



The Corporation of Norfolk County

By-Law 2020-17

NORFOLK COUNTY BUSINESS LICENSING BY-LAW

Being a By-Law to repeal and replace By-Law 2016-92, Harmonized Business Licensing By-Law, as amended, to provide for the Licensing, Regulating and Governing of Certain Businesses within Norfolk County.

WHEREAS Section 8(1) of the Municipal Act 2001, S.O. 2001, C.25, as amended, states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 10(1) of the Municipal Act 2001, S.O. 2001, C. 25, as amended, states: "A single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 10(2) of the Municipal Act 2001, S.O. 2001, C. 25, as amended, states that "A single-tier municipality may pass By-Laws respecting the following matters:

(11) Business Licensing;

AND WHEREAS Sections 150 and 151 of the Municipal Act 2001, S.O. 2001, C. 25, as amended, allows for licensing for matters of public interest, health, well-being and nuisance prevention as well as taxi-cabs;

AND WHEREAS it is deemed advisable to maintain the regulation of certain businesses within Norfolk County.

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

PART 1: DEFINITIONS

1.1 In this By-Law:

"Applicant" means a person applying for a licence or renewal of a licence thereof under this By-Law;

"Business" has the same meaning as provided in Section 150 of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended;

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"**County**" means The Corporation of Norfolk County; "**Council**" means the council of Norfolk County; "**Clerk**" means the clerk of Norfolk County; "**Treasurer**" means the treasurer of the County;

"**Conditions**" includes special conditions which are conditions imposed upon a business in a class that have not been imposed on all of the businesses in that class, as a requirement of obtaining, continuing to hold or renewing a licence;

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

"**Inspector**" except where otherwise indicated means an individual be they an employee or otherwise who is assigned by the Issuer of Licences or the Manager of By-Law Administration to enforce the provisions of this By-Law or any Public Health Inspector as defined under the Health Promotion Act;

"**Issuer of Licences**" means the Clerk, or the persons the Clerk may designate from time to time to issue licences in his or her stead;

"**By-Law Appeals Committee**" means the Norfolk County Licensing Tribunal;

"**Person**" includes an individual, partnership, corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

"**Policies**" or "**policy**" means policies or a policy approved by Council or attached hereto this By-Law;

"**Private club**" means an establishment which is maintained and operated by a not-for-profit corporation or unincorporated association solely for the benefit and enjoyment of its members, and which has adopted By-Laws and policies;

"**Secretary**" means the secretary of the By-Law Appeals Committee; and

"**Schedule**" shall be a reference to one or all the Schedules listed in this By-Law.

- 1.2 Except where otherwise provided, the provisions of this By-Law apply to the engaging in or carrying on, in Norfolk County, of any of the businesses regulated by this By-Law.
- 1.3 This By-Law is subject to the *Retail Business Holidays Act, R.S.O. 1990, c. R.30*.

By-Law 2020-17**PART 2: ADMINISTRATION**

2.1 Subject to the terms of this or other By-Laws, or the directions of Council:

(a) Administration of this By-Law shall be by the County Clerk.

(b) Enforcement of this By-Law shall be by:

(i) Persons assigned by the Issuer of Licences or Council for the purpose of enforcing the provisions of this By-Law which shall include the following:

1. Municipal Law Enforcement Officers;
2. Inspectors appointed pursuant to the *Building Code Act, 1992, S.O. 1992, c.23*;
3. Public Health Inspectors employed by the Haldimand-Norfolk Health Unit (or, alternatively, as appointed by the HPPA); and,
4. Licensing staff in Council Services.

(ii) Police officers.

2.2 A tribunal, composed of not fewer than three members who are appointed by resolution of Council, is established pursuant to section 23.2 of the *Municipal Act, 2001*, under the name "Norfolk County By-Law Appeals Committee".

(a) The By-Law Appeals Committee shall select one of its members as a Chair.

(b) For the purposes of subsection (2), the Tribunal shall apply the By-Laws of the Council and have the powers, duties and rights as applicable under the *Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22*.

(c) There shall be a Secretary to the By-Law Appeals Committee, who may be assigned administrative duties by the Committee.

(d) The Secretary shall attend all meetings of the By-Law Appeals Committee and shall keep all necessary records and perform such other duties as may from time to time be required by the By-Law Appeals.

2.3 The duties of the Issuer of Licences include ensuring:

(a) That the applicant, as the "owner" or "operator" of the business, unless otherwise defined in the applicable Schedule:

