is engaged and is illuminated when the headlights are on and the meter is in the vacant status;

- (i) ensure that each vehicle for which he or she is licensed is, in its interior, neat, clean, dry and in good repair; and, on its exterior, clean and in good repair, free from exterior body damage and has a well-maintained paint finish;
- (j) repair any mechanical defect in the taxicab, reported to such owner by a licensed driver or directed by the Issuer of Licences or an Officer to be repaired;
- (k) report forthwith to the Issuer of Licences any accident in which his or her taxicab was involved;
- (l) submit each licensed taxicab for mechanical fitness and safety inspection by a qualified and licensed automobile mechanic, approved by the Issuer of Licences, annually, at such other time or times prescribed by this Schedule and as requested to do so by an Officer or the Issuer of Licences, and submit to the Issuer of Licences a valid Safety Standards Certificate issued in accordance with the Highway Traffic Act at the time of the taxicab licence renewal or transfer;
- (m) submit each licensed taxicab for general inspection and approval by the Issuer of Licences or an Officer pursuant to subsection 57(2) of this Schedule, and at such other time or times when requested to do so by either of them;
- (n) each taxicab must be equipped with an emergency lighting warning system mounted on the exterior of the vehicle as approved by the Issuer of Licences to provide safety for the taxicab driver;
- (o) within the five years of the date of enactment of this Schedule, equip each licensed taxicab with a Global Positioning System, on-board cameras and such other safety alternatives as may be prescribed from time to time by



the Issuer of Licences;

- (p) ensure that taxicab drivers in his or her employ retain the daily trip records referred to in this Schedule for a period of time not less than twelve (12) months, that such records shall be open to inspection by any person authorized by the Issuer of Licences and that such records may be removed and retained by the Issuer of Licences for a reasonable time and copied by the Issuer of Licences or any person authorized by the Issuer of Licences;
- (q) retain copies of the daily trip sheet submitted by the licensed driver of the taxicab to the owner for at least twelve (12) months and make them available for inspection, copying and retention at the request of and by the Issuer of Licences or any person authorized by the Issuer of Licences;
- (r) employ or use only the services of taxicab drivers licensed under this Schedule;
- (s) carry on or engage in or otherwise continuously operate or make his or her taxicab available for service within the City during the term of his or her licence;
- (t) notify the Issuer of Licences in writing within six days of a change of address;
- (u) in the case of a corporation or partnership, notify the Issuer of Licences immediately upon a change in ownership of the individual holding shares of the company;
- (v) make application to the Issuer of Licences for re-qualification under the provisions of this Schedule for a taxicab owner licence should a threshold percentage of twenty percent of the company shares change ownership;
- (w) before acting as a taxicab driver, comply with all the requirements for the issuance of a taxicab driver's licence under this Schedule, except that payment of the fee for issuance of a driver's licence shall not be required;

- (x) require all drivers using or operating the owner's licensed taxicab to comply with the requirements of this Schedule applicable to taxicab drivers;
- (y) in addition to complying with all other requirements of this Schedule with respect to taxicab owners, every licensed accessible taxicab owner shall:
  - (i) keep accurate records of the number of trips made monthly for disabled passengers and for non-disabled passengers;
  - (ii) ensure that the accessible taxicab he or she is operating:
    - is equipped with an extra tire, wheel and jack ready for use for that vehicle;
    - has approved wheelchair tie down;
  - (iii) in addition to all of the other general taxicab owner responsibilities prescribed by this Schedule, ensure that only a person licensed under the provisions of this Schedule as an accessible taxicab driver, whose licence has been endorsed by the Issuer of Licences, is permitted to drive an accessible taxicab under his or her control;
  - (iv) ensure that before using, or permitting to be used, any vehicle that is licensed under the provisions of this Schedule as an accessible taxicab, that the said vehicle complies with Ontario Regulation 629/02 of the Highway Traffic Act, as amended, and Canadian Standards Association's Standard D409-M84, and all other pertinent federal and provincial regulations as established from time to time; and
  - (v) ensure that priority is given to the use of the accessible taxicab by disabled passengers, and thereafter permit the taxicab to be used for non-disabled passengers; and

- (z) ensure that any vehicle for which the taxicab plate is to be used shall be in compliance with this Schedule

## **OWNER PROHIBITIONS**

65.(1) No licensed owner or lessee shall:

- (a) operate or permit the operation of a vehicle not owned by him or her under the authority of his or her owner's plate and licence;
- (b) employ any person to operate his or her taxicab who does not hold a valid taxicab driver licence issued pursuant to this Schedule;
- (c) fail to continuously operate the vehicle for which a taxicab owner's plate has been issued;
- (d) operate or permit the operation of a vehicle of which he or she is the owner where the vehicle is not approved for use as a taxicab under the provisions of this Schedule;
- (e) operate or permit the operation of a taxicab of which he or she is the owner, without attaching the current taxicab owner's plate for that taxicab in the manner prescribed under the provisions of this Schedule;
- (f) fail to have a vehicle which has been approved by the Issuer of Licences for the owner's plate issued pursuant to this Schedule unless otherwise exempted in this due to repair or replacement of such vehicle;
- (g) fail to affix the taxicab owner's plate to the vehicle approved for use as a taxicab by the Issuer of Licences;
- (h) operate or permit the operation of a taxicab of which he or she is the owner while displaying any owner's plate issued by the licensing authority of any other municipality;

- (i) fail to submit the vehicle for inspection when required to do so by the Issuer of Licences or an Officer under sections 55 and 56 of this Schedule;
- (j) permit any driver to operate such owner's taxicab for any period in excess of 12 hours during any period of 24 consecutive hours;
- (k) operate or permit the operation of a taxicab where such vehicle has mechanical defects;
- (l) operate or permit the operation of a taxicab where such vehicle has substantial exterior body damage or rust;
- (m) operate or permit the operation of a taxicab of which the owner is in affiliation with a taxicab broker who is not licensed under this Schedule;
- (n) operate or permit the operation of a taxicab of which he or she is the owner while displaying or bearing any sign, emblem, decal, ornament or advertisement, on or in his or her vehicle except in a form approved by the Issuer of Licences;
- (o) operate or permit the operation of a taxicab, of which he or she is the owner, which displays or bears advertising, unless in accordance with the Advertising Prerequisites contained in subparagraph 65(1)(o)(i) and such other advertising prerequisites and guidelines as may be established by the Issuer of Licences from time to time;
  - (i) An owner may operate or permit the operation of a taxicab which displays or bears advertising provided that;
    - the content of the advertising shall not be of an obscene, racist, sexist or discriminatory nature;
    - all advertising, advertising signs and sign holders shall be securely mounted to the taxicab in such a manner as to prevent the sign, holder and any advertising materials exhibited thereon

from loosening, separating or coming free during the operation of the taxicab;

- no advertising, advertising sign or sign holder on the rooftop or exterior of a taxicab shall, in any way, block, hamper, obstruct or obscure the view of any person of the taxicab licence number, taxicab licence plate, name of the owner of the taxicab and, where applicable, its broker;
- no advertising, advertising sign or sign holder shall be placed or located on any window of the taxicab;
- the number of interior advertisements or advertising signs shall not exceed five (5);
- no interior advertisement or advertising sign shall exceed twenty-six centimetres by thirty-one centimetres (26cm x 31cm) in size;
- no interior advertising, advertising sign or sign holder shall be placed or located in such a way as to obstruct or obscure the vision of the driver or obstruct or hamper the driver's operation of the taxicab, in any way, or obstruct or obscure the view, from all passenger seats, of the driver's photo identity card, the taxicab meter, the driver's taxicab licence, the tariff/fare card, the Passengers' Bill of Rights card and the Driver's Bill of Rights card;
- the number of exterior advertisements or advertising signs shall not exceed one (1);
- exterior advertisements or advertising signs shall only be placed or located on the rear end of the taxicab;
- exterior advertisements or advertising signs shall not exceed sixteen centimetres by ninety-two centimetres (16cm x 92cm) in

size;

- the number of rooftop mounted signs shall not exceed one (1);
  - a rooftop mounted sign shall be illuminated;
  - a rooftop mounted sign not exceed one hundred and twenty-two centimetres in length, seventy-nine centimetres in width, and forty-six centimetres in height (122cm L x 79cm W x 46cm H); and
- (ii) any exterior advertisement painted on a vehicle or secured on a rooftop advertising sign, not in accordance with the advertising prerequisites contained in paragraph 65(1)(o) but previously approved by the Issuer of Licences at the time of the enactment of this Schedule, shall be removed from the taxicab at the earlier of the date upon which the taxicab is repainted, replaced, or the second anniversary of the date of enactment of this Schedule;
- (p) operate or permit the operation of a taxicab of which he or she is the owner unless equipped with a taxicab meter which has been tested, sealed and approved by the Issuer of Licences or Officer unless authorized under section 54;
- (q) operate or permit to operate a taxicab when the taximeter is out of order or defective in any way or the taximeter seal is broken, altered or not intact unless authorized under section 54;
- (r) use or permit to be used any taxicab licence issued to such owner pursuant to this Schedule for any vehicle other than the vehicle for which the licence was issued;
- (s) knowingly drive or permit to be driven about the streets in his or her cab any person for the purpose of soliciting from the cab for acts of prostitution or conducting or soliciting any illegal acts;

- (t) operate, or permit to be operated, a taxicab which was constructed or subsequently modified to permit the loading, transportation and off-loading of those individuals confined to a wheelchair, or similar device used to assist the physically disabled, without transfer, which does not comply with Ontario Regulation 629/02, as amended, and Canadian Standards Association's Standard D409-M84;
- (u) when requested by the Issuer of Licences, fail to return or surrender any licence, owner's plate, or other documentation or identification, issued by the Issuer of Licences pursuant to this Schedule, to the Issuer of Licences;
- (v) when requested by the Issuer of Licences, fail to surrender to the Issuer of Licences any daily trip sheets prescribed and required by this Schedule;
- (w) lease or otherwise lend an owner's licence issued under this Schedule or a vehicle approved for use as a taxicab unless approval by the City has been granted;
- (x) by a written or verbal agreement sub-lease the taxicab or transfer the responsibility for the operation thereof to a third party;
- (y) enter into any written or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the taxicab for which the licence was issued, by any other person who is not a licensed taxicab driver; or
- (z) shall permit his or her taxicab plate or the operations thereof to be used on a vehicle that does not comply with this Schedule

## **TAXICAB BROKER DUTIES**

66.(1) Every licensed taxicab broker shall:

