

**A Consolidated Licensing By-law for  
the Municipality of Chatham-Kent respecting the  
licensing, regulating, and governing of certain businesses**

**Consolidated Business Licensing By-law No. 178-2015**  
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BY-LAW NUMBER 178-2015

CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

A Consolidated Licensing By-law for  
the Municipality of Chatham-Kent respecting the  
licensing, regulating, and governing of certain businesses.

FINALLY PASSED the 14<sup>th</sup> day of December, 2015

**WHEREAS** Council considers it in the public interest to enact a by-law to licence, regulate and govern various classes of businesses;

**AND WHEREAS** Part IV of the *Municipal Act, 2001* allows the enactment of by-laws to licence, 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 the *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** section 391(1) of the *Municipal Act, 2001* provides that a Municipality may impose fees and charges on Persons;

**NOW THEREFORE** the Council of the Municipality of Chatham-Kent enacts as follows:

**DEFINITIONS**

1. In this By-law:

"**Additional Fee**" shall mean a fee imposed by the Municipality on a Business at any time during the term of the licence for costs incurred by the Municipality attributable to the activities of the Business;

"**Adult Entertainment Event**" shall mean an occurrence conducted by a Person or Business providing entertainment appealing to or designed to appeal to erotic or sexual appetites or inclinations within a facility other than an Adult Entertainment Parlour;

"**Adult Entertainment Operator**" shall mean a Person who alone or with others operates, manages, supervises, runs, or controls an Adult Entertainment Parlour;

**"Adult Entertainment Owner"** shall mean a Person who owns or has possession of an Adult Entertainment Parlour;

**"Adult Entertainment Parlour"** shall mean any Premises or part thereof in which Adult Entertainment Services is provided;

**"Adult Entertainment Services"** shall mean activities, facilities, performances, exhibitions, viewing and encounters in which:

- a) a principal feature or characteristic is the nudity or partial nudity of any person; or
- b) 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 sign or advertisement and without restricting the generality of the foregoing, includes any performance, exhibition or activity involving striptease dancers, go-go dancers, exotic dancers, table dancers, wet clothing contests, bikini contests, mud wrestling, Jell-O wrestling or best body part contests;

**"Applicant"** shall mean a Person who is required to be Licensed pursuant to this By-law or who has made application for a Licence to the Issuer of Licences, and shall include a Licensee;

**"Attendant"** shall mean any Person other than a Licensed Adult Entertainment Owner and Adult Entertainment Operator who provides Adult Entertainment Services at an Adult Entertainment Parlour;

**"Attendant Registration Form"** shall mean a form completed by the Attendant containing the legal name, address, date of birth, telephone number, stage name, and social insurance number of each Attendant;

**"Bed and Breakfast Establishment"** shall mean a single detached dwelling in which the resident(s) offers for hire or rent a maximum of 5 sleeping rooms with cumulative maximum capacity for 10 persons, for the temporary sleeping accommodation of the travelling public, with the provision of at least one meal;

**"Bunk House"** shall mean a building for the housing of labour required for a permitted use, provided that it is accessory to the permitted use, contains sleeping

rooms, may contain cooking facilities, and shall not be the primary residence of the employee(s);

**“Business”** means:

- a) trades and occupations;
- b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
- c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and
- d) the display of samples, patterns or specimens of goods for the purpose of sale or hire;

but does not include:

- a) a manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail;
- b) the sale of goods by wholesale; or
- c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources; and

For the purposes of this definition a Business shall be deemed to be carried on within the Municipality if any part of the Business is carried on within the Municipality;

**“Caterer”** shall mean a person who prepares and supplies food or meals for social, professional or other similar events;

**“Charitable Organization”** shall mean any charity that is registered with the Federal Government, and has a registered charity number that has been issued or a non-profit organization with charitable purposes or objects providing public benefit, as approved by the Issuer of Licences;

**“Chief of Police”** shall mean the Chief of Police of the Chatham-Kent Police Service, or authorized delegate;

**“Clerk”** shall mean the Clerk of the Municipality of Chatham-Kent or his or her duly appointed deputy;

**“Commercial Taxpayer”** shall mean a Person who pays property taxes to the Municipality, whether directly or through a tenancy, on a commercial property related to the Business;

**“Council”** shall mean the Municipal Council of The Corporation of the Municipality of Chatham-Kent;

**“Day Sales”** shall mean the sale of goods for a one to three day consecutive period from one specific location such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot where the use is permitted in the Municipality’s Zoning By-law;

**“Door to Door Sales”** shall mean any person engaged in the sale of goods or services on a door to door sales basis including Salespersons or agents;

**“Employee”** shall mean any Person working in or for the Licensed Business whether or not that Person receives remuneration for the work;

**“Fire Chief”** shall mean the Fire Paramedic Chief of the Chatham-Kent Fire and Emergency Services, or authorized delegate;

**“Food Cart”** shall mean a Vehicle from which food stuffs and/or refreshments are sold or offered for sale for human consumption, primarily operating from a single location for more than a month;

**“Food Sales Establishment”** shall mean any Premises where food stuffs and/or refreshments intended for human consumption are made for sale, offered for sale or sold, including storage locations accessory thereto. Such Premises shall include but is not limited to bakeries, grocery stores, fish shops, butcher shops, convenience stores, etc., but does not include any Restaurant or Food cart or Mobile Food Cart;

**“Fruit and Vegetable Stand”** shall mean any Premises, with or without permanent buildings, where fruit and vegetables may be sold;

**“Group Home”** shall mean a dwelling used to provide supervised living accommodation as per the requirements of its residents, licensed or funded under the Province of Ontario or Government of Canada legislation, for a maximum of 10 persons, exclusive of staff, living together in a single

housekeeping unit. The dwelling shall be wholly utilized by the Group Home occupants and any counseling or support services provided in the Group Home shall be limited to those required by the residents. A Group Home does not include a place of detention, correction or probation and is not intended for temporary care or occupation;

**“Hair Salon/Barber Shop”** shall mean a Premise where the Business of cutting and/or dressing the hair is carried out and shall include, but is not limited to, cutting, trimming, styling, dyeing, bleaching, streaking, frosting, conditioning, shampooing or dressing of the hair;

**“Highway”** shall mean a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway;

**“Hotel/Motel”** shall mean one or more adjacent buildings or part thereof primarily used for the purposes of catering to the needs of the traveling public wherein individual sleeping facilities are provided in separate units each containing sanitary facilities and which may contain cooking facilities. Accessory uses may include Restaurants, rooms licensed under the *Liquor Licence Act*, recreational facilities, and conference and convention facilities;

**“Ice Cream Cart-Motorized”** shall mean a cart driven by a motor assisted bicycle, as defined under the *Highway Traffic Act*, used for Ice Cream Sales;

**“Ice Cream Cart-Non-Motorized”** shall mean a non-motorized cart used for Ice Cream Sales, such as a pedal powered cart;

**“Ice Cream Sales”** shall mean the sale or offering for sale for consumption by the public frozen confections in the original package or wrapper, or other frozen confections pre-approved in writing by the Medical Officer of Health;

**“Ice Cream Vehicle”** shall mean a vehicle, used for Ice Cream Sales, but shall not include an Ice Cream Cart-Motorized;

**“Issuer of Licences”** shall mean the person in the position of Manager, Licensing Services of the Municipality of Chatham-Kent, or authorized delegate;

**“Licence”** shall mean the certificate issued pursuant to this By-law as proof of licensing under this By-law;

**“Licensed”** shall mean Licensed under the provisions of this By-law;

**“Licensee”** shall mean a Person who has been issued a Licence pursuant to this By-law;

**“Local Retailer”** shall mean any Person which provides for the selling or offering for sale of goods or services at a building or structure located within the Municipality of Chatham-Kent for at least one year which is subject to property tax in the Municipality;

**“Lodger”** shall mean any Person who pays rent, fees or other valuable consideration to a lodging house owner or operator for living accommodations in which kitchen or washroom facilities are shared with other Persons;

**“Lodging House”** also referred to as boarding house or rooming house shall mean a dwelling containing sleeping rooms occupied or capable of being occupied as the residence of one or more Persons, where there are either communal cooking and/or communal sanitary facilities. The operator may or may not be a resident of said dwelling;

**“Medical Officer of Health”** shall mean a Person appointed pursuant to the *Health Protection and Promotion Act* as the Medical Officer of Health for the Chatham-Kent Public Health Unit, or authorized delegate;

**“Mobile Food Cart”** shall mean any Vehicle from which foodstuffs and/or refreshments are sold or offered for sale for consumption by the public from multiple locations in any given month;

**“Motor Vehicle”** shall mean a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, Chap. H.8, as amended;

**“Municipality”** shall mean the Corporation of the Municipality of Chatham-Kent or the geographic area of the Municipality of Chatham-Kent as the context suggests;

**“Non-Commercial Taxpayer”** shall mean a person who does not pay property taxes to the Municipality on a commercial property related to the business;

**"Notice of Additional Fee"** shall mean a written notice from the Issuer of Licences to a Licensee advising of the requirement to pay an Additional Fee;