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- (i) Has the right to possess or occupy the premises where the business is carried on;
 - (ii) Has significant financial responsibility for the business such as responsibility for accounts payable and accounts receivable;
 - (iii) Manages any employees of the business such as hiring or firing such employees;
 - (iv) Has responsibility for the business under a permission granted by the federal or provincial governments such as a liquor licence (*Liquor Licence Act*) or a vendor's permit (*Retail Sales Tax Act*).
- (b) That applications are on the form applicable to the category of licence applied for, complete, and signed by the applicant, or where the application is from a partnership or corporation respectively, signed by a partner or the president or other authorized signing officer of the corporation; and
- (c) That the applicant has paid the fees required for the applicable licence(s) and application(s), for the term of the licence, prior to processing the application.
- (i) The applicant has the option to purchase licences for one, two or three year periods.
- 2.4 Where an application or applicant fails to comply with the requirements of paragraphs 2.3 (a), (b) or (c), or the Issuer of Licences' instructions in that regard, the application shall not be processed and shall be returned to the applicant.
- 2.5 Where the application is returned under subsection 2.4, the applicant may be:
- (i) Given the application and advised personally; or
 - (ii) Sent the application by regular mail to the applicant's address as disclosed by the application or to their last known address and advised by an accompanying letter.
- 2.6 When the Issuer of Licences has refused to issue a licence and applicant has not appealed the decision within thirty (30) days, and requested a hearing no further application from the applicant for the same category of licence shall be processed by the Issuer of Licences for a period of one year from the date of the refusal.
- 2.7 Notwithstanding subsection 2.6, where the only reason for the refusal is the failure of premises or vehicle to meet one or more requirements under this By-Law, a further application may be processed if the premises or vehicle, whether they are the same or different premises/vehicle, meet all requirements under this By-Law. Any such further application is subject to all of the requirements under this By-Law including

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the requirements under this section.

PART 3: LICENCE APPLICATIONS AND FEES

- 3.1 An applicant for a licence shall file the application, materials and fees, and in the case of a licensee renewing a licence, shall file the certifications, materials and fees, required to be supplied under the terms of this By-Law.
- 3.2 The applicant shall be responsible for ensuring that:
- (a) All forms are properly completed and signed where necessary;
 - (b) Truthful information is provided in forms required, or in responses supplied to enquiries made under this By-Law;
 - (c) Prior to issuance of the licence, any correction of information supplied under subsection 3.2 (a) or (b) is brought to the attention of the Issuer of Licences in writing; and,
 - (d) All necessary and required information, materials and fees are delivered to the Issuer of Licences.
- 3.3 An applicant may withdraw the application prior to issuance of the licence.
- 3.4 In the absence of policies and procedures for electronic submissions, the applicant shall make a written application for a licence, and shall include in or with the application:
- (a) The particular class or classes of licence applied for;
 - (b) The full name, home address and telephone number of the applicant;
 - (c) Any other information as may be required for the kind and class of licence by the Schedules, or as may be required by the Issuer of Licences to identify the applicant, the business and its owner or operator, and the nature of the business which the applicant proposes to licence, including any premises or vehicle, cycle or cart to be used;
 - (d) Where the application is for renewal of a licence, the applicant shall either supply completed and executed certifications on the form provided to the effect that there is no change to the information as supplied in the previous application under this By-Law, or shall provide either a new application or a written and signed list of the changes in the required information from the previous application, as may be requested by the Issuer of Licences;

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- (e) In cases where a criminal record check, drivers abstract, safety standards certificate, health or fire inspection, or other similar areas, proofs are required at the time of initial application these measures also form a requirement of licence renewal applications.
- 3.5 Where the applicant for a licence application is a partnership, the application shall include the names and addresses of all partners, and each partner shall supply the information required by the Issuer of Licences.
- 3.6 Where the applicant for a licence is a corporation, the application shall include the names and addresses for all directors and officers, and each director and officer of the corporation.
- 3.7 A criminal record, driving record or other document referred to in subparagraph 3.4(e) shall be dated not more than 36 days prior to the date on which the application is filed with the Issuer of Licences.
- 3.8 Every person who is a licence holder under this By-Law shall ensure that they renew the licence before it expires.
- (a) Unless otherwise identified in a schedule of this By-Law, in the event a licence holder fails to renew their licence before it expires, they may renew their licence no more than 60 days after it expires provided that they pay, in addition to the applicable licence fee, the applicable late payment fee.
 - (b) No licence shall be renewed more than 60 days after it expires.
- 3.9 Where any premises or part thereof are to be used for a purpose requiring authorization by licence, the applicant shall ensure the application includes an accurate and complete description of such premises or of the part to be authorized to be so used, including the address and telephone number of the location, and shall make a separate application for each separate premises to be licensed.
- 3.10 Where a motor vehicle is to be used for a purpose requiring authorization by licence, the applicant shall ensure the application includes a sufficient description of such vehicle, including the make, the model, the licence plate number, and the vehicle identification number, provide current proof of insurance and shall make a separate application for each vehicle to be licensed.
- 3.11 Every person seeking a licence for a business, shall provide proof as may be required by the Issuer of Licences to verify correct zoning, a plot plan and if deemed required a zoning verification certificate.
- 3.12 The applicable licence fee for each class or type of licence shall be the fee prescribed for each Schedule in the Norfolk County User Fees By-Law for such type or class of licence or application, and shall be considered an annual fee unless this By-Law or schedule therein specifies otherwise.

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3.13 Applicants and licensees shall pay the fees prescribed for the application and licence applied for, and their licence when issued shall expire on January 1st of the next year unless this By-Law or schedule therein specifies otherwise.

3.14 Where a licence has been issued or renewed subject to the fulfillment of a condition imposed by the Issuer of Licences or the By-Law Appeal Committee, and the applicant or licensee has failed to fulfil such condition within the time specified, the applicant or licensee shall pay an additional late fee of \$53.00, or as prescribed in the current User Fee By-Law, before the licence may be continued.