- (a) maintain an office, from which the taxicab brokerage is operated;
- (b) require all taxicab owners who have entered into arrangements with such broker for the provision of taxicab brokerage services to affix to the side doors of the vehicle identification numbers and letters in a form approved by the Issuer of Licences;
- (c) provide to the Issuer of Licences the name of every owner and driver required to be licensed under this Schedule with which he or she has entered into any arrangement for the provision of taxicab brokerage services;
- (d) keep a record of all owners operating taxicabs in association with him or her such record to show the number of taxicabs operated by each owner, including his or her name and address and the number of the licence issued under this Schedule in respect of each;
- (e) notify the Issuer of Licences, in writing, within ten (10) days of any additions or deletions from the list provided under subsection (3) of this section;
- (f) carry on or engage in or otherwise continuously operate the taxicab brokerage business within the City;
- (g) require all owners and drivers of taxicabs operating within the broker's taxi fleet to comply with the requirements of this Schedule;
- (h) maintain an accurate record of all requests for the hire of a taxicab along with the following information for each taxicab dispatched:
  - (i) the number of the taxicab owner licence issued under the provisions of this Schedule;
  - (ii) the date and time of receipt of the order and of the dispatching;
  - (iii) the name and taxicab driver licence number of the driver; and



- (iv) the address to which such taxicab is dispatched, and retain these records for a twelve (12) month period;
- (i) dispatch a taxicab to any person requesting service within the municipality, unless the person requesting service has not paid for a previous trip and these facts are verified by the broker;
- (j) post in a conspicuous location in the business office, viewable by the public, the licence issued under this Schedule;
- (k) at the direction of the Issuer of Licences not dispatch calls to any taxicab, if the licensed owner or licensed driver, in the opinion of the Issuer of Licences, has contravened any section of this Schedule;
- (l) at the request of the Issuer of Licences, provide a list showing the number of taxicabs available for service to the public on any particular day, including the times when it was last available for service on that day and also including the number of dispatched calls serviced by each such taxicab;
- (m) employ or use only the services of an owner or driver licensed under this Schedule; and
- (n) Post and maintain a copy of the Ontario Human Rights Commission's publication entitled "Declaration of Management Policy", on bulletin boards and on other similar locations provided for the regular posting of written notices to drivers or owners of taxicabs operating from the brokerage.

## **TAXICAB BROKER PROHIBITIONS**

67.(1) No licensed taxicab broker shall:

- (a) dispatch a taxicab for the purpose of carrying on or engaging in the

conveyance of passengers within the City where the owner or driver of the taxicab does not hold a licence for their respective calling issued under this Schedule;

- (b) accept orders for, or in any way dispatch or direct orders to a taxicab, licensed under this Schedule:
  - (i) when the activity would be illegal under a provincial or federal statute; or
  - (ii) where the fare is less than that permitted under this Schedule.
- (c) accept orders for, or in any way dispatch or direct orders to a taxicab where the owner of which is not licensed under this Schedule, for a pick-up location within the boundaries of the City;
- (d) be permitted to have exclusive rights to any taxicab stand in the City;
- (e) enter into an agreement for the provision of brokerage services with a taxicab driver or a taxicab owner who is already affiliated with another taxicab broker;
- (f) charge a fare or enter into an agreement to charge a fare which is not in accordance with the approved tariff/fare set out in Appendix "1" to this Schedule;
- (g) when requested by the Issuer of Licences, fail to return or surrender any licence issued under this Schedule; or
- (h) fail to carry on or engage in the taxicab brokerage business for which the taxicab brokerage licence has been issued.

## **PROMOTIONAL SCHEMES**

68.(1) No taxicab broker, taxicab owner, taxicab lessee or taxicab driver shall

participate or acquiesce in any promotional scheme or practice of which the purpose, result or effect is to directly or indirectly subsidize the rates, tariffs or fares prescribed in this Schedule, unless in accordance with this section or with the written consent of the Licensing Committee.

(2) A taxicab broker may undertake, participate or acquiesce in a promotional scheme provided that all of the following conditions are met:

- (a) a detailed description including a sample of any voucher or coupon to be used together with a copy of all proposed advertising or promotional material related to the scheme or practice is filed, in advance, with the Issuer of Licences for approval;
- (b) the Issuer of Licences has approved the promotional scheme or practice and any voucher or coupon and advertising or promotional material to be used;
- (c) no more than one (1) promotional scheme or practice has been participated, acquiesced in or permitted, in the current calendar year, by the taxicab broker or any taxicab owner, lessee or driver in such broker's service, in association with such broker, or in any arrangement to provide taxicab vehicle use or taxicab driving services for or to such broker;
- (d) all vouchers or coupons and all advertising or promotional material related to the scheme or practice clearly indicate the start date and expiry date for each promotional scheme or practice;
- (e) no promotional scheme or practice undertaken shall be in effect for a period of more than thirty (30) days or have an expiry date later than thirty (30) days from its effective start date;
- (f) the taxicab broker does not accept or permit any taxicab owner, taxicab lessee or taxicab driver to accept a voucher or coupon or like instrument related to the promotional scheme or practice beyond its expiry date;
- (g) the taxicab broker does not accept or permit more than one (1) voucher or coupon or like instrument to be used or credited against a tariff, fee or rate

prescribed in this Schedule per trip per vehicle regardless of the number of passengers in a taxicab vehicle;

- (h) the taxicab broker does not issue or make available a voucher or coupon or like instrument with a value more than One (\$1.00) Dollar in Canadian funds;
  - (i) the promotional scheme or practice is only at the cost of the taxicab broker not directly or indirectly at the cost or expense of a taxicab owner, taxicab lessee or taxicab driver; and
  - (j) the taxicab broker has not violated or contravened any of the Promotional Scheme terms and conditions set out in this section, in the past five (5) years.
- (3) An owner, lessee or driver of a taxicab may participate or acquiesce in a promotional scheme or practice of a taxicab broker that is authorized under this section.
- (4) A broker of a taxicab may only undertake, participate or acquiesce in a promotional scheme or practice in accordance with subsection 68(2) unless the broker obtains the written consent and approval of the Licensing Committee.
- (5) With the exception of subsection 68(3), an owner, lessee, or driver of a taxicab may only undertake, participate or acquiesce in a promotional scheme or practice with the written consent and approval of the Licensing Committee.

## **CUSTOMER SERVICE**

69.(1) A taxicab driver, owner and broker shall ensure that:

- (a) a Taxicab Passengers' Bill of Rights in the prescribed form, as set out in Appendix "4", for all taxicabs, is displayed on the upper portion of the rear of the driver's seat in a position clearly visible to the passenger(s) to inform Taxicab passengers of their rights;

- (b) a Taxicab Driver's Bill of Rights in the prescribed form, as set out in Appendix "5", for all taxicabs, is displayed on the upper portion of the rear of the driver's seat in a position clearly visible to the passenger(s) to inform Taxicab passengers of the rights of the Taxicab Driver; and
  - (c) a taxicab Tariff card and Taxicab Driver photo identification card is displayed as prescribed in this Schedule.
- (2) Every broker shall post in a conspicuous place in their place of business, clearly visible to the public, the City customer complaints/compliments hotline telephone number and follow-up and resolution process prescribed by the Issuer of Licences.

#### **ADMINISTRATION AND ENFORCEMENT**

- 70.(1) This Schedule shall be administered and enforced by the Director of Building & Licensing, Planning & Development with delegation of the enforcement to any Officer.
- (2) A Municipal Enforcement Officer has the authority, if the Officer is in the opinion that the vehicle contravenes the Schedule or public safety is at risk, to:
- (a) remove a taxicab from service;
  - (b) remove the City of Hamilton taxi plate from the taxicab;
  - (c) remove the roof sign; and
  - (d) remove the taxicab meter.

#### **PENALTIES**

71.(1) Fine – for contravention

Every person who contravenes any provision of this Schedule, and every director or officer of a corporation who concurs in such contravention by the corporation, is upon conviction, guilty of an offence and liable to a fine not exceeding \$25,000.

(2) Fine – for contravention – corporation

Despite subsection (1) where a corporation is convicted of an offence under the provisions of this Schedule, the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided in that subsection.

**OBSTRUCT OFFICER**

72. No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer, the Issuer of Licences and/or the Licensing Committee exercising a power or performing a duty under this Schedule or By-Law 07-170.

**PROHIBITION ORDER**

73. Pursuant to the provisions of section 431 of the Municipal Act, 2001, when a person has been convicted of an offence under this Schedule, the Ontario Court of Justice (Provincial Division) of the City of Hamilton, or any court of competent jurisdiction thereafter may, in addition to any other penalty or order imposed, make an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation of repetition of the offence.

**RESTRAINING ORDER**

74. Pursuant to the provisions of section 440 of the Municipal Act, 2001 in addition to any other remedy and to any penalty imposed by the Schedule, any such further contraventions may be restrained by action by the City.

### **STATEMENT OF THE CLERK**

75. For the purposes of prosecution, under this Schedule and pursuant to section 447.6(4) of the Municipal Act, 2001, a statement as to the licensing or non-licensing of any premise or person signed by the Clerk is, without proof of the office or signature, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein.

### **COURT ORDERS/BARRING OF ENTRY/CLOSING OF PREMISES**

76. The provisions of section 447 of the Municipal Act, 2001 respecting the issuance of court orders, the banning of entry, and the closing of premises shall apply to this Schedule where required.

### **COLLECTION OF FINES**

77. Where any part of a fine for a contravention of this Schedule remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, R.S.O. 1990, c. P 33, including any extension of time for payment ordered under that section the Issuer of Licences is hereby authorized, pursuant to subsection 441(1) and (2) of the Municipal Act, 2001, to give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty-one (21) days after the date of the notice, by delivering the notice or causing it to be delivered to that person at the person's residence or place of business.

### **DISTRESS FOR UNPAID FINES**

- 78.(1) Pursuant to subsection 441(3) of the Municipal Act, 2001, where a fine remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to be unpaid taxes and, pursuant to subsection 351(1) of the Municipal Act, 2001, the Issuer of Licences or the

treasurer of the City may seize the following to recover the taxes and costs of seizure, subject to the exemptions provided for in subsection 351(3) and (4) of the Municipal Act, 2001:

- (2) The personal property belonging to or in the possession of the person fined.
- (3) The interest of the person fined in any personal property including such person's right to the possession of any personal property under a contract for purchase or a contract by which the person fined becomes the owner of the property upon performance of any condition.
- (4) The personal property on the land and any interest therein as described in subsection 67(2) of this Schedule of the owner of the land, even if the owner's name does not appear on the tax roll.
- (5) Any personal property on the land, title to which is claimed under any assignment or transfer made for the purpose of defeating the seizure.
- (6) Subsections 351(5), (7), (8), (9), (10), (13) and (14) of the Municipal Act, 2001 apply with necessary modifications to a seizure for an unpaid licensing fine under this Schedule.

#### **LEVY OF FINES UNDER WARRANT**

- 79.(1) Despite section 66 of this Schedule, the treasurer or an Officer of the City may seize personal property, pursuant to section 351(2) of the Municipal Act, 2001, after a tax bill has been sent but before the due date if,
- (a) the treasurer or an Officer has good reason to believe that personal property subject to seizure is about to be removed from the City before its due date;
  - (b) the treasurer or an Officer makes an affidavit to that effect before a Justice of the Peace or the head of Council of the City; and
  - (c) the Justice of the Peace or head of Council of the City issues a warrant authorizing the treasurer or an Officer to levy for the fines and costs in the manner provided by this section.