**“Officer”** shall mean a Provincial Offences Officer as defined in section 1(1) of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, which includes a By-law Enforcement Officer of the Municipality or a Police Officer of the Chatham-Kent Police Service;

**“Old Gold or other Precious Metals”** shall mean used gold, precious metals, jewelry or other similar articles;

**“Old Gold or other Precious Metals Dealer”** shall mean a Business dealing in Old Gold or other Precious Metals or other similar articles, including but not limited to, buying, selling or trading such items;

There shall be two classes of Old Gold or Other Precious Metals Dealers:

Class A – per event – up to 3 consecutive days – one location

Class A-1 – Commercial Taxpayer

Class A-2 – Non-Commercial Taxpayer

Class B – 4 days to 1 year – one location

Class B-1 – Commercial Taxpayer

Class B-2 – Non- Commercial Taxpayer

**“Owner”** shall mean the Person with control of a Business Licensed under this By-law, and/or the registered legal owner of the Premises in or on which a Business is operated, as the context may suggest;

**“Pawnbroker”** shall mean a Person who carries on the Business of taking by way of pawn or pledge any article for the repayment of money lent thereon;

**“Pawn Shop”** shall mean any place where the Business of a Pawnbroker is carried on;

**"Person"** shall mean a natural Person, a partnership, a body corporate and any association, and the heirs, executors, administrators, successors and assigns or other legal representatives thereof to whom the context may apply;

**"Personal Service Establishment”** shall mean a Business or Premises offering skin or body treatments, and shall include but is not limited to facials, manicures,



pedicures, electrolysis, tattoos, body piercing or any other similar treatment or service;

**“Premises”** shall mean any land including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the Business;

**"Private Property"** shall mean all property in the Municipality and includes property of the Crown or any publicly owned body corporate or legal entity, but does not include any Highway;

**"Proof of Insurance"** shall mean a certified copy of a policy of insurance or a certificate of insurance that shows the proof of liability coverage as required under this By-Law issued by a company authorized to carry on the business of insurance in the Province of Ontario in accordance with the *Insurance Act*, R.S.O. 1990, Chap. I.8, as amended. Such insurance policy shall contain an endorsement to provide the Issuer of Licences with thirty (30) days' prior written notice of cancellation or of a material change that would diminish coverage;

**"Public Hall"** shall mean a Premises or portion thereof including a portable building or tent that is offered or used as a place of public assembly for any meeting or entertainment and where food is prepared on site and includes cloakrooms, washrooms, kitchens, and other service rooms used in connection therewith but does not include a theatre Licensed under the *Theatres Act*, R.S.O. 1990, Chap. T.6, as amended, or a Restaurant;

**“Public Pool”** shall mean a swimming pool operated for gain or offered for use to the public;

**“Residential Care Facility”** shall mean supervised living accommodation that may include associated support services, and is:

- a) Licensed or funded under the Province of Ontario or Government of Canada legislation;
- b) meant for semi-independent or group living arrangements; and
- c) for more than ten persons, exclusive of staff;

**“Restaurant”** shall mean an eating establishment where food is prepared and offered for retail sale;

**“Retirement Home”** shall mean a residential complex licensed under the *Retirement Homes Act* (RHA) which provides rental accommodation to 6 or more persons, primarily over the age of 65, wherein residents occupy lodging rooms as their primary residence for the purpose of receiving care services, whether or not receiving the services is the primary purpose of the occupancy, and wherein 2 or more care services as prescribed by the RHA (including but not limited to health care services, rehabilitative or therapeutic services or assistance with the activities of daily living) are provided to the residents. Residents reside in individual or shared sleeping rooms which may have cooking facilities for the exclusive use of the occupants;

**“Safety Standards Certificate”** shall mean a safety standards certificate issued pursuant to Sections 88 to 100 of the *Highway Traffic Act*;

**“Salesperson”** shall mean a Person operating the following:

- Day Sales
- Door to Door Sales
- Fruit and Vegetable Stand
- Trade Show

**“Salvage Materials”** shall mean metal scrap, or wiring;

**“Salvage Yard”** shall mean an establishment or Premises where Salvage Materials are stored wholly or partly in the open, including junk yards, scrap yards, and automobile wrecking yards if the establishment receives Salvage Materials;

**“Second-hand Goods”** shall mean, but is not limited to, jewellery, collectibles, electronic goods, bicycles and tools, but does not include any household kitchen or laundry appliances, any furniture excluding audio, video and other electronic devices, any cookware, glassware and eating utensils that do not contain precious metals, and any clothing or shoes;

**“Second-hand Shop”** shall mean any Premises in which the purchasing, selling, exchanging, or otherwise dealing in Second-hand Goods is carried on;

**“Sleeping Room”** shall mean a room used or maintained for sleeping accommodation for which remuneration or consideration is provided;

**“Special Event”** shall mean an event conducted by a Charitable Organization not using commercial vendors or using commercial vendors with the total net proceeds being given to a registered charitable or registered non-profit organization. This shall include but is not limited to community festivals or celebrations;

**“Summer Camp”** shall mean any camp and any premises used or maintained as a charitable or non-profit campground for the purpose of providing accommodations for group camping for youth;

**“Tobacco Shop”** shall mean any Premise or Business where cigars, cigarettes and/or tobacco products are sold or offered for sale by retail;

**“Tourist/Trailer Camp”** shall mean a parcel or portion thereof where two or more sites are available for recreational sleeping accommodation by the traveling public, members and guests, and where the operator provides food premises or cottages/cabins. Tourist/Trailer Camp shall also include any for-profit campground used for the purpose of providing accommodations for group camping for youth;

There shall be three classes of Tourist/Trailer Camp:

- Class 1- Food premises and cottage/cabin
- Class 2- Food premises only
- Class 3- Cottage/cabin only

**“Trade Show”** shall mean the exhibiting or offering for sale on a temporary basis at one location, goods, wares or merchandise, which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer;

**“Traffic and Parking By-law”** shall mean By-law 245-2004 or any such By-law passed by Council as a successor By-law to By-law 245-2004;

**“User Fee By-law”** shall mean the By-law passed by Council on an annual basis setting the user fees for municipal services;

**“Vehicle”** shall mean an automobile or any other device for the transportation of persons or goods propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, 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. H8, as amended, and the regulations thereunder;

“**Vending Zone Permit**” shall mean a permit authorizing a Licensee to conduct its Business on Municipal property;

## **INTERPRETATION**

2.

(1) This By-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this By-law.

(2) Where the time for doing any act or taking any proceeding expires on a Saturday, Sunday, or any public holiday as determined by the Province of Ontario or Corporation of the Municipality of Chatham-Kent, the act or proceeding may be done or taken on the next business day.

(3) Where notice is sent by mail, the date of service on the Applicant is the date of three business days following the date of mailing.

(4) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

## **ISSUER OF LICENCES AND OFFICER’S POWERS**

3.

(1) The Issuer of Licences is authorized to administer the provisions of this By-law.

(2) The Issuer of Licences may refuse to issue, or revoke any or each of the Licences held by a Licensee, for cause and without limiting the generality of the foregoing for:

- (a) a breach of the law,
- (b) anything which may be in any way adverse to the public interest,
- (c) the belief that the Person will not carry on or engage in the Business in accordance with the law or with honesty and integrity,

- (d) any other matter which the Issuer of Licences is authorized by law to consider, or
  - (e) any violation of the provisions of this By-law or a related By-law.
- (3) The Issuer of Licences may suspend a Licence for cause for any period that is less than the unexpired part of the period for which it was issued in lieu of revocation as provided in Subsection (2).
- (4) The Issuer of Licences may impose conditions as a requirement of obtaining, continuing to hold, or renewing the Licence, including special conditions.
- (5) The Issuer of Licences is authorized to administer the provisions of this By-law on behalf of the Municipality, including enforcement, together with such other Officers as may be necessary.
- (6) The Issuer of Licences may suspend any Licence in an emergency situation for the time and subject to the conditions set out in Section 24.

#### **INSPECTION AND ENFORCEMENT POWERS**

##### **4.**

- (1) The Issuer of Licences and Officers are hereby authorized to inspect:
- (a) as much of any place or Premises as is used for the carrying on of the Business,
  - (b) any books, records or other documents of or relating to any such Business, or
  - (c) each Motor Vehicle operated, provided or used in the Business.
- (2) No Person shall obstruct, hinder, or otherwise interfere with any of the inspections or enforcement activities referred to in this section.
- (3) Licensee shall produce any books, records or other documents of or relating to any such Business to the Issuer of Licenses or Officers when requested.

##### **5.**

- (1) If the Issuer or Licences or an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the Person who contravened the By-law, or who caused or permitted the contravention, to discontinue the contravention and/or do work to correct the contravention.

6. An order under this section shall set out:
  - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of property on which the contravention occurred;
  - (b) the work to be completed; and
  - (c) the date or dates by which the work must be completed.