3.15 In spite of the expiry date determined under subsection 3.13, a licence shall expire:

- (a) When the licence is revoked or suspended under this By-Law;
- (b) Where the licensee ceases to be the owner or operator;
- (c) Where the licence is issued to an individual, on the date of death of the individual;
- (d) Where the licence is issued to a partnership or corporation, on the date of dissolution of the partnership or corporation;
- (e) Where any federal, provincial or municipal licence, including a permit, an approval, a registration or any other type of permission, required for the licensee to carry on or engage in their business has been revoked, suspended or has expired without renewal; or
- (f) where the licensee has been prohibited from carrying on or engaging in their business under federal, provincial or municipal authority including under authority of a court order.

3.16 Refunds of paid licence fees may be made, in the following amounts and circumstances:

- (a) Where the applicant prior to processing the licence under Section 4.1 of this By-Law withdraws an application for a licence, a refund of the licence fee may be made to the applicant;
- (b) Where a licence or renewal of a licence is refused or denied, a refund of whatever portion of the licence fee that is over \$100 may be issued to the applicant.

3.17 The licensee, or the licensee's legal representative shall return the licence certificate, plate, sticker or photo identification to the Issuer of Licences:

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- (a) Within seven days of the date of approval of the suspension or revocation of a licence unless this By-Law or schedule therein specifies otherwise;
- (b) Where a licence that has expired without renewal under subsection within seven days of the date of the expiry, unless this By-Law or schedule therein specifies otherwise;
- (c) Where the business licensed under this By-Law ceases to operate, within seven days of the date it ceases to operate;
- (d) Where the licensee has died the legal representative shall return, within seven days of the passing.

3.18 Fees shall be paid by the licensee for replacement of:

- (a) A licence certificate
- (b) Photo identification

PART 4: ISSUANCE of LICENCES

- 4.1 The Issuer of Licences upon receipt of a proper, completed application and payment of fees for a licence under this By-Law shall circulate the application to such County or provincial departments or agencies as the Issuer of Licences deems necessary or as directed by Council.
- 4.2 Departments or agencies to which the application is provided under subsection 4.1 shall review obtainable information and provide the Issuer of Licences with comments or compliance reports on whether the information indicates non-compliance with an applicable law which the department or agency enforces and which applies to the proposed business, and where an inspection is made, shall provide the Issuer of Licences with a report on any non-compliance found as a result of that inspection.
- 4.3 Applicants and licensees, as a condition of obtaining or continuing to hold a licence, shall permit inspections or inquiries by representatives of the departments or agencies circulated under subsection 4.1 as may be reasonably requested, and shall undertake any reasonable tests as requested.
- 4.4 The Issuer of Licences may send notice of the comments or other response from the departments or agencies received under this section to the applicant or licensee.

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4.5 The Issuer of Licences shall refuse to issue a licence or may suspend or revoke a licence when:

- (a) In the case of a refusal:
 - (i) Any federal, provincial or municipal licence, including a permit, an approval, a registration or any other type of permission, required for the applicant to carry on or engage in their business has not been issued or has been suspended, revoked or has expired; or
 - (ii) The applicant has been prohibited from carrying on or engaging in their business under federal, provincial or municipal authority including under authority of a court order;
- (b) In the case of a recommendation for refusal or suspension or revocation, the applicant or the licensee:
 - (i) Has not met one or more than one the requirements under this By-Law including the applicable Schedule or any conditions on the licence;
 - (ii) Has provided information in an application or by other means that is false or misleading;
 - (iii) Has not paid any fee to be paid under this By-Law including the applicable Schedule;
 - (iv) Has not paid any fine or court awarded costs resulting from a legal proceeding related to this By-Law or the applicable Schedule;
 - (v) Has not complied with any prohibition or other court order resulting from any legal proceeding related to this By-Law or the applicable Schedule; or
 - (vi) In the opinion of the Issuer of Licences:
 1. The operation of the applicant's or licensee's business would put the public's health and/or safety at risk; and/or
 2. The operation of the applicant's or licensee's business is not or will not be carried on in compliance with the law; and/or
 3. The conduct of the applicant or licensee (in the case of partnership, the conduct of its partners, employees or agents or in the case of a corporation, the conduct of its officers, directors, employees or agents) affords reasonable grounds for belief that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty or integrity.

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- 4.6 (a) When the Issuer of Licences refuses to issue a licence, the Issuer of Licences shall send a dated notice of refusal to the applicant which includes the grounds upon which the licence is being refused.
- (b) An applicant who receives a notice of refusal is entitled to request a hearing before the By-Law Appeals Committee.
- (c) A request by an applicant for a hearing shall be made in writing, accompanied by the applicable fee and delivered to the Secretary within 30 days of the date contained in the notice of refusal. The applicant shall also include the grounds for their request.
- 4.7 (a) When there is a recommendation of suspension or revocation of a current licence, a dated recommendation to suspend or revoke to the licensee shall be made to the licensee by the By-Law Appeals Secretary which includes the grounds upon which the recommendation is being made.
- (b) A licensee who receives recommendation to suspend or revoke is entitled to a hearing before the By-Law Appeals Committee.
- 4.8 Where a request for a hearing meeting the requirements of section 4.6(c) or a recommendation to suspend or revoke has been delivered to the Secretary under paragraph 4.7(a), a hearing shall be scheduled before the By-Law Appeal Committee and notice of the hearing date shall be given to the parties.
- 4.9 The parties to a hearing to refuse a licence are the applicant and the County and to a hearing to suspend or revoke a licence are the licensee and the County.
- 4.10 A notice of hearing shall include:
- (a) A statement of the time, date and purpose of the hearing; and
- (b) A statement that if the applicant or licence holder does not attend the hearing, the By-Law Appeal Committee may proceed in their absence without notice to them.
- 4.11 A notice of refusal or a notice of hearing may be delivered personally to a person apparently in charge of a licensed premises, vehicle, by sending it by prepaid registered mail or by courier requiring signature to the last known address of the applicant or licensee on file with the County. Delivery by registered mail or courier requiring signature shall be deemed to have taken place five business days after the date of mailing.
- 4.12 Issuer of Licences may, at a hearing, recommend that a licence be refused, suspended or revoked or the imposition of conditions.