- (2) Subsections 351(5), (7), (8), (9), (10), (13) and (14) of the Municipal Act, 2001 apply with necessary modifications to a seizure for an unpaid licensing fine under this Schedule.
- (3) No defect, error or omission in the form or substance of the notice required by this Schedule invalidates any subsequent proceedings for the recovery of a fine.

### **PROCEEDS OF FINES**

80. Pursuant to the provisions of section 433 of the Municipal Act, 2001, where a person has been convicted of any offence under this Schedule, every fine imposed for contravention of this Schedule belongs to the City of Hamilton.

### **SEVERABILITY**

81. Notwithstanding that any section or sections of this Schedule, or any part or parts thereof, may be found by any court of law to be invalid or illegal or beyond the power of the Council to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this Schedule, or parts thereof, are separate and independent therefrom and enacted as such.

### **APPENDICES**

82. Appendices "1", "2", "3", "4", "5" and "6" attached hereto form part of this Schedule.

**SCHEDULE 25**

**APPENDIX 1**

**METER INCREASE – TAXI FARES**

- The meter increase approved by Council is now included in the proposed by-law as follows:

For the first 71.4 meters or part thereof	\$3.00
For each additional 71.4 meters or part thereof	\$0.10 (\$1.40/km)
For waiting time while under engagement for each 14 (fourteen) seconds	\$0.10
Livery or meter cabs by agreement (per hour)	\$32.10

That the above rates include the Federal Goods and Services Taxes; and that promotional discount fares be prohibited subject to approval of Issuer of Licences.

Senior Citizens 10% reduction Calculated on the highest FULL Dollar registered on taxi meter.



23									
24				Totals					
25									
26									
27				Grand Total					
	Equipment Faults: Brakes		Steering	Lights					
	Exhaust System		Radio	Meter					
	Cleanliness & Damage: Interior		Exterior	Check: Oil		Transmission Fluid			
	Driver Comments: Signature: Date:		Owners signature: Date:						

**SCHEDULE 25****APPENDIX 3****TAXICAB PRIORITY LIST**

NO.	APPL' DATE	FIRST NAME	LAST NAME
1	24-Jul-78	ISHAR SINGH	THIARA
2	3-Apr-79	PETER C.	ELDRIDGE
3	9-May-79	GARY A.	VERE
4	9-May-79	JOHN	DRISCOLL
5	9-May-79	KEN	MUSCHIK
6	11-May-79	JUNE	LUKE
7	15-May-79	DANIEL	GAGNON
8	18-May-79	LEOPAULD G.	BEAUCHAMP
9	18-May-79	WALID	CHAFIC
10	23-May-79	HANNIBAL	RIZZUTO
11	5-Jul-79	STAN	KROK
12	15-Aug-79	ADNAN	SHEDHADEH
13	11-Sep-79	SHARON	BELLAMY
14	1-Oct-79	DANIEL L.	BERNIER
15	5-Oct-79	LORRAINE	MOONEY
16	30-Oct-79	WILLIAM J.	PERKINS
17	9-Nov-79	LARRY	ROBERGE
18	14-Nov-79	ROGER	FRANCOEUR
19	12-Feb-80	MARC STUART	HATHAWAY
20	14-Feb-80	YOGINDER KUMAR	SHARMA
21	27-Feb-80	ADELIA	BALICE
22	28-Feb-80	COSIMO	BALICE
23	14-Jul-80	ANTHONY PAUL	DICICCIO
24	6-Oct-80	GURDIP S.	SOOR
25	5-Dec-80	MOHAMMAD	AHMED
26	23-Dec-80	ROBERT	KOCZERZAT
27	24-Dec-80	SOLOMON	MARCELLIN
28	7-Jan-81	RANDALL G.	CRUDEN
29	22-Apr-81	JOHN	WEISS
30	30-Apr-81	SHIRLEY	HATHAWAY

31	6-Aug-81	DANIEL	VELTRI
32	26-Oct-81	STEPHEN	JONES
33	24-Nov-81	WAYNE STEWART	MCGREGOR
34	28-Jan-82	ANTHONY F.	RIZZUTO
35	28-Jan-82	JOHN FRANCIS	MOONEY
36	8-Feb-82	DRAGO	BASIC
37	26-Feb-82	JOHN C.	MACDONALD
38	18-Mar-82	THEODORS	TOMA
39	5-Apr-82	PUTRUS	ISAK
40	14-Apr-82	JOGINDAR SINGH	DHALIWAL
41	8-Jun-82	KEITH	JOHNSON
42	24-Jun-82	WILLIAM	KHAMMO
43	21-Jul-82	THOMAS F.	SEBISTY
44	1-Nov-82	MARK	GRANBY
45	8-Nov-82	WILLIAM G.	ROMANS
46	9-Jun-83	SANDRA	FUKUMOTO
47	4-Jul-83	DANE	HATHAWAY
48	19-Sep-83	BRENDA	ROBERGE
49	3-Oct-84	COLLETTE	ROBERGE
50	14-Dec-84	ZERE	TEWOLDE
51	19-Dec-84	MICHAEL	ROTH
52	26-Feb-85	MOHAMMAD NAEEM	KHAN
53	16-Jan-86	LEONARD	ROBERGE
54	3-Jul-86	DENISE	GEORGIAN
55	5-Aug-86	SHABIR	AHMED
56	5-Sep-86	HABTE-AB	TECHLE-MARIAM
57	29-Dec-86	ANTHONY R.	RIZZUTO
58	29-Dec-86	SHAHID	BUTT
59	5-Jan-87	BASHARAT	BUTT
60	9-Jan-87	ERIC	SHEPHERD
61	23-Jun-87	VALENTINO	DALBELLO
62	23-Jun-87	MARIA	DALBELLO
63	21-Dec-87	JOSEPH	VARGA
64	5-Jan-88	FREDERICK J.	MULDOON
65	13-Jan-88	JAGIR	MULTANI
66	29-Jan-88	MOHAMMAD	FAROOQ
67	22-Feb-88	AL	ARTHURS

68	31-Mar-88	BRIAN	COSGROVE
69	11-May-88	FARRUKH	QURESHI
70	28-Jun-88	RODGER	MCEACHERN
71	7-Aug-88	RONALD	AIRTH
72	6-Sep-88	CLAUDIO	BALICE
73	19-Sep-88	GHULAM N.	BUTT
74	27-Sep-88	WILLIAM	ROMANS
75	4-Nov-88	ROBERT	MASCHEWSKI
76	11-Jan-89	BRENT J.	DAWSON
77	24-Jan-89	JERRY	ZARASKI
78	13-Jul-89	JOSEPHINE	RIZZUTO
79	26-Jul-89	PETER	RIHBANY
80	31-Aug-90	GAIL	RIZZUTO-DOWLING
81	20-Feb-91	RONALD	ROBERGE
82	17-Apr-91	TOKUNBO (DAVE)	OGUNLADE
83	3-Jan-92	JAGTAR SINGH	CHAHAL
84	4-Sep-92	ANGELA	RIZZUTO-ECKLUND

**SCHEDULE 25**

**APPENDIX 4**

**PASSENGER BILL OF RIGHTS**

1. The passenger has the right to:
  - (a) a professional and knowledgeable taxicab driver who is licensed
  - (b) a driver who is provides a safe ride
  - (c) a taxicab driver provides a silent ride if desired
  - (d) a taxicab driver who knows the major streets and destinations
  - (e) a taxicab driver who is courteous and provides assistance
  - (f) a taxicab driver who speaks and understands English
  - (g) a taxicab driver who knows the Taxi By-law and traffic laws
2. The passenger has the right to an effective customer complaint process.
3. The passenger has the right to direct a taxicab driver on the route to be taken.
4. A clean, safe, air-conditioned and smoke-free taxicab.
5. A free ride if the meter is not in a 'recording' position.
6. Obtain a receipt that shows the date, time, the taxicab driver's name, identification number and fare charge
5. Taxi Drivers Licenses are to be displayed inside the taxi and the passenger has a right to see it.



7. A passenger has thirty days to file a signed complaint. The complaint must be in writing and include your name, address and telephone number, and address the complaint to:

Standards & Licensing  
City Hall  
71 Main Street West, 3<sup>rd</sup> Floor  
Hamilton, ON L8P 4Y5

If you have any questions you may call 905.546.2350

## **SCHEDULE 25**

### **APPENDIX 5**

#### **TAXICAB DRIVER BILL OF RIGHTS**

1. Taxicab Driver has the following rights:
  - (a) a clean, safe, licensed, air-conditioned and smoke-free taxicab;
  - (b) fair and equitable dispatch service;
  - (c) access to a service and skills training program;
  - (d) a taxicab driver can refuse a customer if the customer requests the taxi driver to carry any passengers or baggage, which the taxi driver is incapable of carrying;
  - (e) can refuse a customer if they are drunk or disorderly;
  - (f) can refuse a customer if the customer is unable to pay for the fare or if the customer owes money from a previous ride;
  - (g) can refuse a customer if the customer requests the driver to carry an animal or baggage, which might be detrimental to the repair, cleanliness or sanitary condition of the taxi (with the exception to seeing eye dog); and
  - (h) taxi driver's responsibility to check his taxi after a customer has departed to ensure the customer has not left any belongings in the taxi – if the customer has left something behind the driver is to make every reasonable attempt to return the belonging to the owner. If the owner cannot be found belonging is to be turned over to the Taxi Broker's Office.

**APPENDIX 6****TAXI COST INDEX****City of Hamilton's Basis for Taxi Meter Rate Adjustments**

COMPONENT	PUBLICATION	COST INDEX IN %
1. Other Taxi-Cab expenses, licences, rent	CPI Toronto: All-items (v739287)	12.50%
2. Insurance	CPI Ontario: Automotive vehicle insurance premiums (v738391)	8.00 %
3. Fuel	CPI Ontario: Gasoline (v738388)	22.50%
4. Routine repairs and maintenance	CPI Ontario: Automotive vehicle parts, maintenance and repairs (v738389)	16.50%
5. Amortized cost of vehicle, radio and equipment	CPI Ontario: Purchase of automotive vehicles (v738386)	11.30%
6. Earnings-all drivers	Ontario: Average hourly wage rate; Full-time employees; Transportation and Warehousing (v2153229)	29.20%
	TOTAL	100%

## **SCHEDULE 26**

### **MOBILE SIGN LEASING OR RENTING**

#### **PART 1.0**

##### **DEFINITIONS**

1.1 In this Schedule:

“**advertising device**” means any device or object erected, located, or displayed so as to attract public attention to any goods or services or facilities or events and includes flags, banners, pennants, and lights;

“**copy**” means the graphic content of a sign surface in either permanent or removable letter, pictorial, symbolic, or numeric form.