## **LICENCES**

7. A Licence shall be taken out for each of the Businesses set out in Schedule “A” of this By-law, and/or by a Person where indicated in the schedules of this By-law.
8. Every Licensee Licensed under this By-law shall adhere to all requirements of this By-law and any conditions of the Licence issued to the Licensee.
9. Where a Licensee operates a Business at more than one Premises or from more than one Motor Vehicle, the Licensee shall take out a Licence for each Premises or Motor Vehicle.
10. No Person shall carry on or engage in a Business requiring a Licence under this By-law unless he/she obtain such a Licence or Licences.

## **APPLICATIONS AND ISSUANCE OF A LICENCE**

11.
  - (1) The following types of applications for the issuance of a Licence may be made:
    - (a) an original Licence, and
    - (b) the renewal of a Licence.
  - (2) On the application for an original Licence or the renewal of a Licence respecting any of the Businesses set out in Schedule “A”, the Applicant shall:
    - (a) complete the prescribed forms,
    - (b) furnish to the Municipality such information as the Municipality may direct to be furnished, including but not limited to:
      - i. Zoning compliance,
      - ii. Proof of Insurance,
      - iii. proof of ownership of land/lease,
      - iv. copy of a master business licence from the Province of Ontario,

- v. Safety Standards Certificate, except in the case of a new Motor Vehicle obtained directly from a Motor Vehicle agency within three (3) months from the effective date of the Motor Vehicle registration, and,
  - vi. Ontario Motor Vehicle Registration Permits for the Licence period for which the renewal is applied for, issued pursuant to the *Highway Traffic Act*.
- (c) if a corporation: file copies of the letters of incorporation, or other incorporating documents, duly certified by the proper government official or department, showing a list of all current signing officers of the corporation,
  - (d) if a partnership: provide the names and addresses of each member of the partnership as well as the name under which they carry on business,
  - (e) file the completed application with payment in full of the Licence fee as set out in Sections 16 and 17, any applicable late fee, and any outstanding Additional Fees.
  - (f) proof of any inspections as may be required by the Issuer of Licences.
- (3) With respect to the payment required by clause (e) of subsection (2),
- (a) the late fee is non-refundable in whole or in part, and
  - (b) the Licence fee payment shall,
    - i. if the Licence is granted, be applied toward the payment of the Licence fee for the Licence period in respect of which the Licence is issued, and
    - ii. if the Licence is not granted, be returned to the Applicant less 25% of the Licence fee.
  - (c) where more than one Licence is required by the same Business, the higher of the fees may be charged.
- (4) A refund of the Licence fee shall not apply where the Applicant has outstanding Additional Fees which exceed the Licence fee.

## **RENEWAL OF LICENCE**

12. The Licensee shall, on the renewal of the Licence,

- (a) apply on or before the expiry date set out on the Licence, and
- (b) furnish to the Municipality such information that would be required for an original Licence as the Issuer of Licences may direct.

## **INVESTIGATIONS FOR ISSUANCE OF LICENCE**

13.

- (1) The Issuer of Licences may, upon receipt of an application referred to in Section 11, make or cause to be made all investigations required by law or by the Municipality relative to such application.
- (2) Despite subsection (1), the Issuer of Licences may renew the Licence upon being satisfied that, where applicable,
  - (a) any inspection required under the Schedules of this By-law has been completed as required, and
  - (b) there is no report in writing on file to the effect that the Licensee has failed to comply with any provision of this By-law or, where applicable, a condition on which the Licence was issued imposed by the Issuer of Licences or the period for which the Licence was granted.

## **CONDITIONS FOR ISSUANCE OF LICENCE**

14.

- (1) An Applicant for an original Licence, or the renewal of a Licence, is entitled to be issued the Licence, except where:
  - (a) the Applicant has not:
    - i. completed the prescribed application forms,
    - ii. delivered with the application payment in full of the processing fee, the late fee, if applicable, and the Licence fee as set out in Sections 16 and 17 to be paid in respect of such Licence, or
    - iii. complied with the Licence requirements set out in this By-law for the applicable Business,
  - (b) the conduct of the Applicant affords reasonable grounds for belief that the Applicant has not carried on, or will not carry on, his or her Business in accordance with the law and with integrity and honesty,



- (c) there are reasonable grounds for belief that the carrying on of the Business by the Applicant has resulted, or will result, in a breach of this By-law or any other law,
- (d) there are reasonable grounds for belief that the carrying on of the Business may be adverse to the public interest or,
- (e) any Additional Fee imposed on the Applicant remains unpaid after the due date on any Notice of Additional Fee which has been sent to the Applicant.

#### **NOTICE OF ISSUANCE OF LICENCE**

15. If the investigations referred to in Section 13 and the provisions of Section 14 are complied with and the issuance of the Licence has been approved, the Issuer of Licences may issue the Licence personally or send it by ordinary mail to the Applicant at the address shown on the application.

#### **FEES**

16. The fees for all Licences under this By-law shall be as set out in the User Fee By-law for the Municipality of Chatham-Kent, as amended, or any successor By-law.

#### **ADDITIONAL FEE AND LATE FEE**

17.

(1) Despite any provision of this By-law, the Issuer of Licences may impose an Additional Fee, as set out in Schedule "A" to this By-law, on a Licensee by way of a Notice of Additional Fee at any time during the term of the Licence for costs incurred by the Municipality attributable to the activities of the Business.

(2) The Notice of Additional Fee shall,

- (a) be sent to the Licensee by mail or served personally at the address last on file with the Issuer of Licences; and
- (b) Provide the Licensee with sixty (60) days from the date the Notice of Additional Fee is received by the Licensee to pay the outstanding amount.

(3) A late fee shall apply to any renewal of a Licence where the Licensee has not renewed the Licence before the Licence expiry date, and to any Application where the Application is not made at least two weeks prior to the date of commencement of the Business.

## LICENCE PERIOD

18. Every Licence issued by the Issuer of Licences shall, unless it is expressed to be for a shorter or longer period of time, be in effect for one (1) year and shall expire in each year on the date set out in Column 2 of Schedule "A" opposite the description of the Licence set out in Column 1 of Schedule "A".

## LICENCE CERTIFICATE

19.

(1) The Licence Certificate shall be numbered and include:

- (a) the name of the Licensee;
- (b) the Business of the Licensee;
- (c) the address of the Business;
- (d) the category of the Business Licence;
- (e) the date of issuance of the Licence;
- (f) the date of expiration of the Licence; and
- (g) the make, model, serial number and Motor Vehicle registration number issued under the *Highway Traffic Act*, if applicable.

(2) Where an original Licence has been lost or destroyed, the Issuer of Licences, upon receipt of an affidavit to that effect furnished by the original holder thereof or by some Person having personal knowledge of the loss or destruction of the Licence, may issue a duplicate Licence to the Licensee upon payment of the appropriate fee.

(3) No Licensee shall alter, erase, or modify a Licence, or allow alteration, erasure or modification of a Licence without the approval of the Issuer of Licences.

(4) Every Licensee shall carry on business in the Municipality in the name set out on the Licence issued under this By-law and shall not carry on business in the Municipality under any other name.

## **ISSUANCE OF LICENCE**

20. Upon issuance of a Licence, the Issuer of Licences shall furnish to the Licensee the Licence certificate or validation sticker and such other items as set out in this By-law for the applicable Business.

## **INSURANCE**

21.

- (1) Every Proof of Insurance required pursuant to the provisions of this By-law shall be kept in force by the Licensee for the period for which the Licence is in effect inclusive of any renewal thereof.
- (2) No Licensee who is required to file Proof of Insurance with the Issuer of Licences shall fail to maintain in force and to renew the same in a timely manner and to pay the premium due thereon.
- (3) Where a Licensee fails to provide up-to-date Proof of Insurance, or where a Proof of Insurance is cancelled or expires, the associated Licence will automatically be suspended coincidentally with the expiration of the Proof of Insurance.

## **REFUSAL OF ISSUANCE OF LICENCE**

22.

- (1) The Issuer of Licences shall refuse to issue to the Applicant the Licence applied for if the conditions for issuance in Section 14 have not been met.
- (2) The Issuer of Licences shall give the Applicant notice of the refusal to issue the Licence applied for in writing, said notice to be served personally or by mail to the Applicant at the address shown on the application.

## **LICENCE SUSPENSION OR REVOCATION**

23. In addition to any other penalty, a Licence issued under the authority of this By-law may be suspended or revoked upon such grounds and in accordance with such procedural provisions as are set out in this By-law.

24.

- (1) Suspensions may be initiated by the Issuer of Licences or Officer where a cheque for the Licence fee has not been honoured, or in any situation that has

resulted or may reasonably be expected to result in an emergency situation and without limiting the generality of the foregoing, these situations may include:

- (a) where the Licensee has breached any law,
  - (b) where the Licensee has done anything that is in any way adverse to the public interest,
  - (c) where a Motor Vehicle is deemed to be mechanically unsafe, including but not limited to body damage with sharp edges, holes in the floor boards, unserviceable tires, doors not closing properly, wire protruding from the seat or any other mechanical defect that would render the motor unfit;
- (2) Prior to suspending a Licence, the Issuer of Licences shall provide the Licensee with the reasons for the suspension in writing and an opportunity to respond to them, unless in the opinion of the Issuer of Licences an immediate suspension is required.