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4.13 The By-Law Appeals Committee shall hold a hearing at the time, date and place set out in a notice of hearing.

4.14 A hearing shall be commenced by the By-Law Appeals Committee on or before 60 days from the date of delivery of a notice of hearing subject to a decision of the By-Law Appeal Committee to extend the time for commencing a hearing.

4.15 Upon holding an appeal from a refusal to issue a licence or a hearing to suspend or revoke a licence, the By-Law Appeal Committee may:

- (a) Uphold the refusal to issue the licence;
- (b) Suspend or revoke the licence; and/or
- (c) Attach conditions to the licence.

4.16 Conditions attached to a licence may include but are not limited to requiring the applicant or licensee:

- (a) Comply with By-Laws or other laws and provide proof of such compliance;
- (b) Pay a fine or other court awarded costs resulting from a legal proceeding related to this By-Law or the applicable Schedule and to provide proof of such payment;
- (c) Comply with a prohibition or other court order resulting from a legal proceeding related to this By-Law or the applicable Schedule and to provide proof of such compliance;
- (d) Change the hours of operation of their business;
- (e) Supply additional information on criminal, provincial or driving convictions or periodic updates of such convictions or both;
- (f) Supply information to verify evidence given at their hearing;
- (g) Ensure that the persons carrying on their business do so in accordance with the law, or with honesty and integrity.

4.17 The By-Law Appeal Committee shall have regard to the following matters where relevant, as may be raised at a hearing:

- (a) This By-Law and other applicable law;

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- (b) Circumstances and facts raised by the evidence of the parties;
- (c) If the business puts or could put the public's health and/or safety at risk; and
- (d) If the business is or will be carried on in compliance with the law, and whether the conduct of the person (in the case of a partnership, the conduct of its partners, employees or agents or in the case of a corporation, the conduct of its officers, directors, employees or agents) affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty or integrity.

4.18 The By-Law Appeal Committee's decision in respect of refusing, suspending, revoking or attaching conditions to a licence is final.

4.19 After the By-Law Appeals Committee has made a decision in respect of a hearing, notice of that decision shall be sent to the applicant or licensee by personal delivery, registered mail or signed courier to the last known address of the applicant or licensee on file with the County.

4.20 Where the decision of the By-Law Appeals Committee is:

- (a) To issue a licence or conditional licence, the Issuer of Licences shall issue the licence or the conditional licence, on the terms directed by the By-Law Appeal Committee;
- (b) To refuse or revoke a licence, any further hearing with respect to that licence shall be not considered for one year from the date of the By-Law Appeal Committee's decision.

PART 5: GENERAL AND OFFENCES

5.1 Every licence certificate shall be in such form as may from time to time authorized by the Issuer of Licences and shall show on its face:

- (a) The kind or class or classes of licence issued;
- (b) The date of expiry;
- (c) Whenever the licence authorizes the use of any premises or part(s) thereof for the purpose of the licensed business, identification of such premises and part(s) to be utilized.

5.2 Licence certificates may show conditions imposed on the licence.

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- 5.3 The signature of the Issuer of Licences shall be affixed to each issued licence certificate, and a mechanical reproduction of the signature may be affixed in place of the original.
- 5.4 Every licence certificate, licence plate, identification card, form or document, shall be delivered forthwith to the County upon written or oral request of the Issuer of Licences or a licence inspector acting upon his or her direction.
- 5.5 No licence is transferable unless a transfer is specifically provided for in the applicable Schedule and approved in writing by the Issuer of Licences.
- 5.6 No licence authorizes the use of any premises or part thereof, or of any vehicle, except that identified on the licence certificate or record of application.
- 5.7 Where a licence authorizes the use of any premises or part thereof, for any purpose for which a licence is required under this By-Law, the current licensee shall:
- (a) Post up the licence certificate;
 - (b) Keep the licence certificate posted up, in a position where it may readily be seen and read by persons entering the premises or part thereof;
 - (c) Remove any licence certificate which is not current from any area which is accessible to persons entering the premises.
- 5.8 The licensee shall be responsible that the premises authorized to be used for the purposes of the licensed business are kept clean and orderly, and that every vehicle to be used for the purpose of the licensed business is so used only when in a sanitary and safe condition.
- 5.9 Persons carrying on or engaged in the businesses for which licensing is provided under this By-Law, shall allow at any reasonable time, inspection of the places or premises used in the carrying on of the business and equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of the business, by persons authorized to enforce the provisions of this By-Law.
- 5.10 Every licence holder shall advise the Issuer of Licences immediately in writing of any change to the information required to be filed in respect of their licence under the General Provisions or the Schedule under which their licence is issued.
- 5.11 Every person engaging in or carrying on any business for which a licence is required by the provisions of this By-Law shall be responsible that all applicable laws,

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including all the provisions of this By-Law and the applicable Schedule or Schedules regulating such business, are complied with.