“**mobile sign**” means a sign that is temporary, designed for the rearrangement of copy on the sign face, is capable of being readily moved from one location to another, and may be part of or attached to a wheeled trailer or frame without wheels;

“**mobile sign permit**” means a sign permit issued for the display of a mobile sign under the Hamilton Sign By-law;

“**person**” includes an individual, association, proprietorship, partnership, syndicate, company, corporation, firm, business, authorized agent, trustee and the heirs, executors or other legal representatives, or any combination of the foregoing; and,

“**sign**” means any surface, structure and other component parts, which are used or capable of being used as a visual medium or display to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device.

#### **PART 2.0**

##### **GENERAL PROVISIONS**

2.1 No person shall carry on or engage in the business, trade or occupation of leasing or

renting mobile signs without holding a current valid licence issued pursuant to the provisions of the City of Hamilton Licensing Code including this Schedule.

- 2.2 For the purpose of section 2.1 of this Schedule, a person who carries on or engages in the business, trade or occupation of leasing or renting mobile signs from a location outside the City shall be deemed to be carrying on business in the City if the person leases or rents mobile signs that are erected, located or displayed in the City.
- 2.3 Every person who carries on or engages in the business, trade or occupation of leasing or renting mobile signs shall ensure that all required permits are obtained prior to placement of a mobile sign and that its placement is in accordance with any permit issued.
- 2.4 In the event of a conflict between a provision of this Schedule and any other provision in the City of Hamilton Licensing Code, the provision in this Schedule prevails.

### **PART 3.0**

#### **LICENCE APPLICATIONS**

- 3.1 In addition to any of the items required in the “LICENCE APPLICATIONS AND FEES” Part of the City of Hamilton Licensing Code, the applicant shall, at the time of filing the application, deliver to the Issuer of Licences the following:
  - (a) if the applicant is a corporation, a certified copy of the incorporating document showing the names and addresses of all Directors, Officers and Shareholders;
  - (b) if the applicant is a registered partnership, a certified copy of the registered Declaration of Partnership, showing the names and addresses of all partners;
  - (c) a certified copy of a policy of insurance:
    - (i) in a minimum amount of \$2,000,000.00 (exclusive of interest and costs);
    - (ii) naming the City as co-insured and holding the City harmless from any

action that may be taken against it resulting from the placement of any mobile sign in the City; and

- (iii) endorsed to provide the Issuer of Licences at least ten (10) days notice in writing prior to cancellation, expiration or change of the policy; and
- (d) a solemn declaration that all mobile signs to be leased shall have the name and phone number of the licensee affixed to the mobile sign at a clearly visible location.

#### **PART 4.0**

##### **GROUND S FOR REFUSAL TO ISSUE OR RENEW A LICENCE**

- 4.1 In addition to the grounds listed in section 12 in the “ISSUANCE of LICENCES” Part of the City of Hamilton Licensing Code, the issuer of Licences shall refuse to issue or renew a licence where, having regard to the applicant’s financial position, the applicant cannot be reasonably expected to be financially responsible in the conduct of the business which is to be licensed or is licensed.

#### **PART 5.0**

##### **PROHIBITIONS**

- 5.1 No person shall:
- (a) publish or cause to be published any representation that the person is licensed under this Schedule if the person is not so licensed;
  - (b) erect, locate or display or permit the erection, location or display of a mobile sign that does not have the name and phone number of the licensee under this Schedule, if a licence is required, affixed to the mobile sign at a clearly visible location;

- (c) erect, locate or display or permit the erection, location or display of a mobile sign other than in accordance with all of the applicable provisions of the City's by-laws respecting signs before February 1, 2007 and with the Hamilton Sign By-law on and after February 1, 2007; or,
- (d) fail to ensure that the message board on a mobile sign is secured with a locking mechanism to prevent any person, other than the licensee under this Schedule or the mobile sign permit holder under the Hamilton Sign By-law, from having access to the message board.

## **PART 6.0**

### **CHANGES IN INFORMATION**

- 6.1 Every licensee shall notify the Issuer of Licences, in writing, within six (6) days after the event, of any change to the information contained in their application.
- 6.2 Where a change has occurred in the name or business name of a licensee, the licensee shall attend within six (6) days of the date of the change at the office of the Issuer of Licences to have the licence and licence records amended accordingly.

## **SCHEDULE 27**

### **TOBACCO RETAILERS**

- 1.(1) Subject to subsection (3), the keeper of any premises where tobacco, cigars or cigarettes are offered for sale by retail shall obtain and maintain in good standing a licence from the City under this Schedule, authorizing the sale from the premises of tobacco, cigars or cigarettes by retail.
  - (2) No person shall sell tobacco, cigars or cigarettes by retail from any premises, unless a licence has first been obtained for that store under subsection (1).
  - (3) All persons selling tobacco, cigars or cigarettes by retail from any premises shall comply with all aspects of the Smoke-Free Ontario Act.
  - (4) Where a person being the owner and operator of a premises, is the holder of a licence under this Schedule as the keeper of such premises, no employee of the premises need obtain a separate licence.
2. For the purposes of this Schedule, the following definitions apply:
- (a) **"keeper"** shall mean a person responsible for the care and management of a premises selling tobacco, cigars or cigarettes, and shall include the owner and operator of the store;
  - (b) **"licence holder"** shall mean the keeper of a premises who holds a current and valid licence under this Schedule; and
  - (c) **"premises"** shall include any building, booth, or stall, or a portion thereof where goods are exposed for sale, and shall include a shop.

### **REGULATIONS**

- 3.(1) A licence holder under this Schedule shall:
  - (a) display in the premises at all times all signs, as required by the Smoke-Free



Ontario Act respecting the sale of tobacco, cigars or cigarettes;

- (b) require employees of the premises to read the sign required in paragraph (a), prior to commencing work involving the sale of tobacco, cigars or cigarettes, and instruct employees to bring any removal or defacement of the required signs to the immediate attention of the licence holder;
  - (c) replace with a new sign as required in paragraph (a), any sign which has been removed or destroyed, or where the prescribed message or part thereof has been defaced; and
  - (d) use for the required signs the sign available from the City, or substitute a sign of equal or greater overall size and letter size and complying in all other respects with requirements of this Schedule.
- 4.(1) A licence holder under this Schedule shall provide at least one container for the disposal of refuse, located at the exterior of his or her premises, for the use of customers.
- (2) The licence holder shall empty the containers required in subsection (1), and any other garbage or ash containers provided for customers, to eliminate overflow of the contents, and shall remove any spillage from the containers.

**SCHEDULE 28**

**(RESERVED)**

**SCHEDULE 29**

**TRADES**

**PART I: GENERAL**

1 In this Schedule,

- (a) “**construction**” means any work in the erection, installation, or extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere, and “construct” has a similar, grammatical meaning;
- (b) “**contractor**” means any person who agrees with a member of the public or another contractor to carry out any work in a trade regulated under this Schedule;
- (c) “**person**” includes an individual alone or in association with a partnership, firm or corporation and each of them as an entity;
- (d) “**regular place of business**” means the land or building or part of a building used for a fixed or permanent place of business, and where such business address appears in governmental assessment, taxation, planning or engineering records or the address is registered with the Provincial Ministry of Consumer and Commercial Relations. The place of business applies to a contractor or master tradesperson licensed or required to be licensed under this Schedule. A contractor’s regular place of business may also be designated for a master who is on that contractor’s payroll;
- (e) “**Trades Examining Board**” means the Board established pursuant to this Schedule and which shall be responsible for examining the level of competence of tradespersons regulated by Parts II to VI hereto, and the qualifications and eligibility of any person applying for the issuance of a licence or a renewal thereof under this Schedule; and
- (f) “**tradesperson**” means a person licensed or required to be licensed under this Schedule and engaged in, occupied in or retained to carry out work in the trades

of Building Repair, Drain Repair, Plumbing, or Heating, Air-conditioning and Ventilation in the City.

## **PERSONS REQUIRING A LICENSE**

2. Subject to section 4, every person engaged, occupied or retained in the City to carry out work in each of the trades of Building Repair, Drain Repair, Plumbing, Heating, Air-conditioning and Ventilation, shall before being engaged, occupied or retained in the aforesaid trades apply for and obtain annually a licence pursuant to this Schedule, as a:
  - (a) Building Repair Contractor or Master Builder Repairer;
  - (b) Drain Repair Contractor or Master Drain Installer;
  - (c) Heating, Air-conditioning and Ventilation Contractor or Master Warm Air Heating, Air Conditioning and Ventilation installer in one or more specialized areas of steam fitter, refrigeration and air-conditioning mechanic, oil burner mechanic, or sheet metal worker;
  - (d) Plumbing Contractor or Master Plumber; or one or more of the above designated trades persons.

## **PROHIBITION**

3. Subject to section 4, no person shall within the City, carry on or engage in or be retained or offer to carry out work in any of the trades or occupations named in section 2, without first having obtained a licence under this By-law to do so.

## **PERSONS NOT REQUIRING A LICENSE**

4. The provisions of this Schedule do not apply to any person:
  - (a) holding a valid registration under the Tarion Warranty Corp. for work carried out

on a construction project pursuant to such warranty save and except where such person is also a plumber, or heating, air conditioning and ventilation installer or drain layer;

- (b) who does work for his or her own benefit and not for hire in or about the dwelling or dwelling unit in which such person resides or in which the spouse of such person is the owner;
- (c) carrying out work in the trades of building repair, drain repair, plumbing or heating, air conditioning and ventilation, in relation to the construction of a commercial, industrial institutional, or residential building which as been designed by and is under the supervision of a Professional Engineer or an Architect licensed to practice in Ontario; or
- (d) engaged in or occupied in any one of the trades governed by this By-law as a journeyman or apprentice under the supervision of a master of such trade.

## **APPLICATION FORMS**

- 5. The Issuer of Licences shall, upon receipt of an application, make or cause to be made any necessary investigations concerning the application, and shall refer the application to the Trades Examining Board to determine the eligibility of the applicant to be licensed, and may obtain any expert advice which he or she deems necessary to determine whether it is appropriate to issue a licence.

## **LICENCES**

- 6.(1) The Issuer of Licences, upon compliance by the applicant with all the other provisions of this Schedule, shall issue to the applicant a number and licence for a trade regulated under this Schedule, together with a photograph of the licence holder, and the licence card and number shall be carried by the licence holder whenever engaged in trades work governed by this Schedule;
- (2) Licence number or business name of the licence holder shall be displayed, or both may be displayed, by the licence holder in any advertising for the trade by such person.

### **INSPECTION OF LICENCES**

7. Each licence holder under this Schedule, when requested to do so by the Issuer of Licences or any Inspector, or by any member of the public retaining the services of a tradesperson, shall produce for inspection, such licence, identification card and photograph.