25. Where a Licence has been suspended or revoked, no Person shall refuse to deliver the Licence to the Issuer of Licences or shall in any way prevent or hinder the Issuer of Licences from receiving or taking the same.

26. No Licensee shall operate or carry on the Business for which the Licence was issued while the Licence is under suspension.

#### **APPLICATION FOR REVIEW OF REFUSAL TO ISSUE**

27. An Applicant in receipt of a notice of refusal given pursuant to Section 22, or a suspension of a Licence pursuant to Section 24, may apply for an appeal of the refusal to the By-law Appeal Committee pursuant to By-law No. 22-2015 or any successor by-law.

#### **NOTIFICATION OF CHANGES**

28.

- (1) Every Licensee shall notify or cause to be notified the Issuer of Licences in writing within seven (7) days of the happening of the following events:
  - (a) any change in the Licensee's address or telephone number,
  - (b) sale, transfer or termination of the Business,

- (c) retirement of the Licensee,
  - (d) in the situation where the Licensee provided the name and address of his or her business affiliate or employer, any change in the named business affiliate or employer, or
  - (e) any change of address, telephone number or Ontario Licence Plate Number of a Motor Vehicle that is registered with the Ontario Ministry of Transportation and any change of Motor Vehicle ownership and appropriate insurance endorsement.
- (2) In the case of the death of the Licensee, the Person administering the estate should notify or cause to be notified the Issuer of Licences in writing.

## **GENERAL REGULATIONS**

### **LICENCE AVAILABILITY**

29.

- (1) Where a Licence relates to a Premises, the Licensee shall ensure that his or her Licence is posted in a prominent and conspicuous location on the Premises, so as to be visible to the public. Where a Licence does not relate to a Premises, every Licensee shall carry the said Licence upon his or her Person when operating under the Licence.
- (2) Every Licensee shall, when so requested by the Issuer of Licences or Officer, produce the Licence for inspection.

### **FALSE OR INCORRECT INFORMATION**

30. No Person shall give false or incorrect information for the purposes of obtaining a Licence.

### **SUBJECT TO LAWS**

31. All Licences and Licensees are subject to all applicable Acts, regulations, and By-laws, and all Licensees shall comply with the same.

### **PROPERTY OF THE MUNICIPALITY**

32. A Licence remains the property of the Municipality, whether in the lawful possession of a Licensee or not. No Licensee shall enjoy a vested right in the

continuance of a Licence. Upon the issuance, cancellation, or suspension of a Licence the Licence shall immediately be returned to the Issuer of Licences.

### **DUTY TO COMPLY**

33. Every Person applying for or holding a Licence under this By-law shall, in such application or in carrying on or engaging in the Business in respect of which the Licence is issued, observe, comply with, and be governed by this By-law.

### **NO DISCRIMINATION**

34. No Licensee shall discriminate against any member of the public, in the carrying on of the Business in respect of which the Licence is issued because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

### **EMPLOYEES ACTS**

35. Every Licensee shall be responsible for the act or acts of any of his or her Employees or any Person associated with the Licensee in the carrying on of any of the Businesses authorized by his or her Licence in the same manner and to the same extent as though such act or acts were done by the Licensee.

### **CONDITIONAL LICENCES**

36. Every Licensee shall comply with every condition imposed upon the Licence.

### **NON-TRANSFERABLE LICENCE**

37. Any Licence issued pursuant to this By-law cannot be transferred to any other Person. Any Person seeking to operate the same Business as the previous Licensee, or out of the same building, requires a new Licence and shall make application for such a Licence in accordance with the terms of this By-law.

### **OFFENCES AND PENALTIES**

38. Every Person who contravenes any of the provisions of this By-law or the conditions of a Licence is guilty of an offence.

### **FINES**

39.

(1) Every Person who is convicted of an offence under this By-law is liable to a fine of not more than ten thousand (\$10,000.00) dollars.

(2) Where a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed on the corporation is fifty thousand (\$50,000.00) dollars.

**PROHIBITION ORDER**

40. When a Person has been convicted of an offence under this By-law any court of competent jurisdiction may, in addition to any other penalty imposed on the Person convicted, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

**GENERAL PROVISIONS**

41. This By-law may be referred to as the Chatham-Kent Consolidated Business Licensing By-law.

**REPEALS, AMENDMENTS, TRANSITION AND ENACTMENT**

42.

(1) The following By-laws shall be repealed on the date this By-law comes into force and effect:

<b>By-Law No.</b>	<b>Name of By-law</b>
211-2008	Adult Entertainment
340-2002	Adult Videotapes
341-2002	Barber Shops and Hair Salons <i>includes Personal Service (Nails and/or tanning)</i>
342-2002	Bed and Breakfast establishments
343-2002	Body Piercing Parlours and Tattoo Parlours
345-2002	Caterers
269-2008, 317-2008	Carnivals, Circuses and Other Like Shows
347-2002	Cigar, Cigarette & Tobacco Shops
94-2013	Dealers of Old Gold or other Precious Metals
348-2002	Drain and Sewer Layers
350-2002	Food Carts and Mobile Lunch Wagons
349-2002	Food Sales
352-2002	Group Homes
353-2002	Hotels and Motels
354-2002	Hydroponic Sales
95-2015	Ice Cream Cart and Ice Cream Vehicle Sales
356-2002	Lodging Houses
357-2002	Master Plumbers
358-2002	Pawnbrokers

359-2002	Public Halls
360-2002	Public Pools
361-2002	Racetracks
362-2002, 230-2007	Rest Homes
363-2002	Restaurants
121-2006, 17-2011	Salespersons
365-2002	Seasonal Housing Accommodations
366-2002	Second-Hand Shops
367-2002	Summer Camps, Tourist Camps and Trailer Camps
302-2008	Amending By-law
189-2011	Amending By-law, except for those portions of the By-law applicable to the Lottery Licensing By-law and Hunting By-law

(2) Despite the repeal of the foregoing By-laws:

- a) the By-laws shall continue to apply to proceedings in respect of offences that occurred before its repeal; and
- b) all Licences issued under the By-laws that are in effect at the time of the repeal shall be deemed to be Licences as issued under this By-law, with all necessary modifications, and all the rules, requirements and regulations of this By-law shall apply.

(3) This By-law shall come into effect on January 1, 2016.

READ A FIRST, AND SECOND AND THIRD TIME this 14<sup>th</sup> day of December, 2015.

ORIGINAL SIGNED BY:

\_\_\_\_\_  
Mayor – Randy Hope

ORIGINAL SIGNED BY:

\_\_\_\_\_  
Clerk – Judy Smith



Schedule A

Consolidated Business Licensing By-law  
Licence Types and Expiry Dates

<b>Item Description</b>	<b>Expiry</b>
Adult Entertainment Parlour	*
Bed & Breakfast Establishment	*
Bunk House	Sep-30
Caterer	*
Food Cart	May-31
Food Sales Establishment	*
Group Homes/Residential Care Facility	*
Hair Salon/ Barber Shop	*
Hotel/Motel	*
Ice Cream Cart Sales – Motorized	May-31
Ice Cream Cart Sales – Non-Motorized	May-31
Ice Cream Vehicles	May-31
Lodging House	*
Mobile Food Cart	May-31
Old Gold or Other Precious Metals Dealer - Class A-1 - Commercial Taxpayer - per event – up to 3 consecutive days – one location	**
Old Gold or Other Precious Metals Dealer - Class A-2 - Non-Commercial Taxpayer - per event – up to 3 consecutive days – one location	**
Old Gold or Other Precious Metals Dealer - Class B-1 - Commercial Taxpayer - 1 year – one location	*
Old Gold or Other Precious Metals Dealer - Class B-2 - Non-Commercial Taxpayer - 4 days to 1 year – one location	**
Pawn Shop	*
Personal Service Establishment (ie.Nail Salon, Electrolysis, Tattoo, Body Piercing)	*
Public Hall	*
Public Pool	*
Restaurant	*
Retirement Home	*
Salesperson - Day Sales - maximum 3 consecutive days	**
Salesperson - Door to Door Sales - maximum 3 consecutive days	**
Salesperson - Fruit and Vegetable Stands (produce grown outside Chatham-Kent) - monthly	**
Salesperson - Trade Show – maximum 3 consecutive days	**
Salvage Yards	*
Second-Hand Shop	*
Summer Camp	*
Tobacco Shop	*
Vending Zone Permit	*
Tourist/Trailer Camp – Class 1 – Food premises and cottage/cabin	*
Tourist/Trailer Camp – Class 2 – Food premises only	*
Tourist/Trailer Camp – Class 3 – Cottage/cabin only	*
Business Licence Late Renewal Fee	n/a
<b>* end of the month plus one year from date of issuance</b>	
<b>**date specified on Licence</b>	
<b>Additional Fees- The Issuer of Licences shall be authorized to charge a Licensee for any direct costs incurred by the Municipality in relation to the administration or enforcement of a Licence.</b>	