- 5.12 Licensees shall comply with all applicable law, including all the provisions of this By-law and the applicable Schedule or Schedules, and with conditions of their licences, and no licensee shall cause or permit their employee, agent or other persons carrying on or engaging in the business on their behalf, to fail to comply with all applicable law, including the provisions of this By-Law and the applicable Schedule or Schedules, and with the conditions of their licences.
- 5.13 Compliance with all applicable law, including the provisions of this By-Law and its Schedules, and with the conditions of licences is a condition of an applicant or licensee obtaining, continuing to hold or renewing a licence.
- 5.14 A person assigned to enforce this By-Law may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) This By-Law;
 - (b) A direction or order made under this By-Law;
 - (c) A condition of a licence issued under this By-Law; or
 - (d) An order made under s. 431 of the *Municipal Act, 2001*.
- 5.15 A person assigned to enforce this By-Law may, for the purposes of the inspection under subsection 5.14:
- (a) Require the production for inspection of documents or things relevant to the inspection;
 - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) Require information in writing or otherwise as required by the person assigned to enforce this By-Law from any person concerning a matter related to the inspection; or
 - (d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

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- 5.16 Any cost incurred by the County in exercising its authority to inspect under section 5.14 and 5.15, including but not limited to the cost of any examination, tests, sampling or photographs necessary for the purposes of the inspection, shall be paid by the person who is licensed or required to be licensed under this By-Law to carry on the business being inspected.
- 5.17 A person assigned to enforce this By-Law may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001* where he or she has been prevented or is likely to be prevented from carrying out an inspection under sections 5.14 and 5.15.
- 5.18 If a person assigned to enforce this By-Law 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 or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.
- 5.19 An order under subsections 5.14 and/or 5.15 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 (if any) to be completed; and
 - (c) The date or dates by which the work (if required) must be complete.
- 5.20 An order to discontinue contravening activity may be served personally, by registered mail or by courier requiring signature to the last known address of:
- (a) The owner or occupier of the property where the contravention occurred; and,
 - (b) Such other persons affected by it as person assigned to enforce this By- Law making the order determines.
 - (c) Service by registered mail or by courier requiring signature shall be deemed to have taken place five business days after the date of mailing.
- 5.21 In addition to service given in accordance with subsection 5.20, an order to discontinue contravening activity made under subsection 5.14 or an order to do work made under subsection 5.18 may be served by a person assigned to enforce this By-Law by placing a placard containing the order in a conspicuous place on the property where the contravention occurred.

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- 5.22 Where service cannot be given in accordance with subsection 5.20, sufficient service is deemed to have taken place when given in accordance with subsection 5.21.
- 5.23 Where a person does not comply with a direction or a requirement, including an order, under this By-Law to do a matter or thing, the Issuer of Licences or the Norfolk County Head of Municipal By-Law Enforcement, with such assistance by others as may be required, may carry out such direction or requirement at the person's expense.
- 5.24 The County may recover the costs of doing a matter or thing under section 5.23 by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an annual interest rate of 15 per cent commencing on the day the County incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 5.25 The Issuer of Licences or the Norfolk County Head of Municipal By-Law Enforcement is authorized to give immediate effect to any direction or requirement where the costs of carrying out the direction or requirement do not exceed \$5,000 and, where the costs do exceed \$5,000, as the County's Council may authorize.
- 5.26 Pursuant to Section 431 of the *Municipal Act, 2001*, 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 or other remedy imposed, make an order prohibiting the continuation or repetition of the offence.
- 5.27 Every person who contravenes this By-Law and its schedules and every director or officer of a corporation who concurs in such contravention by the corporation can be found guilty of an offence and upon conviction liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both.
- 5.28 Every person, including every person who fails to comply with an order made under section 5.14, and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and upon conviction liable to a fine not exceeding \$25,000.
- 5.29 Where a corporation is convicted of an offence under subsection 5.27 or 5.28, the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided in those subsections.
- 5.30 A notice given or required to be given to an applicant or licensee under this By-Law, may be sent by facsimile, regular mail, courier service, registered mail to a number or address supplied by the applicant or licensee, or delivered personally to the applicant or licensee, or to a person in charge of the premises, vehicle

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licensed or required to be licensed under this By-Law.

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

PART 6: SEVERABILITY AND SAVING

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

PART 7: SCHEDULES

7.1 The following Schedules form part of this By-Law:

Schedule 1 Pedlars

Schedule 2 Auctioneers

Schedule 3 Amusements

Schedule 4 Hotel/ Motel/ Bed and Breakfasts Schedule 5 Mobile Food Premises

Schedule 6 Food Premises

Schedule 7 Pawn Brokers/Sellers of Used Goods Schedule 8 Salvage Yards

Schedule 9 Personal Aesthetic Services Schedule 10 Taxicabs/Limousines

Schedule 11 Thursday the 12th and Friday the 13th

GENERAL OTHER

7.2 Notwithstanding the annual licensing period established in Schedule 10 respecting Taxicabs/Limousines, licences issued within the period of April 15, 2019 to 11:59 p.m. April 14, 2020 shall be valid until 11:59 pm. May 31, 2020.