### **INSPECTIONS OF RECORDS**

8. The Issuer of Licences or an inspector may require any contractor or master tradesperson licensed or required to be licensed under this Schedule to produce the trades records of such tradesperson or other relevant documentation for the purpose of determining whether such tradesperson is validly licensed under this By-law, or whether a provision of this By-law has been or is being contravened;

### **TRANSFER OF LICENCE AND EXAMINATION OF APPLICANTS**

9. A contractor's or master's licence issued under this By-law shall not be transferred to another person, and such licence shall be valid only from the place of business indicated thereon.

### **PLACE OF BUSINESS**

10. A contractor is not required to have a regular place of business in Ontario provided that the contractor employs a master tradesperson licensed under this By-law who has a regular place of business or residence in Ontario.

### **APPLICATION OF SCHEDULES AND STATUTES**

11. Every person holding a contractor's or master's licence under this By-law and every tradesperson carrying on or engaging in the trade or occupation in respect of which

a licence is issued, shall observe and comply with and be governed by all the provisions set out in the provisions of this Schedule, and also all the provisions of the Trades Qualification And Apprenticeship Act and the regulations there under which relate to such person's trade and occupation.

## **RENEWALS**

- 12.(1) The Issuer of Licences may renew a licence without requiring an examination of the licence holder by the Trades Examining Board where a valid trades licence was held by the licence holder in the immediate proceeding year and where the provisions of section 5 of this Schedule are fully complied with.
- (2) The Issuer of Licences, after investigation may require any applicant to be examined before the Trades Examining Board as a condition of the issue or renewal of a licence issued under this Schedule.
- (3) The Issuer of Licences may require any person who has not renewed his/her licence for at least one year to be examined by the Trades Examining Board before issuing a licence to the person.

## **REVOCATION AND SUSPENSION OF LICENSES**

- 13.(1) Upon suspension or revocation of a licence issued under this Schedule, the licence holder shall return to the Issuer of Licences all photographs, numbers and licence cards issued by the Issuer of Licences within seven days of the date the notice of suspension or revocation of the licence is given by the Issuer of Licences.
- (2) Upon receipt of the findings by the Trades Examining Board, the Issuer of Licences within five days, shall make a decision on the application for the issuance of a licence, and shall notify the applicant in writing of the decision within three days of such decision being made.

## **TRADES EXAMINING BOARD**

- 14.(1) Trades Examining Board is established to be comprised of such persons as

appointed by the Issuer of Licences. The function of the Board shall be to make findings concerning the competence of contractors and masters and other tradespersons in their respective trades and occupations regulated under this Schedule and referred to it by the Issuer of Licences.

- (a) The findings of the Board shall state whether the applicant is eligible to be licensed and shall be sent to the Issuer of Licences;
- (b) The Board shall meet at the call of the Chairman upon three days notice, but not less than once annually;
- (c) The Board shall consist of two panels of three members each, one panel each for the Building Repair and the Drain Repair trades regulated under this Schedule;
- (d) Each panel of the Board shall consist of three qualified tradespersons from each trade regulated under this By-law, one of whom may be an Inspector. A majority vote of the designated panel shall be deemed to be a finding of the Board.

### **CERTIFICATE OF QUALIFICATION**

- 15. A person holding a valid Certificate of Qualification issued by the Province of Ontario, or holding an equivalent inter-provincial Certificate, each for a minimum of two years, shall be eligible to make application for a master's licence for the plumbing trade and for the heating, air conditioning and ventilation trade.

### **PART III: PLUMBING CONTRACTORS AND PLUMBING MASTERS**

#### **INTERPRETATION**

- 16. In this Schedule,
  - (a) **“plumbing Contractor”** means a person engaged in the business of contracting with a member of the public or another contractor for the placing, installing, maintaining, repairing or replacing of any pipe, fixture or other device, equipment



or facility of a plumbing system or in other plumbing work, and includes any person who solicits for plumbing work, and who in any way advertises, or holds himself out to the public, as doing or contracting to do plumbing work by himself or through another qualified person, or as being a plumbing contractor, and who has a regular place of business in Ontario;

- (b) **“Plumbing Master”** means a person who has been issued a Certificate of Qualification in the plumbing trade under Trades Qualification And Apprenticeship Act and is aware of and knowledgeable in the general regulations under the Trades Qualification And Apprenticeship Act, and operates in a manner pursuant to the requirements required by the said Act and Regulations there under and is skilled in the planning, superintending and installing, maintenance and repair of plumbing equipment and who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in Ontario and who, himself, or by journeyman tradesmen under his or her supervision performs the trade of plumber; and
- (c) **“Plumbing”** includes any procedure, method, matter or thing referred to described in the Building Code Act 1992, and amendments thereto from time to time; and plumbing work has a corresponding meaning;

## APPLICATION OF SCHEDULE

17. The provisions of this Schedule shall apply to all persons engaging in any plumbing occupations, as:
- (a) Plumbing Contractor;
- (b) Plumbing Master.

## LICENCE REQUIREMENTS

- 18.(1) No person shall carry on the business of a plumbing contractor without a plumbing contractor's licence issued pursuant to this Schedule, entitling him or her so to do, and, is or has a licensed plumbing master in his or her employ.
- (2) No person shall engage in the occupation of a plumbing master unless he or she is the holder of a current valid licence issued pursuant to this By-law entitling him or her so to do.
- (3) Before commencing any work, or upon completion of the work, a form of written agreement (including an invoice or written firm estimate of work to be done), shall be entered into by a plumbing contractor with the person for whom the work is to be done, containing the name and address of the contractor and customer and an itemized price or firm estimate of the goods and services to be provided.

## APPLICATION FOR LICENSE

19. Where the application is for a plumbing contractor's licence, the application shall include:
  - (a) The name and address of a licensed plumbing master who is employed by the plumbing contractor and the name of the person who has applied for a plumbing master's licence, or the applicant contractor who is also a master plumber;
  - (b) The business address of the plumbing contractor;
  - (c) The name and address of the owner, partners or company officers responsible for the operation of the plumbing contractor's business;
  - (d) The name of the Insurance Company providing the public liability and property damage coverage for the Plumbing Contractor and all tradespersons employed or retained by him, during the currency of the licence.
20. Where the application is for a plumbing master's licence, an application shall be

made to the Issuer of Licences and shall include:

- (a) The applicant's qualifications as outlined in the application form, evidence that he or she is the holder of a Certificate of Qualification as a plumber for the minimum of two years, and the address of his or her regular place of business in Ontario;
- (b) The address of the plumbing master's employer or one's own address if self-employed may be accepted to meet the requirements of having a regular place of business in Ontario if the employer is the holder of a plumbing contractor's licence under this By-law;

### **DISQUALIFICATION OF CONTRACTOR**

- 21.(1) When the plumbing master whose name appears on a plumbing contractor's certificate is no longer regularly employed by the plumbing contractor, the contractor shall within three days notify the Issuer of Licences, in writing, the name and address of the master who will thenceforward be responsible, or with particulars of his or her arrangements pending the engaging of a master to be in charge.
  - (2) It shall be an offence for any plumbing contractor to have any plumbing work performed by him or her when there is not in his or her employ a licensed plumbing master whose name and address have been furnished to the Issuer of Licences in writing.
  - (3) It shall be an offence for a plumbing master to carry on the work of a plumbing master for more than one plumbing contractor for the same period of time unless authorized in writing by the Issuer of Licences for a maximum of 60 days or by the Licensing Committee for a longer period;
  - (4) It shall be an offence for a plumbing contractor to perform or have performed any plumbing work without employing a tradesperson holding a valid master's licence or Certificate of Qualification issued by the Province of Ontario, to perform such work.
22. The licence number issued to a plumbing contractor by the Issuer of Licences or the business name of the plumbing contractor shall be displayed in any advertising by such person for that trade.

**PART IV: HEATING, AIR CONDITIONING, AND VENTILATION**  
**CONTRACTOR AND MASTER WARM AIR HEATING, AIR**  
**CONDITIONING AND VENTILATION INSTALLER**

**INTERPRETATION**

23.(1) In this Schedule,

- (a) **“Heating, Air Conditioning and Ventilating Contractor”** means a person engaged in the business of contracting for the installation, maintaining, repairing, or replacing of warm air heating or cooling equipment or refrigeration or ventilation equipment and systems of any kind, and the distribution, piping and ductwork including the installation of oil tanks and oil gas burners, and includes any person who solicits for heating or cooling work, and who in any way advertises, or holds himself out to the public, as doing or contracting to do heating or cooling work by himself or through another qualified person, or as being a heating, ventilating and refrigeration and cooling contractor, and who has a regular place of business in Ontario;
- (b) **“Heating, Air Conditioning and Ventilating and Refrigeration”** means the lay out, assembly, installation, repairs, and manufacturing in the field, any cooling or refrigeration or heating/cooling combination system for residential, commercial, institutional, or industrial purpose and included the manufacturing, fabrication, assembly, installation or service of a ferrous and non-ferrous sheet metal work and further includes the installation of piping that conveys gas or the tubing of any air handling system.

As part of this interpretation **“Air Conditioning”** is interpreted to mean, by all definitions:

The simultaneous control of;

- (i) Temperature, (Heating, or cooling air);

- (ii) Humidity, (humidifying or dehumidifying air);
  - (iii) Cleanliness, (Mechanical or Electronic air cleaning); and
  - (iv) Air Motion (The proper air distribution within a building with related fresh air) for comfort conditions; and
- (c) **“Master Warm Air Heating, Air Conditioning and Ventilation Installer”** means a person who has been issued a Certificate of Qualification in the trade of Sheet Metal or Refrigeration, Air-conditioning Mechanic or as a Steam Fitter or as an Oil Burner Mechanic or Gas Fitter under the Energy Act for a minimum of two years.

## **APPLICATION OF SCHEDULE**

24.(1) The provision of this Schedule shall apply to all persons engaging in any Heating, Air Conditioning, Refrigeration or Ventilation work as:

- (a) Heating, Air Conditioning, and Ventilation Contractor;
  - (b) Master Warm Air Heating, Air Conditioning and Ventilation Installer; or
  - (c) The holder of a Certificate of Qualification under the Trades Qualification And Apprenticeship Act as a Refrigeration and Air Conditioning Mechanic, a Steam Fitter or Sheet Metal Worker, or qualified as an Oil Burner Mechanic or Gas Fitter under the Energy Act;
- (2) Every licensee hereunder shall observe and comply with and be governed by this Schedule and all the provisions of the Trades Qualification And Apprenticeship Act and the Regulations there under related to the trade regulated under this Schedule.