Consolidated Business Licensing By-law

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Schedule B  
Adult Entertainment Parlour

**LICENCES**

1. The Municipality intends to Licence no more than three (3) Licensed Adult Entertainment Parlours providing Adult Entertainment Services in the Municipality, based upon the community's size and population. In order to procure a valid Licence from the Municipality an Applicant must demonstrate on reasonable grounds, the need for an additional Adult Entertainment Parlour providing service in the Municipality. Any increase in the number of Adult Entertainment Parlours providing Adult Entertainment Services beyond three (3) will require the approval of Council.
2. No Person or Business shall carry on an Adult Entertainment Event within the Municipality of Chatham-Kent.
3. No Licence shall be issued or renewed for an Adult Entertainment Parlour unless:
  - a) the Applicant is at least nineteen (19) years of age;
  - b) the Applicant has provided a satisfactory completed Police Record Search Certificate. Satisfactory certification includes, but is not limited to evidence that the Applicant has not received a conviction under one of the following sections of the Criminal Code of Canada or the *Controlled Drug and Substances Act*, for which a pardon has not been granted:
    - i. Indecent acts;
    - ii. Procuring;
    - iii. Prostitution;
    - iv. Trafficking & Possession;
    - v. Any other criminal offence which, in the opinion of the Chief of Police, is material to the issuance of the Licence.

**AGE LIMITS**

4. a) No Licensee, Adult Entertainment Owner or Adult Entertainment Operator shall permit any Person under the age of nineteen (19) years of age to enter or remain in the Adult Entertainment Parlour.  
b) Every Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall have a system in place at the Adult Entertainment Parlour that determines that each Person entering the Adult Entertainment Parlour is nineteen (19) years of age or older.
5. No Licensee, Adult Entertainment Owner or Adult Entertainment Operator shall employ a Person under the age of eighteen (18) years of age in an Adult Entertainment Parlour.

**ATTENDANT REGISTRATION FORM**

6. Every Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall require every Attendant to complete an Attendant Registration Form prior to such Attendant providing Adult Entertainment Services in the Adult Entertainment Parlour.
7. No Licensee, Adult Entertainment Owner or Adult Entertainment Operator shall permit any Person who has not completed an Attendant Registration Form to provide Adult Entertainment Services at the Adult Entertainment Parlour.
8. The completed Attendant Registration Form shall include the following information:
  - a) Legal Name and stage name/performing name;
  - b) Current address;
  - c) Former address, if changed within 2 years;

- d) Legible photocopies of two (2) pieces of valid identification, one of which must contain photographic identification of the Attendant:
  - i. Birth Certificate;
  - ii. Driver's Licence;
  - iii. Canadian passport;
  - iv. Canadian citizenship card with a photograph of the Person to whom the card is issued;
  - v. Photo card issued by the Liquor Control Board;
  - vi. Social Insurance Card; or
  - vii. If from another jurisdiction, the equivalent of above. Every Adult Entertainment Operator shall have the Attendant complete an Attendant Registration Form at least once a year, or where any change of information occurs.
9. An Attendant Registration Form is valid for one (1) year from the date it is completed.
10. Every Adult Entertainment Operator shall provide the Chief of Police and the Issuer of Licences every Attendant Registration Form at least 6 hours prior to the Attendant working within an Adult Entertainment Parlour.
11. No Licensee, Adult Entertainment Owner, Adult Entertainment Operator, Attendant or any other Person shall falsify any information contained within the Attendant Registration Form.
12. Every Adult Entertainment Operator shall obtain, review and verify that the information provided to him/her by the Attendant is consistent with the information contained on the Attendant Registration Form.
13. Every Adult Entertainment Operator shall retain an original copy of the Attendant Registration Form, together with legible photocopies of identification provided by the Attendant, for a minimum of three (3) years.

#### **GENERAL CONDITIONS**

14. No Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall, in respect of any Adult Entertainment Parlour operated by such Persons, permit any Attendant, while providing Adult Entertainment Services as an Attendant, to be touched by any Person for whom the Attendant is performing Adult Entertainment Services on the breast, pubic area or buttocks and no such Attendant shall permit any such Person to touch his or her breast, pubic area or buttocks while performing such Adult Entertainment Services.
15. No Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall, in respect of any Adult Entertainment Parlour operated by such Persons, permit any Attendant, while providing Adult Entertainment Services as an Attendant, to touch any Person for whom the Attendant is performing Adult Entertainment Services on the pubic area and no such Attendant shall touch any such Person on his or her pubic area while performing such Adult Entertainment Services.
16. No Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall, in respect of any Adult Entertainment Parlour operated by such Persons, permit any Attendant, while providing Adult Entertainment Services as an Attendant, to touch any other Attendant on the pubic area and no such Attendant shall touch any other Attendant on his or her pubic area while performing such Adult Entertainment Services.
17. No Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall, in respect of any Adult Entertainment Parlour operated by such Persons, permit any Attendant, while providing Adult Entertainment Services as an Attendant, to engage in or permit any anal or vaginal penetration and no such Attendant shall engage in or permit any anal or vaginal penetration while performing such Adult Entertainment Services.

18. No Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall operate an Adult Entertainment Parlour except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
19. No Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall permit any Attendant to perform any Adult Entertainment Services other than within full view without obstruction of walls, curtains, or other enclosures, devices or objects, and open to all customers.
20. No Attendant shall perform any Adult Entertainment Services other than within full view without obstruction of walls, curtains, or other enclosures, devices or objects, and open to all customers.
21. The Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall, at the request of the Issuer of Licences or an Officer, provide evidence as to the age of any Attendant in the Adult Entertainment Parlour.
22. No Person shall place or cause to be placed any sign, advertising or advertising device, including any printed material, posted or used outside the Premises for the purpose of promoting the Adult Entertainment Parlour, or any photograph, drawing or other artistic rendering Adult Entertainment Services designed to appeal to erotic or sexual appetites or inclinations.

Schedule C  
Bed & Breakfast Establishment

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licensee shall operate a Bed & Breakfast Establishment except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
3. Every Person shall ensure that each guestroom is provided with clean linens, including towels, any other customary toilet supplies for each registered individual on a daily basis.
4. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
5. Every Person shall at the time of application, provide the Issuer of Licences with a list detailing the number of rooms and number of beds in each room offered by the Bed & Breakfast Establishment, and provide a floor plan of the Bed & Breakfast.
6. Every Licensee shall maintain a register in which is entered the following:
  - a. the name and last address of every patron;
  - b. the date of arrival and departure of every patron;
  - c. the number of the room occupied by such patron; andThe Licensee shall ensure that the register required under this section shall be kept for a minimum of one year.
7. Every Licensee shall post in a prominent location at the entrance to their place of business, a sign with the wording detailed in Appendix "1".

Schedule D  
Bunk House

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licensee shall operate a Bunk House except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
3. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.

Schedule E  
Caterer

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licensee shall operate a Caterer Business except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.



Schedule F  
Food Cart & Mobile Food Cart

Relating to Both Food Carts and Mobile Food Carts

The following sections shall apply to both Food Carts and Mobile Food Carts:

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licensee shall:
  - a) operate a Food Cart or Mobile Food Cart in any residential area within the Municipality;
  - b) operate a Food Cart or Mobile Food Cart in contravention of the *Highway Traffic Act*, the Traffic and Parking By-law of the Municipality or any other applicable law;
  - c) operate a Food Cart or Mobile Food Cart within three hundred feet (300') of:
    - i. the customers' entrance to a Restaurant, or
    - ii. the customers' entrance to a place where foodstuffs are offered for sale, if the Food Cart or Mobile Food Cart offers for sale similar food products as does the Restaurant or place where foodstuffs are offered for sale;
  - d) operate a Food Cart or Mobile Food Cart within twenty feet (20') of the entrance to any building or within twenty feet (20') of a bus stop area;
  - e) operate a Food Cart or Mobile Food Cart in front of any window of any building so as to obstruct the view from such building through such window or the view from outside the building through such window to any display within the building;
  - f) operate a Food Cart or Mobile Food Cart unless he/she is wearing clean clothes and is neat and clean in appearance;
  - g) operate a Food Cart or Mobile Food Cart if, upon request by the Medical Officer of Health before or after such request, he/she fails to provide a certificate from a qualified physician certifying the good health of the operator;
  - h) operate a Food Cart or Mobile Food Cart if the sanitary condition of which is not satisfactory to the Medical Officer of Health;
  - i) operate or permit the operation of a Food Cart or Mobile Food Cart on the property of the Municipality unless a vending zone permit is obtained from the Municipality to operate at such location.
3. All Food Carts and Mobile Food Carts shall be equipped with either a:
  - a) metal refuse contained with a self-closing lid, which shall be kept at all times in a clean and sanitary condition and emptied at least once daily or when full;  
or
  - b) disposable litter container, which shall be replaced daily or when full.
4. The Licensee shall obtain a TSSA Mobile Food Service Equipment Annual Inspection of the Food Cart or Mobile Food Cart, as required by law, and maintain an up-to-date TSSA Certificate of that inspection in the Food Cart or Mobile Food Cart at all times that the Food Cart or Mobile Food Cart is in operation.
5. The Licensee shall obtain a Fire Suppression inspection of the Food Cart or Mobile Food Cart, as required by law, and maintain an up-to-date Fire

Suppression Systems Report in the Food Cart or Mobile Food Cart at all times that the Food Cart or Mobile Food Cart is in operation.