REPEALS

7.3 Norfolk County By-Laws No. 2019-56, 2019-37, 2016-92, 2014-54, 2015-106, 2013-74, 2006-254 and 2002-26 any amendments thereto are hereby repealed in their entirety upon the date of enactment of this By-Law

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ENACTMENT

7.4 The effective date of this By-Law and Schedules 10 and 11 shall be April 7, 2020;

7.5 The effective date of this By-Law and all remaining schedules shall be January 1, 2021.

ENACTED AND PASSED THIS 7TH DAY OF APRIL , 2020.



Mayor



County Clerk

Authority: Resolution 13, CIC
Staff Report: CAO 20-03
Meeting: March 10, 2020

By-Law 2020-17**Schedule 1 – Pedlars****1. Definitions**

In this Schedule, “**Pedlar**” means any person who goes from place to place in the Municipality, offering for sale or purchase, goods, wares or services or the taking of orders for future delivery of goods or services.

2. Licence Required

2. (a) No person shall engage in the peddling of goods and/or services without first obtaining a licence;
- (b) Every licensee shall prominently display the licence at the location of the business at all times or where the licensee does not have licensed premises, the licensee shall carry the licence at all times while engaged in the activity for which the licence has been issued;
- (c) No person shall engage in the peddling of goods and/or services at a particular place without written approval from the owner of the property, if the owner is someone other than the applicant;
- (d) No Pedlar shall:
 - (i) Place or maintain any stand, stall or booth in any street or other public place;
 - (ii) Stop in any place in a highway or on a vacant lot adjacent to such highway to sell goods, wares or merchandise; or
 - (iii) Sell goods, wares or merchandise out-of-doors without written permission from the property owner of commercially-zoned lands within the County.
- (e) Each individual peddling goods is required to carry a separate pedlar’s licence.

3. General and Offences

- (a) No pedlar licences will be issued to companies that sell fixed hydro, water or natural gas rates;
- (b) No pedlar licences will be issued to companies that sell or rent water heaters, furnaces or air conditioner units, water treatment or air quality treatment devices;
- (c) Upon sufficient complaints about dishonest activity by any pedlar the Issuer of Licences shall suspend, revoke or fail to renew a pedlar’s licence;
- (d) Every applicant shall file with the application a written statement fully describing the good or services he/she intends to peddle;

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- (e) No person licensed under this section shall peddle goods or services, door-to-door, before 9:00 a.m. or after 9:00 p.m. any day.

4. Exemptions

- (a) Notwithstanding section 2(d) a Pedlar may set up in a location designated to them when taking part in a recognized Community Festival or Special Event pursuant to having a written agreement in place to do so and meeting all other requirements of this schedule and By-Law 20-17.
- (b) No pedlars licence shall be required in instances where:
 - (i) The sale is to wholesale or retail dealers in similar goods;
 - (ii) The sale is conducted as a fundraiser by a local Non Profit/Charitable Organization to support the charitable objects of the organization and the sales are conducted by volunteers receiving no compensation or commission for sales;
 - (iii) The sale is conducted by vendors at a location which forms part of a County sanctioned farmers market operation;
 - (iv) The sale is conducted by an Agricultural Society property during an annual fair;
 - (v) The sale is conducted as part of an approved trade show to which the pedlar has a written agreement with;
 - (vi) The sale is a yard or garage sale conducted at the same residential location on not more than four (4) occasions within a calendar year and offering for sale only the used household or personal goods of the occupant (does not include food products);
 - (vii) The sale is conducted by the owner of a business as an extension of their existing premise which is appropriately zoned for the use within the municipality and the goods or services being peddled relate to the business and are being peddled by an employee or an agent of the business;
 - (viii) The sale is conducted inside a private residence, by invitation only.

By-Law 2020-17**Schedule 2 – Auctions/Flea Market Sales****1. Definitions**

In this Schedule “**Auctioneer**” means a person who sells or offers for sale goods, wares, merchandise or effects by public auction be they new or used.

“**Flea Market**” means indoor or outdoor short term sales that is open to the general public and has more than five (5) vendors; however, excludes community group sales.

2. Licence Required

- (a) No person shall carry on the business, trade, or occupation of an auctioneer without a licence.
- (b) No person shall carry on the business of a flea market in Central Business District (CBD) Zoned areas.

3. General and Offences

- (a) This Schedule does not apply to a sheriff or bailiff offering for sale goods or chattels seized on execution or distrained for rent.
- (b) Any person conducting an estate auction shall be allowed to apply for one (1) annual licence to govern the conduct of auctions for a twelve (12) month period and the fee for such licence shall be equal to the fee paid for individual non-estate auctions as established in the User Fee By-Law.

- 4. (a) Every auctioneer or flea market organizer shall keep proper books of account of the business transacted as an auctioneer which shall include:
 - (i) Names and addresses of persons depositing goods for sale;
 - (ii) Description of the goods;
 - (iii) Names and addresses of persons purchasing any goods;
 - (iv) Price at which the goods were sold;
 - (v) Accounting for the proceeds paid to the person entitled to the proceeds, less the commission and charges, agreed to with the auctioneer.
- (b) Every auctioneer or flea market organizer, in the case of no sale, on payment of the auctioneer’s or flea market organizer’s proper costs shall return the person’s goods on demand being made for those goods.