## **LICENCE REQUIRED**

25.(1) No person shall carry on the business of a Heating, Air Conditioning, and Ventilation

Contractor, without a Contractor's licence under this By-law, entitling him or her so to do and has a licensed Master Warm Air Heating, Air Conditioning, and Ventilation installer in one or more of the trades mentioned in section 24(c) his or her employ;

(2) No person shall engage in the occupation of a Master Warm Air Heating, Air Conditioning, and Ventilation installer, unless he or she is the holder of a current valid licence under this schedule entitling him or her so to do in one or more of the trades mentioned in section 24(c);

(3) Before commencing any work, or upon completion of the work, a form of written agreement shall be entered into by a Heating, Air Conditioning, and Ventilation Contractor with the person for whom the work is to be done, containing the name and address of the buyer and seller and an itemized price or firm estimate of the goods and services to be provided;

26. Where the application is for a heating, air conditioning, refrigeration and ventilation contractor's licence the application shall include:

(a) the name and address of a licensed master warm air heating, air conditioning, and ventilation installer who will be in the contractor's employ or the name of the person who has applied for a master heating, air conditioning and ventilation installer's licence;

(b) the business address of the heating, air conditioning and ventilation contractor;

(c) the name and address of the principals of the company responsible for the operation of the business; and

(d) the name of the Insurance Company providing the public liability and property damage coverage for the Contractor and all tradespersons employed or retained by him, during the currency of the licence;

27. Where the application is for a Master Warm Air Heating, Air Conditioning and Ventilation installers licence, an application shall be made to the to the Issuer of Licences and shall include:

- (a) the applicant's qualifications as outlined in the application form, and provide evidence that he or she has a minimum of two years experience in the field of heating, air conditioning, refrigeration and ventilation and that he or she is a holder of a Certificate of Qualification for a minimum of two years as a Refrigeration and Air Conditioning Mechanic, a Steam Fitter or Sheet Metal worker or qualified as an Oil Burner Mechanic or Gas Fitter under the Energy Act; and
- (b) the address of the Master Warm Air Heating, Air Conditioning, and Ventilation installer, if self-employed, and the address of the Master installer and employer if employed by a contractor, may be accepted to meet the requirements of having a regular place of business in Ontario if the employer is the holder of a Heating, Air Conditioning, Refrigeration and Ventilation Contractor's licence under this By-law.

#### **DISQUALIFICATION OF CONTRACTOR**

- 28.(1) When the Master Warm Air Heating, Air Conditioning, and Ventilation installer, whose name appears on a Heating, Air Conditioning, and Ventilation Contractor's certificate is not longer regularly employed and in actual charge of the work, the contractor shall within three days notify the Issuer of Licences, in writing, of the name and address of the Master who will henceforward be in charge, or with particulars of his or her arrangements pending the engaging of a Master to be in charge of the Contractor's work.
- (2) It shall be an offence for any Heating, Air Conditioning, and Ventilation Contractor to have any Heating, Air Conditioning, Refrigeration and Ventilation work performed by him or her when there is not in his or her employ a licensed Master Warm Air Heating, Air Conditioning and Ventilation installer to be responsible for the work whose name and address have been furnished to the Issuer of Licences, in writing.
  - (3) It shall be an offence for a Master Warm Air Heating, Air Conditioning and Ventilation installer to carry on the work of a Master Warm Air Heating, Air Conditioning and Ventilation installer for more than one Heating, Air Conditioning and Ventilation Contractor for the same period of time unless authorized in writing by the Issuer of Licences for a maximum of 60 days or by the Licensing Committee for a longer period.

- (4) It shall be an offence for a Heating, Air Conditioning and Ventilation Contractor to perform or have performed any Heating, Air Conditioning, Refrigeration or Ventilation work without employing a tradesperson holding a valid master's licence or Certificate of Qualification issued by the Province of Ontario, to perform such work.
29. The licence number issued to a Heating, Air Conditioning, and Ventilation Contract by the Issuer of Licences or the business name of the Heating, Air Conditioning, and Ventilation Contractor shall be displayed in any advertising for that trade of such person.

## **PART V: DRAIN REPAIR CONTRACTORS AND DRAIN INSTALLER MASTERS**

### **INTERPRETATION**

30.(1) In this Schedule,

- (a) **“Drain Repair Contractor”** means a person engaged in the business of contracting for the repairing, constructing or installing or drainage works or systems or who engages in the business of cleaning drains or contracting for installing weeping tile beds and septic tank systems, and includes any person who solicits for drain work and who in anyway advertises, or holds himself out to the public, as doing or contracting to do drain repair and installation work by himself or through another qualified person or as being a drainlayer contractor, and who has a regular place of business in Ontario;
- (b) **“Drain Installer Master”** means a person who supervises work for a drain contractor, who is skilled in the planning, superintending and performing of drain repair and installation work and who is familiar with the laws, rules and regulations governing the same, and who has a regular place of business in Ontario;
- (c) **‘Drain work’** means and includes any work of drain laying, weeping tile installing, septic tank installing, drain reconstruction or repairing, or removing



tree roots or other obstructions from drains or private drain connections by mechanical or other means; and

- (d) **“Drain Repair Examining Panel”** means the examining board appointed by Council under the provisions of this Schedule.

## **APPLICATION OF SCHEDULE**

31.(1) The provisions of this Schedule shall apply to all persons engaging in any of the following drain work, namely;

- (a) Drain Repair Contractor;
- (b) Drain Installer Master.

(2) The provisions of this Schedule shall not apply to the performance by a plumber licensed hereunder and doing plumbing or drainage work or cast iron or other metal plumbing work outside a building or doing the installation of septic tanks.

## **LICENCE REQUIRED**

32. (1) No person shall carry on the business of a drain repair contractor without a drain repair contractor’s licence under this By-law, entitling him or her so to do and with a licensed drain installer master or a tradesperson experienced in drain laying and repair in his or her employ who is in actual charge of the work.

(2) No person shall engage in the occupation of a drain installer master unless he or she is the holder of a current valid licence issued pursuant to this By-law entitling him or her so to do.

(3) Before commencing any work or upon completion of the work a form of written agreement shall be entered into by a drain repair contractor with the person for whom the work is to be a done, containing the name and address of the buyer and seller and an itemized price or firm estimate of the goods and services to be provided.

## **APPLICATION FOR LICENSE**

33. Where the application is for a drain repair contractor's licence, the application shall include:
- (a) the name and address of a licensed drain installer master who will be responsible for the drain repair contractor's work or the name of the person who has applied for a drain installer master's licence, in the event that the applicant contractor is also a master installer;
  - (b) the business address of the drain repair contractor;
  - (c) the name and address of the owner, partners or company officers responsible for the operation of the business; and
  - (d) the name of the Insurance Company providing the public liability and property coverage for the contractor and all persons employed or retained by him, during the currency of the licence.
34. Where the application is for a drain installer master's licence, an application shall be made to the examining board and shall include:
- (a) the applicant's qualifications as outlined in the application form, to include evidence that he or she has a minimum of two years experience in the field of drain installing and repair, and the address of his or her regular place of business in Ontario; and
  - (b) the address of the drain installer master's employer may be accepted to meet the requirements of having a regular place of business in Ontario if the employer is the holder of a drain repair contractor's licence under this By-law.

## **EXAMINATION BY DRAIN REPAIRS EXAMINING PANEL**

35. (1) Every applicant for a drain installer master's licence shall be examined by the Drain Repairs Examining Panel of the Trades Examining Board as hereinafter constituted, touching his or her knowledge of the provisions of this By-law and of all relevant codes and standards relating to the planning and Installation of drain systems and

equipment used in connection therewith.

- (2) No licence shall be issued under this Schedule unless the results of the examination are satisfactory to the examining panel.
- (3) The Drain Repair Examining Panel of the Board shall not be required to receive or entertain any application for an examination within a period of less than three months following the failure of the applicant to pass a previous examination for a similar licence.

### **DRAIN REPAIR PANEL OF TRADES EXAMINING BOARD**

36. (1) Recommendations for members to the Drain Repair Examining Board will be received by the Committee from an official inspection agency under the authority of a Province of Ontario Act or a municipality or a drain repair trade organization in the City.
- (2) The members of the Drain Repair Examining Panel shall hold office for the balance of the calendar year in which they have been appointed and until their successors have for cause, been appointed, unless their term is terminated sooner, for cause, and shall receive such remuneration for their services as may be fixed by the City Council.
- (3) It shall be the duty of the Drain Repair Examining Panel to supply the results of every examination to the Issuer of Licences.

### **DISQUALIFICATION OF CONTRACTOR**

- 37.(1) When the drain installer master whose name appears on a drain repair contractor's certificate is no longer regularly employed and responsible for the work, the contractor shall within three days notify the Issuer of Licences, in writing, with the name and address of the master who will thenceforward be in charge, or with particulars of his or her arrangements pending the engaging of a master to be in

charge.

- (2) It shall be an offence for any drain repair contractor to have any drain work performed when there is not responsible for the work a licensed, drain installer master or tradesperson experienced in the drain laying and repair whose name and address have been furnished to the Issuer of Licences in writing.
  - (3) It shall be an offence for a drain installer master to carry on the work of a drain installer master for more than one drain repair contractor or for the same period of time unless authorized in writing by the Issuer of Licences for a maximum of 60 days or by the Licence Committee for a longer period.
38. The licence number issued to a drain repair contractor by the Issuer of Licences or the business name of the drain repair contractor shall be displayed in any advertising for that trade of such person.

## **PART VI: BUILDING REPAIRS CONTRACTORS AND BUILDING REPAIRS MASTERS**

### **INTERPRETATION**

39. In this schedule,
- (a) **“Building Repairs Contractor”** means a person engaged in the business of carrying out repairs or renovations of buildings, and includes any person who solicits for such work or who in any way advertises or holds himself out to the public as doing or contracting to do building repairs by himself or by another qualified person or as being a building repairs contractor, and who has a regular place of business in Ontario;
  - (b) **“Building Repairs Master”** means a person who is skilled in the planning and superintending of repairs and renovations of buildings and who is familiar with the laws, rules and regulations governing the same, and who has a regular place of business in Ontario;
  - (c) **“Building”** means a structure consisting of a wall, roof and floor or any one or more of them, or a structural system serving the function thereof including all the

works, fixtures, and service systems appurtenant thereto;

- (d) **“Repairs and renovations”** means to do anything in the erection, installation, extension or replacement of a part of a building and includes the installation of a building unit fabricated or moved from elsewhere; and
- (e) **“Building Repairs Examining Panel”** means the examining board appointed under the provisions of this Schedule.

### **APPLICATION OF SCHEDULE**

- 40. The provisions of this Schedule shall apply to all persons engaging in building repairs and renovations, namely
  - (a) Building Repairs Contractor;
  - (b) Building Repairs Master.

### **LICENCE REQUIREMENTS**

- 41.(1) No person shall carry on the business of a building repairs contractor without a building repairs contractor’s licence under this By-law entitling him so to do and is or has a licensed building repair master in his or her employ who is in actual charge of the work.
- (2) No person shall engage in the occupation of a building repairs master unless he or she is the holder of a current valid licence under this Schedule entitling him or her so to do.
- (3) Before commencing any work or upon completion of the work, a form of written agreement (including a written firm estimate or detailed invoice of work and repairs to be done) shall be entered into by a building repairs contractor with the person for whom the work is to be done, containing the name and address of the buyer and seller and an itemized price or firm estimate of the goods and services to be provided.