6. The Licensee shall keep such fire extinguishers as required by law in the Food Cart or Mobile Food Cart at all times that the Food Cart or Mobile Food Cart is in operation, and shall maintain the fire extinguishers in good working condition.
7. No Licence fee shall be payable under this Schedule for any Special Event.
8. Notwithstanding any clause of the Consolidated Business Licensing Bylaw, every Food Cart or Mobile Food Cart Licence shall expire on May 31<sup>st</sup> of each year and shall require renewal on June 1<sup>st</sup>.

#### Relating to Food Carts

In addition to the forgoing requirements for both Food Carts and Mobile Food Carts, all Food Carts shall comply with the following requirements:

9. No Licensee shall operate a Food Cart on Private Property unless written permission is provided by the owner of the property where the Food Cart will be operated, and proof of such permission is provided to the Issuer of Licences at the time of application or renewal of the Licence. Where the permission provided is less than the typical term of a Licence under the Consolidated Business Licensing Bylaw, or this schedule, the Licence shall expire on the last day of the permission provided.
10. The Licensee shall provide the Issuer of Licences with a site plan depicting the exact location of the Food Cart on the property at the time of application or renewal of the Licence, and the Licensee shall not operate the Food Cart except in that exact location. The Issuer of Licences may require a different location at any time, and where such a change is made, the new location shall be deemed to be the approved location for the purpose of the Licence.

#### Relating to Mobile Food Carts

In addition to the forgoing requirements for both Food Carts and Mobile Food Carts, all Mobile Food Carts shall comply with the following requirements:

11. No Licensee shall operate a Mobile Food Cart on private properties unless written permission is provided by each of the owners of the properties where the Mobile Food Cart will be operated, and proof of such permission is provided to the Issuer of Licences at the time of application or renewal of the Licence. Where the permission provided is less than the typical term of a Licence under the Consolidated Business Licensing Bylaw, or this schedule, the Licence shall expire on the last day of the permission provided.
12. The Licensee shall provide the Issuer of Licences with a site plan depicting the exact location of the Mobile Food Cart on each of the properties it will be located on at the time of application or renewal of the Licence, and the Licensee shall not operate the Mobile Food Cart except in those exact locations.
13. The Licensee shall provide to the Issuer of Licences, at the time of application or renewal of the Licence, the Vehicle Identification Number and the Ontario Licence plate number as issued by the Ministry of Transportation for each Licensed Vehicle, and automobile insurance in an amount not less than \$1 million per occurrence.

Schedule G  
Food Sales Establishment

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licensee shall operate a Food Sales Establishment except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.

Schedule H  
Group Home/Residential Care Facility

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
3. No Licensee shall operate a Group Home or Residential Care Facility except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.

Schedule I  
Hair Salon/Barber Shop

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licensee shall operate a Hair Salon/Barber Shop except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.

Schedule J  
Hotel/Motel

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licensee shall operate a Hotel/Motel except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
3. Every Licensee shall at the time of application, provide the Issuer of Licences with a list detailing the number of rooms offered by the establishment.
4. Every Licensee shall maintain a register in which is entered the following:
  - a. the name and last address of every patron;
  - b. the date of arrival and departure of every patron;
  - c. the number of the room occupied by such patron; andThe Licensee shall ensure that the register required under this section shall be kept for a minimum of one year.
5. Every Licensee shall post in a prominent location at the entrance to their place of business, a sign with the wording detailed in Appendix "1".

Schedule K  
Ice Cream Cart-Motorized, Ice Cream Cart-Non-Motorized  
and Ice Cream Vehicle

The following sections shall apply to Ice Cream Cart-Motorized, Ice Cream Cart-Non-Motorized and Ice Cream Vehicles:

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licensee shall:
  - a) operate an Ice Cream Cart/Vehicle in contravention of any Act, regulation or by-law including but not limited to the *Highway Traffic Act* or the Traffic and Parking By-law of the Municipality;
  - b) operate the Ice Cream Cart/Vehicle within three hundred feet (300') (91.440 m) of
    - i. the customers' entrance to a Restaurant, or
    - ii. the customers' entrance to a place where foodstuffs are offered for sale, if the Ice Cream Cart/Vehicle offers for sale similar food products as does the place where foodstuffs are offered for sale;
  - c) operate the Ice Cream Cart/Vehicle within twenty feet (20') (6.0960 m) of the entrance to any building or within twenty feet (20') (6.0960 m) of a bus stop area;
  - d) operate the Ice Cream Cart/Vehicle in any place or vicinity of that place for more than fifteen (15) minutes in any hour if no sales have occurred within that 15 minutes;
  - e) operate the Ice Cream Cart/Vehicle within one hundred feet (100') (30.480 m) of any school or hospital;
  - f) operate the Ice Cream Cart/Vehicle within one hundred feet (100') (30.480 m) of the external boundary of lands being used for a Special Event;
  - g) operate the Ice Cream Cart/Vehicle upon Municipal lands, other than a Highway, or within a Municipal park, unless approved in writing by the Manager, Recreation Facilities, Manager, Parks Cemeteries and Horticulture or the Director, Community Services for the Municipality or such Persons as designated by them in writing;
  - h) operate the Ice Cream Cart/Vehicle on Private Property, unless express consent of the owner of that property has been obtained;
  - i) operate the Ice Cream Cart/Vehicle on a Highway which has a speed limit of greater than 50 km/h;
  - j) operate the Ice Cream Cart/Vehicle in such a manner as to interfere with the movement of Vehicle or pedestrian traffic;
  - k) operate the Ice Cream Cart/Vehicle unless he/she is wearing clean clothes and is neat and clean in appearance;
  - l) operate the Ice Cream Cart/Vehicle if he/she has failed to provide a certificate from a qualified physician certifying the good health of the operator, where such a certificate has been requested by the Medical Officer of Health;
  - m) operate the Ice Cream Cart/Vehicle if the sanitary condition of the Ice Cream Cart/Vehicle is not satisfactory to the Medical Officer of Health.
  - n) operate the Ice Cream Cart/Vehicle outside the hours of 8 AM to 9 PM, unless specifically permitted under the Licence.
3. Every Licensee shall:
  - a) ensure that each Ice Cream Cart/Vehicle bears the Licence number assigned by the Issuer of Licences which shall be a minimum of 3 inches in height, clear, legible and situated on at least two sides of the Ice Cream Cart/Vehicle;
  - b) conduct the sales from the Ice Cream Cart/Vehicle in a manner such that all service of customers is from the side of such Ice Cream Cart/Vehicle facing the closest boulevard or sidewalk;
  - c) clear the way for any municipal, emergency, garbage/recycling or utility Vehicles.

4. No Licence fee shall be payable under this Schedule for any Special Event, if vendor is on the approved list of vendors for the event.
5. Notwithstanding any clause of the Consolidated Business Licensing By-law, every Food Cart Licence shall expire on May 31<sup>st</sup> of each year and shall require renewal on June 1<sup>st</sup>.
6. The Issuer of Licences at his/her discretion, may require Licensees to submit police information searches (police clearances) for all Licensees, current Employees and for new Employees. Such a search must be provided by the Police Service located in the municipality where the Licensee or Employee permanently resides, and shall be provided prior to the issuance of a Licence to any Person.
7. Every Licensee shall obtain and provide the Issuer of Licences a policy of liability insurance in the amount of at least one million dollars, covering the period of the Licence, for injuries or damages (including property damage, personal injury or death) caused by the Ice Cream Cart/Vehicle. This policy shall name the Municipality as an additional insured and shall provide for the Municipality being notified by the insurance company of any cancellation, termination or expiration of the policy.

#### Relating to Ice Cream Carts-Motorized

In addition, to the provisions dealing with Ice Cream Cart-Motorized, Ice Cream Cart-Non-Motorized and Ice Cream Vehicles the following section shall apply only to Ice Cream Carts- Motorized:

8. Every Person shall, at the time of application for a Licence for an Ice Cream Cart-Motorized, provide the Issuer of Licences with written confirmation of an inspection from the Chief of Police indicating that the Ice Cream Cart-Motorized is permitted for use under the *Highway Traffic Act*.