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- (c) Every auctioneer shall comply with all the requirements of the *Sale of Goods Act, R.S.O. 1990, c. S.1.* and its regulations and any orders or regulations issued under the authority of any other statute of the Province of Ontario or of Canada.

5. An auctioneer or flea market organizer shall not:

- (a) Conduct or permit to be conducted any mock auction;
- (b) Knowingly make or permit to be made any misrepresentation as to the nature content, quantity or value of any goods, wares, merchandise or effects which the auctioneer offers for sale;
- (c) Give away articles or sell articles for nominal amounts for the purpose of stimulating bidding;
- (d) Do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he or she pays for any article or articles;
- (e) Avail himself or herself of the services of, or act in concert with, persons known in the trade as “beaters”, “boosters”, or “shills” for the purpose of raising or stimulating bids;
- (f) Sell or offer for sale by auction any goods, wares, merchandise or effects on a reserve bid basis, without first having announced clearly to those in attendance at the auction the fact of such reserved bid;
- (g) Commence or continue any auction sale when the number of people on the premises exceeds the occupancy capacity as determined under the Ontario Building Code.

By-Law 2020-17**Schedule 3 - Amusements****1. Definitions**

In this Schedule, “**Amusement**” means a traveling, commercial, entertainment business including but not limited to side shows, rides, games, trained animal shows, clowns, watercraft rentals and like activities.

2. Licence Requirement

- (a) No person shall own, operate or maintain a Carnival or Circus within the municipality without first obtaining a licence from the Issuing Officer.
- (b) No person shall carry on or operate any amusement device, including a sea-doo, merry-go-round, switchback railway, carnival, inflatable device, or other like contrivance within the municipality without first obtaining a licence from the Issuer of Licences.

3. Issuance Requirements

- (a) No person shall operate an amusement in Norfolk County without first having obtained a certificate of insurance certifying that public liability insurance in the amount of not less than two million dollars (\$2,000,000.00) is in force for such event.
- (b) Council or Special Event approval to operate on municipal property is required. In order to receive Council approval:
 - (i) The applicant must file with the Corporation a Certificate of Insurance showing proof of public liability and Norfolk County shall be shown as an additional insured. The policy must also outline that it will not be cancelled without the insurer providing ten days’ notice to the Issuer of Licences.
 - (ii) The applicant must meet all requirements of licensing and any special events processes and pay all fees in full.
- (c) Every person shall at the time of application, provide the Licensing Officer with verification of zoning indicating that the premise is in compliance with all municipal regulations.
- (d) Every person shall at the time of application, provide the Licensing Officer with annual certification of Ontario Fire Code compliance, as issued by the Chief Fire Official or designate, where required.
- (e) In regards to an amusement licence issued to a watercraft the Issuer of Licences or Director, Corporate Services, or designates may place additional restrictions or limitations on the licence after issuance in writing due to water races, events.
 - (i) These limitations can include not operating in dates or locations anticipated to have high beach activity not related to an endorsed special event; however shall not apply ongoing blanket prohibitions on the licence.

By-Law 2020-17**4. Amusement Device Requirements**

Every person shall at the time of application, provide the Licensing Officer with a licence to carry on the business of operating amusement devices issued by the Director under the *Amusement Devices Act*, and a current permit for each amusement device signed by an inspector employed by the Technical Standards and Safety Authority, and a current ride operator's licence from the Technical Standards and Safety Authority.

5. General and Offences

- (a) A separate amusement licence is required for each location;
- (b) Amusement licences shall be valid for a period of thirty (30) days:
 - (i) A licence may be issued for a period of one year in the case of an ongoing ride or rental service which is not associated with a circus or carnival;
 - (ii) The cost of an annual licence shall be fixed at five (5) times the rate of a regular licence as outlined in the User Fee By-Law.
- (c) No licensee may operate a ride or amusement if it is unsafe or is not in good working condition;
- (d) All rides and amusements shall be clean and kept free of garbage;
- (e) Amusement operators are responsible for ensuring appropriate receptacles are in place around ride areas;
- (f) Amusement operators are responsible for ensuring adequately supplied and conveniently located handwashing facilities within or around all amusement devices involving human contact with animals;

By-Law 2020-17**Schedule 4 - Hotels/Motels/Bed and Breakfasts****Definitions**

In this Schedule, "**Hotel**" includes a motel and means any premises in which is provided four (4) or more rooms for overnight accommodation of the travelling public.

In this Schedule, "**Bed and Breakfast**" means and premises in which one (1) or more rooms are designated for overnight accommodation of the travelling public.