## **APPLICATION FOR LICENCE**

42. Where the application is for a building repairs contractor's licence, the application shall include:
- (a) the name and address of a licensed master who will be responsible for the building repairs contractor's work or the name of the person who has applied for a building repairs master's licence, in the event that the master is also a contractor;
  - (b) the business address of the building repairs contractor;
  - (c) the name and address of the owner, partners or company officers responsible for the operation of the business; and
  - (d) the name of the Insurance Company providing public liability, and property damage coverage for the building repairs contractor and all persons employed or retained by him or her during the currency of his or her licence.
- 43.(1) Where the application is for a building repairs master's licence, an application shall be made to the Building Repairs Examining Panel and shall include:
- (a) the applicant's qualifications as outlined in the application form, to include evidence that he or she has a minimum of two years experience in the field of building construction, and the address of his or her regular place of business in Ontario; and
  - (b) the address of the master builder's employer may be accepted to meet the requirements of having a regular place of business in Ontario if the employer is the holder of a building repairs contractor's licence under this By-law.
- (2) Every applicant for a building repairs master's licence shall be examined by the Building Repair Examining Panel of the Trades Examining Board as hereinafter constituted, touching his or her knowledge of the provisions of this Schedule and of all relevant codes and standards and By-laws relating to the planning and installation of building systems and equipment used in connection therewith;

- (3) No licence shall be issued under this Schedule unless the results of the examination are satisfactory to the examining panel or previous qualification for a licence under this Schedule is satisfactory to the examining panel;
- (4) The Building Repairs Examining Panel shall not be required to receive or entertain any application for an examination within a period of less than three months following the failure of the applicant to pass a previous examination for a similar licence.

### **BUILDING REPAIRS PANEL OF THE TRADES EXAMINING BOARD**

- 43.(1) Recommendations for members to the building repairs examining panel will be received by the committee from an official inspection agency under the authority of a Province of Ontario Act or a municipality or a building trade organization in the City.
- (2) The members of the Building Repairs Examining Panel shall hold office for the balance of the calendar year in which they have been appointed and until their successors have been appointed, unless their term is terminated sooner, for cause, and shall receive remuneration for their services as may be fixed by the Council.
- (3) It shall be the duty of the Building Repairs Examining Panel to supply the results of every examination to the Issuer of Licences.

### **DISQUALIFICATION OF CONTRACTOR**

- 45.(1) When the building repairs master whose name appears on a building repairs contractor's licence certificate is no longer regularly employed and responsible for the work, the contractor shall within three days notify the Issuer of Licences, in writing, with the name and address of the master who will thenceforward be in charge, or with particulars of his or her arrangements pending the engaging of a master to be in charge.
- (2) It shall be an offence for any contractor to have any building and renovation work performed when there is not in actual charge of the work a licensed building repairs

master whose name and address has been furnished to the Issuer of Licences in writing.

- (3) It shall be an offence for a building repairs master to carry on the work of a building repairs master for more than one building repairs contractor for the same period of time unless authorized in writing by the Issuer of Licences for a maximum of 60 days or by the Licence Committee for a longer period.
46. The licence number issued to a building repair contractor by the Issuer of Licences or the business name of the building repair contractor shall be displayed in any advertising for that trade of such person.

#### **PART VII: TRADES EXAMINING BOARD**

47. Council shall by resolution appoint the Trades Examining Board for the Building Repair and Drain trades regulated under this Schedule, to sit as panels of three members each, for the purpose of assessing the qualifications, competence and eligibility of tradespersons to be licensed hereunder, and contractors and masters applying for licences under this Schedule.
48. Each trade panel shall consist of three qualified members under this Schedule as masters of the trades regulated under this Schedule, one of whom may be an Inspector. The Inspector is not required to hold a valid master's Licence.
49. Each of the members of the Board shall hold the position on the Board for the term of the Council at the time of their appointment. The appointments to the Board may be renewed by Council by resolution for the term of the Council or replaced by new appointees by resolution of the Council.



**SCHEDULE 30**

**TRANSIENT TRADERS**

1. In this Schedule,
  - (a) **“trade”** means trade, business, or occupation; and
  - (b) **“transient trader”** means a person who offers goods, wares or merchandise for sale in any manner in the City,
    - (i) other than on a permanent basis, or
    - (ii) on a permanent basis if the total time the person has operated the business on a permanent basis and the time the person continuously resided in the City immediately before beginning to operate the business on a permanent basis is less than three months.

A person who commences business by offering of goods, wares or merchandise for sale at a particular location, may still qualify as a transient trader, whether or not the trade is conducted with the use of a building or fixtures.

2. Every transient trader shall obtain and maintain in good standing a licence authorizing the transient trader to carry on or engage in his or her trade.
3. No transient trader shall commence the sale of goods, wares or merchandise until a licence has been issued under section 2.
4. Every applicant for a licence or a renewal thereof shall make the application in person and not by an agent or representative.
5. Every transient trader shall pay a licence fee before commencing trade in the City.
- 6.(1) Every applicant for a transient trader’s licence shall as part of the application for such

licence furnish a statement in writing containing a full description of the goods, wares or merchandise that the transient trader proposes to sell or offer for sale under such licence.

- (2) A licence issued under subsection (1) is only permission for the particulars supplied by the applicant under this section, and any change in the classes of goods sold will require a new or separate application.
  - (3) Every applicant for a transient traders licence shall, as part of the application, provide a letter of permission for the owner of the property where the applicant proposes to do business as a transient trader. The aforementioned property shall be in compliance with all requirements and provisions of the applicable Zoning By-law.
7. (1) The licences issued under this Schedule shall expire three months from the date of issuance.
- (2) The licence fee shall be applied on account of taxes payable on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business during the year in which the licence was issued and five years thereafter.
  - (3) Every transient trader shall cause the licence to be prominently and permanently displayed in the transient trader's place of business during the full term in which the transient trader is carrying on business as a transient trader and in default thereof is guilty of an offence.
8. This Schedule does not apply to:
- (a) The sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock;
  - (b) The sale of a business to a purchaser who continues the business; or

- (c) A registered charitable organization or non-profit group or corporation selling goods, wares or merchandise, the whole of the proceeds from which are donated to, or used directly for charitable objects.

**SCHEDULE 31****NEW**

1. The fee payable for the issuance of a new licence under this By-Law concerning the licensing of businesses shall be the fee prescribed for each class or type of licence set out in the table below:

New licence fee includes the \$50.00 processing fee.

**NEW**

<b>Licensing Category</b>	<b>License Fee/New</b>	<b>Health Inspection</b>	<b>Fire Inspection</b>	<b>TOTAL New</b>
Antique Market / Flea Market	\$185.00		\$40.00	<b>\$225.00</b>
Auctioneer	\$235.00			<b>\$235.00</b>
Adult Entertainment Parlour	\$4,050.00	\$90.00	\$40.00	<b>\$4,180.00</b>
Adult Entertainment Parlour Attendant	\$250.00			<b>\$250.00</b>
Adult Entertainment Parlour-Operator/Manager	\$1,390.00			<b>\$1,390.00</b>
Adult Video Store Class A	\$2,050.00			<b>\$2,050.00</b>
Adult Video Store Class B	\$200.00			<b>\$200.00</b>
Body Rub Parlour Owner	\$6,720.00	\$90.00		<b>\$6,810.00</b>
Body Rub Parlour Attendant	\$320.00			<b>\$320.00</b>
Body Rub Parlour-Operator/Manager	\$320.00			<b>\$320.00</b>
Building Exterior Cleaner	\$235.00			<b>\$235.00</b>
Cigarette / Tobacco Sales	\$185.00	\$150.00		<b>\$335.00</b>
Bed and Breakfast	\$185.00	\$60.00	40.00	<b>\$285.00</b>
Eating Establishment:				
Restaurant	\$185.00	\$90.00	\$40.00	<b>\$315.00</b>
Lunch Counter	\$185.00	\$90.00	\$40.00	<b>\$315.00</b>
Refreshment stand	\$185.00	\$30.00		<b>\$215.00</b>
Drive-in Restaurant	\$185.00	\$60.00	\$40.00	<b>\$285.00</b>
Restaurant Take-out	\$185.00	\$60.00	\$40.00	<b>\$285.00</b>
Food Shop:				
Basic	\$185.00	\$30.00		<b>\$215.00</b>
Bakeshop	\$185.00	\$60.00		<b>\$245.00</b>
Butcher	\$185.00	\$60.00		<b>\$245.00</b>
Caterer	\$185.00	\$90.00		<b>\$275.00</b>
Fish Monger	\$185.00	\$60.00		<b>\$245.00</b>
Hawker/Peddler (may include a motorized vehicle)	\$235.00			<b>\$235.00</b>
Kennels, Pet Shops	\$185.00			<b>\$185.00</b>

By-law to License and Regulate Various Businesses

Lodging House	\$185.00	\$90.00	\$120.00	<b>\$395.00</b>
Mobile Home Park	\$2,500.00	\$90.00	\$120.00	<b>\$2,710.00</b>
per site	\$250.00			<b>\$250.00</b>
Mobile Sign Leasing or Renting	\$200.00			<b>\$200.00</b>
Pawnbroker	\$185.00			<b>\$185.00</b>
Personal Service facility	\$185.00	\$90.00		<b>\$275.00</b>
Precious Metals & Jewellery Dealers	\$185.00			<b>\$185.00</b>
Public Baths	\$320.00			<b>\$320.00</b>
Public Garage:				
(A) Buying, Selling, Storing	\$185.00			<b>\$185.00</b>
(B1) Combined Engine & Body Work	\$185.00		\$40.00	<b>\$225.00</b>
(B2) Engine Work	\$185.00		\$40.00	<b>\$225.00</b>
(B3) Body Work	\$185.00		\$40.00	<b>\$225.00</b>
(C) Gas Hoses	\$185.00			<b>\$185.00</b>
(D) Parking Lot	\$185.00			<b>\$185.00</b>
(E) Car Wash Only	\$185.00			<b>\$185.00</b>
Public Halls	\$185.00	\$30.00	\$40.00	<b>\$255.00</b>
Places of Amusement:				
Amusement Arcade	\$185.00		\$40.00	<b>\$225.00</b>
Amusement Rides	\$185.00			<b>\$185.00</b>
Carnivals	\$185.00	\$30.00		<b>\$215.00</b>
Circus	\$185.00	\$30.00		<b>\$215.00</b>
Billiard / Bagatelle Tables	\$185.00		\$40.00	<b>\$225.00</b>
Bingo Parlour	\$185.00		\$40.00	<b>\$225.00</b>
Bowling Alley	\$185.00		\$40.00	<b>\$225.00</b>
Motor Vehicle Race Track	\$185.00		\$40.00	<b>\$225.00</b>
Other	\$185.00		\$40.00	<b>\$225.00</b>
Proprietary Club	\$185.00	\$30.00	\$40.00	<b>\$255.00</b>
Roller Skating Rink	\$185.00		\$40.00	<b>\$225.00</b>
Skateboarding, BMX bikes	\$185.00		\$40.00	<b>\$225.00</b>
Refreshment Vehicles:				
Class A*	\$235.00	\$60.00		<b>\$295.00</b>
Class B*	\$235.00	\$60.00		<b>\$295.00</b>
Class C	\$235.00	\$30.00		<b>\$265.00</b>
<b>*Add \$40.00 Fire Inspections for Chip Wagons Only</b>				