#### Relating to Ice Cream Vehicles

In addition, to the provisions dealing with Ice Cream Cart-Motorized, Ice Cream Cart-Non-Motorized and Ice Cream Vehicles the following sections shall apply only to Ice Cream Vehicles:

9. The Licensee operating an Ice Cream Vehicle shall obtain and provide the Issuer of Licences a policy of automobile insurance for the Ice Cream Vehicle in the amount of at least one million dollars, covering the period of the Licence.
10. The Licensee shall provide to the Issuer of Licences, at the time of application or renewal of the Licence, the Vehicle Identification Number and the Ontario Licence plate number as issued by the Ministry of Transportation for each Licensed Vehicle, and automobile insurance in an amount not less than \$1 million per occurrence.
11. All Ice Cream Vehicles shall be equipped with either a:
  - a) metal refuse container with a self-closing lid, which shall be kept at all times in a clean and sanitary condition and emptied at least once daily or when full; or
  - b) disposable litter container, which shall be replaced daily or when full.
12. No Ice Cream Vehicle shall conduct the Business:
  - a) except when stopped in a legal parking spot; and
  - b) parked in the appropriate lane of traffic and not facing traffic.



Schedule L  
Lodging House

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
3. No Licensee shall operate a Lodging House except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit
4. Every Licensee shall maintain a register in which is entered the following:
  - a. the name and last address of every Lodger;
  - b. the date upon which a Lodger first took up residence in the Lodging House;
  - c. the description and number of the room occupied by such Lodger; and
  - d. the date which the Lodger leaves residency in the Lodging House.The Licensee shall ensure that the register required under this section shall be kept for a minimum of one year.
5. The register shall be made available by the Licensee to the Issuer of Licences and/or Officer at all reasonable times. No Licensee shall fail to produce the register when requested.
6. The Issuer of Licences may provide for a maximum number of permitted Lodgers in the Lodging House, which may be indicated on the Licence. No Licensee Licensed under this Schedule and By-law shall permit more Lodgers to be housed in the Premises to which the Licence applies than is indicated on the said Licence.
7. No Licensee shall permit any Lodger to occupy for sleeping purposes any space in a building used as a lobby, hallway, closet, bathroom, stairway or kitchen.
8. Every Licensee shall post in a prominent location at the entrance to their place of business, a sign with the wording detailed in Appendix "1".

Schedule M  
Old Gold or Other Precious Metals Dealer

1. No Licensee shall obtain any Old Gold or other Precious Metals from any Person who is known to be or appears to be:
  - a) under the age of eighteen years; or
  - b) under the influence of alcohol or drugs or vulnerable for any other reason.
2. No Licensee shall obtain any Old Gold or other Precious Metals between the hours of 11 p.m. one day and 7 a.m. the following business day.
3. No Licensee shall obtain Old Gold or other Precious Metals without requesting and being presented with government issued identification containing a photograph and the name of the Person selling, exchanging or disposing of the Old Gold or other Precious Metals.
4. No Licensee shall alter, sell, exchange, repair, dispose of or in any way part with any Old Gold or other Precious Metals obtained until after the expiration of fifteen business days from the date of obtaining the Old Gold or other Precious Metals and during those fifteen business days such Old Gold or other Precious Metals shall remain on the Premises, or such other location in the Municipality as approved by the Issuer of Licences, in respect to which the Licence is issued and shall be kept in a separate location from any other Old Gold or other Precious Metals. Provided that if the Old Gold or other Precious Metals were obtained by a Licensed dealer from another dealer Licensed under the Consolidated Business Licensing By-law if the other Licensed dealer had held the Old Gold or other Precious Metals for the requisite fifteen business days. The Chief of Police shall have the authority to extend the fifteen day period for a further 7 days by providing notice to a Person Licensed under the Consolidated Business Licensing By-law.
5. Every Licensee shall keep a register in which shall be entered a record of all Old Gold or other Precious Metals obtained. Each entry in the registry shall:
  - a) be in the English language written in ink in a plain, legible hand;
  - b) be made at the time of obtainment or immediately thereafter;
  - c) include the date and hour of the obtainment;
  - d) contain a full description of the Old Gold or other Precious Metals, without limiting the generality of the foregoing including materials, size, and inscription;
  - e) contain a price paid for the Old Gold or other Precious Metals;
  - f) contain a description of the Person from whom the old gold and other precious metals was obtained including the name, address, birth date on the identification presented, the signature of the Person, and the type of identification presented; and
  - g) contain a photograph of the old gold piece or pieces or other precious metals, clearly showing each piece and any identifying marks, and linking photograph to the registered item.
6. Every Licensee shall post in a prominent location at the entrance to their place of business, a sign with the wording detailed in Appendix "1".

7. Every Licensee shall deliver or cause to be delivered at the office of the Chief of Police, by fax or email, a complete copy of the register of the purchases, containing information as set out in this Schedule. Licensees with a permanent presence in Chatham-Kent shall provide a copy of the register to the Chief of Police each week detailing the purchases from the previous week. Any Licensees without a permanent presence in Chatham-Kent shall provide a copy of the register to the Chief of Police immediately following completion of the old gold event.
8. Every Licensee shall provide a copy of any record required to be maintained under this Schedule to an Officer upon demand and shall ensure that such records are open to inspection by an Officer during business hours.
9. Every Licensee shall, upon any Person offering to him or her goods or articles of any kind, which he or she has cause to suspect have been stolen or otherwise unlawfully obtained, report the facts known to him or her to an Officer promptly.
10. Every Licensee shall retain the original register and pictures for one year.
11. Every application for a Licence shall be submitted by the Issuer of Licences to the Chief of Police and may also be referred to any other government official for a report; and where any such report is negative or unfavourable to the Applicant and where the Issuer of Licences intends to rely on this report for refusing a Licence, suspending a Licence or imposing conditions on a Licence, the Applicant shall be furnished with a copy of such report.
12. The Issuer of Licences may require Licensees to submit police information searches (police clearances) for all Licensees, current Employees and for new Employees. The searches shall be provided by the police service located in the municipality where the Licensee or Employee permanently resides or has its head office or place of business, prior to the issuance of a Licence to any Person. The searches must show that the Licensee and Employees have not been convicted of any criminal offences related to the following activities:
  - Theft
  - Possession of stolen property
  - Break and enter
  - Any other criminal offence which, in the opinion of the Chief of Police, is material to the issuance of the Licence.
13. A Licensee with a valid Class B-2 – Non- Commercial Taxpayer Business must notify the Issuer of Licences each time an event is to be held if the Business is not operated on a daily basis.

Schedule N  
Pawn Shop

1. Every Applicant shall provide the Issuer of Licences at the time of application, security in the form of a Letter of Credit or cash security deposit in the amount of \$2,000.00, for the due observance of the provisions in the *Pawnbrokers Act*, R.S.O. 1990. Such Letter of Credit or cash security deposit must be valid for the duration of the Licence.
2. Every Licensee shall comply at all times with all provisions of the *Pawnbrokers Act*, R.S.O. 1990.
3. Every Licensee shall provide a copy of any record required to be maintained under the *Pawnbrokers Act*, R.S.O. 1990. to an Officer upon demand and shall ensure that such records are open to inspection by an Officer during business hours.

Schedule O  
Personal Service Establishment

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licensee shall operate a Personal Service Establishment except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.

Schedule P  
Public Hall

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licence fee shall be payable under this Schedule by any religious organization or Board of Education provided that the Public Hall is use solely for events given or held by it.
3. Every application for a Public Hall Licence shall be accompanied by a description of the location, size and construction of the hall with such information as may be required by the Issuer of Licences;
4. No Licensee shall operate a Public Hall except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
5. No Licensee shall permit a greater number of Persons to occupy the Premises than maximum permitted occupancy.

Schedule Q  
Public Pool

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licensee shall operate a Pool except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.

Schedule R  
Restaurant

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licensee shall operate a Restaurant except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
3. All Restaurants shall use durable, hard-sided and animal-proof garbage containers for food and other waste materials.
4. No Licensee shall operate a Restaurant if, upon request by the Medical Officer of Health before or after such request, he/she fails to provide a certificate from a qualified physician certifying the good health of the Licensee or any Employee.
5. The Licensee shall obtain a Fire Suppression inspection of the Restaurant, as required by law, and maintain an up-to-date Fire Suppression Systems Report in the Restaurant whenever operating.
6. The Licensee shall keep such fire extinguishers as required by law in the Restaurant while operating, and maintain the fire extinguishers in good working condition.



Schedule S  
Retirement Home

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
3. No Licensee shall operate a Retirement Home except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
4. In addition to the general provision of the Consolidated Business Licensing By-law any Licensee operating a Retirement Home, as defined under the *Retirement Homes Act*, shall comply with all provisions of that Act.

Schedule T  
Salespersons

Fruit and Vegetable Stands

1. No Licence shall be required under the Consolidated Business Licensing By-law by any Person operating or maintaining a Fruit and Vegetable Stand within the Municipality for which all fruit and vegetables sold or offered for sale have been grown on a Premise within the Municipality, or for a permanent retail Business selling fruit and vegetables in conjunction with regular business sales.

Relating to Day Sales

2. Local Retailers shall obtain a Licence for Day Sales if the retailer is operating at an alternative temporary location but shall be exempt from paying the Licence fee.
3. No Licence fee shall be payable under this Schedule for any Special Event.
4. No Licensee shall operate or maintain the Business of a flower vendor within three hundred feet (300') of the customers' entrance to a florist.
5. No Licensee shall perform Day Sales on Private Property unless written permission is provided by the owner of the property where the Days Sales will occur, and proof of such permission is kept on site at all times of operation.
6. Where Day Sales occur outside of a permanent structure, the Licensee shall provide the Issuer of Licences with a site plan depicting the exact location of where the Day Sales will occur on the property at the time of application for the Licence, and the Licensee shall not operate except in that exact location. The Issuer of Licences may require a different location at any time, and where such a change is made, the new location shall be deemed to be the approved location for the purpose of the Licence.

Relating to Door to Door Sales

7. No Door to Door Sales shall be conducted between the hours of 8:00 pm and 8:00 am, unless alternate times are permitted by the Issuer of Licences in writing.
8. No Door to Door Sales shall be conducted on Sundays or statutory holidays.
9. A Licence shall be taken out for each individual Person performing Door to Door Sales.
10. Each individual Person performing Door to Door Sales shall obtain and wear at all times an identification badge provided by the Municipality at the time the Licence is issued.
11. As a part of the Licence Application for Door to Door sales, an Applicant shall submit with the Application, valid photo identification for each individual Person performing Door to Door Sales.
12. As a part of the Licence Application for Door to Door sales, an Applicant shall provide the Issuer of Licences with police information searches (police clearances) for the Applicant and each individual performing Door to Door sales. The searches shall be provided by the Police Service located in the municipality where the Licensee or Employee permanently resides prior to the issuance of a Licence to any Person, to insure that the Licensee and Employees have not been convicted of any criminal offences which, in the opinion of the Chief of Police, is material to the issuance of the Licence or place the public at risk.

Relating to Trade Show

13. The organizer for the Trade Show shall be responsible for obtaining a Licence for the Trade Shows, and each individual participant shall not require a Licence.

Schedule U  
Salvage Yards

1. No Licensee shall obtain any Salvage Materials from any Person who is known to be or appears to be:
  - a) under the age of eighteen years; or
  - b) under the influence of alcohol or drugs or vulnerable for any other reason
2. No Licensee shall obtain any Salvage Materials between the hours of 11 p.m. one day and 7 a.m. the following business day.
3. No Licensee shall obtain Salvage Materials without requesting and being presented with government issued identification containing a photograph and the name of the Person selling, exchanging or disposing of the Salvage Materials.
4. No Licensee shall alter, repair, dispose of or in any way part with, any goods or articles purchased or taken in exchange until after the expiration of three days following submission of the register described in paragraph 5 below to the Chief of Police, and during these three days the goods or articles so obtained shall remain on the Licensed Premises and be produced for an Officer upon request. An Officer shall have the authority to extend the three day period for an additional period of up to seven days by providing notice to a Licensee.
5. Every Licensee shall keep a register in which shall be entered a record of all Salvage Materials obtained, each entry in the registry shall:
  - a) be in the English language written in ink in a plain, legible hand;
  - b) be made at the time of obtainment or immediately thereafter;
  - c) include the date and hour of the obtainment;
  - d) contain a full description of the Salvage Materials;
  - e) contain a price paid for the Salvage Materials; and
  - f) contain a description of the Person from whom the Salvage Materials was obtained including the name, address, birth date on the identification presented, the signature of the Person, and the type of identification presented.
6. Every Licensee shall post in a prominent location at the entrance to their place of business, a sign with the wording detailed in Appendix "1".
7. Every Licensee shall deliver or cause to be delivered at the office of the Chief of Police, at minimum weekly by fax or email, a complete copy of the register of the purchases of the previous week, said register to contain information set out in paragraph 5 above.
8. Every Licensee to whom this article relates, or any Person acting as a servant or agent of any such Person, shall upon any Person offering to him or her goods or articles of any kind, which he or she has cause to suspect have been stolen or otherwise unlawfully obtained, report the facts known to him or her to an Officer promptly.
9. Every Licensee shall retain the original register for one year.

10. The Issuer of Licences at his/her discretion, may require Licensees to submit police information searches (police clearances) for all Licensees, current Employees and for new Employees. Said search shall be provided by the Police Service located in the municipality where the Licensee or Employee permanently resides prior to the issuance of a Licence to any Person, to ensure that the Licensee and Employees have not been convicted of any criminal offences related to the following activities in the previous ten years:

- Theft;
- Possession of stolen property;
- Break and enter;
- Any other criminal offence which, in the opinion of the Chief of Police, is material to the issuance of the Licence.

Following review of the police clearances for all Licensees and employees, should the Chief of Police determine:

- 1) That the Licensee should not be licensed then the Issuer of Licenses shall either refuse to issue the Licence; or
- 2) That an employee should not be employed by a Licensee, the Issuer of Licenses shall issue the Licence with conditions to address this direction.

11. Every Licensee shall ensure that the Salvage Yard be enclosed with a fence meeting the standards of the Municipality's Fence By-law No. 142-2014, or any successor by-law, or any other fencing requirements established under a Site Plan approved by the Municipality.

12. Notwithstanding any terms of this By-Law, Licensees shall not be required to comply with paragraphs 3, 4, and 5 of this Schedule in relation to Salvage Materials purchased from a third party auction.

Schedule V  
Second-hand Shop

1. Every Licensee of a Second-hand Shop shall:
  - a) at all times keep any Second-hand Goods to be sold or offered for sale within any Premises and none of the Second-hand Goods shall be offered for sale or sold except within such building;
  - b) ensure that all Second-hand Goods sold or offered for sale are displayed and kept in a neat, tidy, sanitary and safe manner;
  - c) at any time, permit such Premises, operated or maintained to be inspected by the Issuer of Licences and/or an Officer and promptly ensure that any reasonable changes in regard to the operation or conduct of the Second-hand Shop are carried out as required by the Issuer of Licences and/or an Officer;
  - d) maintain a register of all Second-hand Goods purchased or taken in exchange or otherwise obtained, at the Licensee's Premises. Each entry in the registry shall:
    - i. be in the English language written in ink in a plain, legible hand;
    - ii. be made at the time of obtainment or immediately thereafter;
    - iii. include the date and hour of the obtainment;
    - iv. contain a full description of the Second-hand Goods including make, model, and serial number;
    - v. contain a price paid for the Second-hand Goods;
    - vi. contain a description of the Person from whom the Second-hand Goods was obtained including the name, address, birth date on the identification presented, the signature of the Person, and the type of identification presented; and
    - vii. contain a photograph of the Second-hand Goods, clearly showing each piece.
  - e) post in a prominent location at the entrance to their place of business, a sign with the wording detailed in Appendix "1".
  - f) provide a copy of the register referred to in Section 1 (d) of this Schedule to the Issuer of Licences and/or the Chief of Police and shall deliver a copy of the monthly register to the Issuer of Licences at the end of each calendar month. Such register shall be open to inspection by the Issuer of Licences and/or an Officer during all times during business hours and may be removed at any time by the Issuer of Licences and/or an Officer for inspection, or use in the Courts, if necessary;
  - g) where the Licensee has reasonable cause to believe or suspect that any Second-hand Goods or other article offered for sales or trade has been stolen or otherwise unlawfully obtained, he/she shall forthwith report the matter to the Issuer of Licences and/or an Officer;
  - h) maintain all Second-hand Goods purchased or taken in exchange or otherwise obtained at the Licensee's Premises, for a minimum period of thirty (30) days prior to Second-hand Goods being sold or offered for sale.
2. No Licensee operating or maintaining any Premises for the purpose of Second-hand Goods shall:
  - a) directly or indirectly purchase from, exchange with, or receive from or in pledge from any minor, under the age of eighteen (18) years.
  - b) alter, repair, dispose of or in any way part with any Second-hand Goods purchased or taken in exchange until after the expiration of thirty (30) days, from the date of purchase or such exchange.

Schedule W  
Summer Camp, Tourist/Trailer Camp

1. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
2. No Licensee shall operate a Summer Camp, Tourist/Trailer Camp except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.

Schedule X  
Tobacco Shops

1. In addition to the general provision of the Consolidated Business Licensing By-law to follow all applicable laws, any Licensee shall comply at all times with all provisions of the *Smoke Free Ontario Act*.
2. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Medical Officer of Health of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
3. No Licensee shall operate a Tobacco Shop except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.



## APPENDIX "1"

### Signage and Public Notice To Be Given By Any Licensed Person(s)

#### Signage Wording:

Please be advised that person(s) are required to provide photo identification and additional Personal information as defined under the *Municipal Freedom of Information and Protection of Privacy Act*. The information is required pursuant to the terms of the *Municipal Act, 2001* and the Corporation of the Municipality of Chatham-Kent's Consolidated Business Licensing By-law. Information collected will be used to assist the Municipality and Chatham-Kent Police Service in the exercise of consumer protection and law enforcement purposes.

Questions regarding this collection should be forwarded to:

Municipal Clerk  
315 King Street West, Chatham, ON