By-law to License and Regulate Various Businesses

Recreational Camping Establishment	\$185.00	\$90.00	\$120.00	<b>\$395.00</b>
Salvage Yard	\$185.00		\$40.00	<b>\$225.00</b>
Seasonal Food Vendors	\$235.00	\$30.00		<b>\$265.00</b>
Second-hand Shop	\$185.00			<b>\$185.00</b>
Residential Care Facility (4-10 Residents)	\$190.00	\$50 per bed	\$120.00	<b>\$330.00+bed</b>
Residential Care Facility (11 or more Residents)	\$330.00	\$50 per bed	\$120.00	<b>\$450.00+bed</b>
Sign Posters and Bill Distributor	\$235.00			<b>\$235.00</b>
Taxi cab owner (private)	\$3,480.00			<b>\$3,480.00</b>
Taxi cab owner (transfer)	\$670.00			<b>\$670.00</b>
Taxi cab Broker	\$590.00			<b>\$590.00</b>
Taxi cab Driver	\$150.00			<b>\$150.00</b>
Taxi cab Priority List (prior to September 30 <sup>th</sup> )	\$60.00			<b>\$60.00</b>
Taxi cab Priority List (after September 30 <sup>th</sup> )	\$100.00			<b>\$100.00</b>
Taxi cab (limited interest agreement)	\$120.00			<b>\$120.00</b>
Trade Licence Contractor:				
Building Repair	\$167.00			<b>\$167.00</b>
Plumber	\$167.00			<b>\$167.00</b>
Heating, Ventilation & Air Conditioning	\$167.00			<b>\$167.00</b>
Drainage	\$167.00			<b>\$167.00</b>
Trade Licence Masters:				
Building Repair	\$83.00			<b>\$83.00</b>
Plumber	\$83.00			<b>\$83.00</b>
Heating, Ventilation & Air Conditioning	\$83.00			<b>\$83.00</b>
Drainage	\$83.00			<b>\$83.00</b>
Exam/Processing Fee	\$40.00			<b>\$40.00</b>
Wheel chair accessible Taxi cab	\$5.00			<b>\$5.00</b>
Limousines (owner)	\$470.00			<b>\$470.00</b>
Limousines (driver)	\$150.00			<b>\$150.00</b>
Transient Trader (Licence issued for 3 month period)	\$500.00			<b>\$500.00</b>
Other Fees:				
Processing/Administration Fee (non-refundable)	\$50.00			<b>\$50.00</b>
Photo Identification Card	\$10.00			<b>\$10.00</b>
Appeal Fee to Licensing Committee	\$50.00			<b>\$50.00</b>

**RENEW**

1. The fee payable for the renewal of a licence under this By-law shall be the fees prescribed for each class or type of licence in the table below.

**RENEW**

<b>Licensing Category</b>	<b>License Fee/New</b>	<b>Health Inspection</b>	<b>Fire Inspection</b>	<b>TOTAL New</b>
Antique Market / Flea Market	\$135.00		\$40.00	<b>\$175.00</b>
Auctioneer	\$185.00			<b>\$185.00</b>
Adult Entertainment Parlour	\$4,000.00	\$90.00	\$40.00	<b>\$4,130.00</b>
Adult Entertainment Parlour Attendant	\$200.00			<b>\$200.00</b>
Adult Entertainment Parlour-Operator/Manager	\$1,340.00			<b>\$1,340.00</b>
Adult Video Store Class A	\$2,000.00			<b>\$2,000.00</b>
Adult Video Store Class B	\$150.00			<b>\$150.00</b>
Body Rub Parlour Owner	\$6,670.00	\$90.00		<b>\$6,760.00</b>
Body Rub Parlour Attendant	\$270.00			<b>\$270.00</b>
Body Rub Parlour-Operator/Manager	\$270.00			<b>\$270.00</b>
Building Exterior Cleaner	\$185.00			<b>\$185.00</b>
Cigarette / Tobacco Sales	\$135.00	\$150.00		<b>\$285.00</b>
Bed and Breakfast	\$135.00	\$60.00	40.00	<b>\$235.00</b>
Eating Establishment:				
Restaurant	\$135.00	\$90.00	\$40.00	<b>\$265.00</b>
Lunch Counter	\$135.00	\$90.00	\$40.00	<b>\$265.00</b>
Refreshment stand	\$135.00	\$30.00		<b>\$165.00</b>
Drive-in Restaurant	\$135.00	\$60.00	\$40.00	<b>\$235.00</b>
Restaurant Take-out	\$135.00	\$60.00	\$40.00	<b>\$235.00</b>
Food Shop:				
Basic	\$135.00	\$30.00		<b>\$165.00</b>
Bakeshop	\$135.00	\$60.00		<b>\$195.00</b>
Butcher	\$135.00	\$60.00		<b>\$195.00</b>
Caterer	\$135.00	\$90.00		<b>\$225.00</b>
Fish Monger	\$135.00	\$60.00		<b>\$195.00</b>
Hawker/Peddler (may include a motorized vehicle)	\$185.00			<b>\$185.00</b>
Kennels, Pet Shops	\$135.00			<b>\$135.00</b>
Lodging House	\$135.00	\$90.00	\$120.00	<b>\$345.00</b>

By-law to License and Regulate Various Businesses

Mobile Home Park	\$2,500.00	\$90.00	\$120.00	<b>\$2,710.00</b>
Per site	\$250.00			<b>\$250.00</b>
Mobile Sign Leasing or Renting	\$200.00			<b>\$200.00</b>
Pawnbroker	\$135.00			<b>\$135.00</b>
Personal Service facility	\$135.00	\$90.00		<b>\$225.00</b>
Precious Metals & Jewellery Dealers	\$135.00			<b>\$135.00</b>
Public Baths	\$270.00			<b>\$270.00</b>
Public Garage:				
(A) Buying, Selling, Storing	\$135.00			<b>\$135.00</b>
(B1) Combined Engine & Body Work	\$135.00		\$40.00	<b>\$175.00</b>
(B2) Engine Work	\$135.00		\$40.00	<b>\$175.00</b>
(B3) Body Work	\$135.00		\$40.00	<b>\$175.00</b>
(C) Gas Hoses	\$135.00			<b>\$135.00</b>
(D) Parking Lot	\$135.00			<b>\$135.00</b>
(E) Car Wash Only	\$135.00			<b>\$135.00</b>
Public Halls	\$135.00	\$30.00	\$40.00	<b>\$205.00</b>
Places of Amusement:				
Amusement Arcade	\$135.00		\$40.00	<b>\$175.00</b>
Amusement Rides	\$135.00			<b>\$135.00</b>
Carnivals	\$135.00	\$30.00		<b>\$165.00</b>
Circus	\$135.00	\$30.00		<b>\$165.00</b>
Billiard / Bagatelle Tables	\$135.00		\$40.00	<b>\$175.00</b>
Bingo Parlour	\$135.00		\$40.00	<b>\$175.00</b>
Bowling Alley	\$135.00		\$40.00	<b>\$175.00</b>
Motor Vehicle Race Track	\$135.00		\$40.00	<b>\$175.00</b>
Other	\$135.00		\$40.00	<b>\$175.00</b>
Proprietary Club	\$135.00	\$30.00	\$40.00	<b>\$205.00</b>
Roller Skating Rink	\$135.00		\$40.00	<b>\$175.00</b>
Skateboarding, BMX bikes	\$135.00		\$40.00	<b>\$175.00</b>
Refreshment Vehicles:				
Class A*	\$185.00	\$60.00		<b>\$245.00</b>
Class B*	\$185.00	\$60.00		<b>\$245.00</b>
Class C	\$185.00	\$30.00		<b>\$215.00</b>
<b>*Add \$40.00 Fire Inspections for Chip Wagons Only</b>				
Recreational Camping Establishment	\$135.00	\$90.00	\$120.00	<b>\$345.00</b>



By-law to License and Regulate Various Businesses

Salvage Yard	\$135.00		\$40.00	<b>\$175.00</b>
Seasonal Food Vendors	\$185.00	\$30.00		<b>\$215.00</b>
Second-hand Shop	\$135.00			<b>\$135.00</b>
Residential Care Facility (4-10 Residents)	\$140.00	\$50 per bed	\$120.00	<b>\$260.00+bed</b>
Residential Care Facility (11 or more Residents)	\$280.00	\$50 per bed	\$120.00	<b>\$400.00+bed</b>
Sign Posters and Bill Distributor	\$185.00			<b>\$185.00</b>
Taxi cab owner (private)	\$420.00			<b>\$420.00</b>
Taxi cab Broker	\$540.00			<b>\$540.00</b>
Taxi cab Driver	\$100.00			<b>\$100.00</b>
Taxi cab Priority List (prior to September 30th)	\$60.00			<b>\$60.00</b>
Taxi cab Priority List (after September 30th)	\$100.00			<b>\$100.00</b>
Taxi cab (limited interest agreement)	\$60.00			<b>\$60.00</b>
<b>Trade Licence Contractor:</b>				
Building Repair	\$167.00			<b>\$167.00</b>
Plumber	\$167.00			<b>\$167.00</b>
Heating, Ventilation & Air Conditioning	\$167.00			<b>\$167.00</b>
Drainage	\$167.00			<b>\$167.00</b>
<b>Trade Licence Masters:</b>				
Building Repair	\$83.00			<b>\$83.00</b>
Plumber	\$83.00			<b>\$83.00</b>
Heating, Ventilation & Air Conditioning	\$83.00			<b>\$83.00</b>
Drainage	\$83.00			<b>\$83.00</b>
Wheel chair accessible Taxi cab	\$5.00			<b>\$5.00</b>
Limousines (owner)	\$420.00			<b>\$470.00</b>
Limousines (driver)	\$100.00			<b>\$150.00</b>
Transient Trader (Licence issued for 3 month period)	\$500.00			<b>\$500.00</b>
<b>Other Fees:</b>				
Licence Re-instatement Fee (Late Fee)	\$50.00			<b>\$50.00</b>
Photo Identification Card	\$10.00			<b>\$10.00</b>
Licence Certificate Replacement	\$10.00			<b>\$10.00</b>
Licence Plate Replacement	\$50.00			<b>\$50.00</b>
Appeal Fee to Licensing Committee	\$50.00			<b>\$50.00</b>