Licence Requirement

1. No person shall operate a Hotel or Bed and Breakfast without holding a valid licence to do so.

Issuance

2. Every Hotel shall provide a floor plan at the time of licensing which shall include all swimming pools and hot tubs on the Premises.
3. Every Hotel and Bed and Breakfast Establishment Licensee shall keep and maintain a Register of guests which may be used for notification purposes of health and/or public safety matters

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Schedule 5 – Mobile Food Premises

1. Definitions

In this Schedule:

“Certificate of Inspection” means a certificate in a form approved by the County’s Medical Officer of Health which sets out the results of an inspection conducted under the *Health Protection and Promotion Act* or its regulations;

“Charity” means a registered charity as defined in the *Income Tax Act (Canada)* which has a registration number issued by the Canada Revenue Agency, or a successor agency;

“Food service vehicle” means any vehicle from which refreshments are sold or offered for consumption by the public and includes but is not limited to a cart, wagon, trailer, truck and bicycle, irrespective of the type of power employed to move the food service vehicle from one point to another, and:

- (a) A Mobile Food Premise can be motorized or non-motorized; site specific or not site specific. It includes, but not limited to a catering truck, chip truck, ice cream truck, refreshment trailer or hot dog cart.
- (b) A Mobile Food Premise: Ice Cream and Non-Hazardous is a non-motorized food service vehicle that is used as a travelling food premises from which pre-packaged frozen products exclusively are offered for sale, including but not limited to, an ice-cream cycle, yogurt cart, or juice cart.

“Property” means a parcel of land which can be legally conveyed pursuant to the provisions of the *Planning Act* and does not include road allowance;

“Public Health Inspector” means a Public Health Inspector employed in the Haldimand-Norfolk Health Unit;

“Refreshment” means food or drink;

“Special event” means a special event under the County’s Special Event Policy.

LICENCE REQUIRED

2. No person shall operate a food service vehicle without a licence.

- (a) Despite Section 2, no licence is required in an instance where one (1) food service vehicle is being operated by a charity or an educational, religious or youth sports organization for the purpose of raising funds during an event.

By-Law 2020-17**ISSUANCE**

3. (a) Before a licence may be issued, every applicant for a licence, in addition to complying with the General Provisions of this By-Law, shall submit:
- (i) A list of the types of refreshments to be sold or offered for sale, specifying the source supplying the refreshments and identifying refreshments that will be refrigerated or heated as part of the operation of the food service vehicle;
 - (ii) A spill containment plan including a description of how and where grease and grey water will be disposed of;
 - (iii) A description of the type of food service vehicle to be licensed;
 - (iv) The location where the food service vehicle will be parked or stored when not in use;
 - (v) Written approval from the property owner or owners where the food service vehicle will be located when selling or offering for sale refreshments;
 - (vi) For a food service vehicle that is subject to Director's Order FS- 056-06 (issued under the *Technical Standards and Safety Act, 2000* and its regulations), as amended or replaced from time to time, a completed inspection certificate and information fact sheet issued no more than 36 days before an application or renewal is submitted;
 - (vii) For a Mobile Food Premise food service vehicles, proof of current and valid motor vehicle insurance satisfactory to the Issuer of Licences with a third party liability limit of no less than \$2,000,000 per occurrence;
 - (viii) For a Mobile Food Premise and Mobile Food Premise Sales: Ice Cream and Non-Hazardous food service vehicle selling or offering for sale refreshments when on road allowance on other County property, proof of current and valid liability insurance satisfactory to the Issuer of Licences naming the County as an additional insured with a third party liability limit of no less than \$2,000,000 per occurrence;
 - (ix) Make the food service vehicle available for inspection as required by the Issuer of Licences, Public Health Inspectors, or the Fire Chief.
 - (x) Requirement of three (3) meter setbacks from municipal road allowance for food service vehicles located in the spot for more than one (1) week, or appropriate exemption from County staff.
- (b) A separate licence shall be issued for each food service vehicle and shall list each property, if any, where the food service vehicle will be located.
- (c) A licence to operate a food service vehicle shall not be issued until a public health inspector has informed the Issuer of Licences that all requirements

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under the *Health Protection and Promotion Act* and its regulations have been fully complied with.

- (d) In addition to issuing licences with a term of one year to applicants, the Issuer of Licences may issue up to three licences with a term of up to four days to any one applicant in a calendar year.

DUTIES OF OPERATORS

4. Every person operating a food service vehicle shall ensure that:

- (i) Only the food service vehicle and property, if any, for which the licence has been issued are used;
- (ii) The food service vehicle is equipped and maintained with:
 - (a) A clean compartment for the storage of food, and, in the case of a food service vehicle selling or offering for sale ice cream, frozen desserts or other frozen confections, the compartment shall be refrigerated at a temperature approved by the HNHU; and
 - (b) At least one suitable waste container.
- (iii) The food service vehicle is kept in a clean and orderly condition and maintained in all respects in a condition suitable of the purpose for which it is used;
 - (a) The food service vehicle is adequately lighted and ventilated;
 - (b) Only the items on the list submitted at the time of issuance under are sold or offered for sale.

5. Every person operating a food service vehicle shall ensure that:

- (i) The food service vehicle is in a safe mechanical condition before it is driven;
- (ii) The food service vehicle is not driven if it is in an unsafe mechanical condition;
- (iii) All statutes, regulations and By-Laws governing driving, parking or stopping the food service vehicle are complied with at all times.

GENERAL

6. (i) The food service vehicle shall be moved at the verbal or written request of the Issuer of Licences or an officer appointed or assigned to enforce this Schedule, if, in the opinion of the Issuer of Licences or an officer the location:
- (a) Is or may become undesirable for safety reasons;
 - (b) Interferes with normal access to any property.

By-Law 2020-17**POSTING OF CERTIFICATES OF INSPECTION**

7. (1) Every person operating a food service vehicle shall ensure that:
 - (i) A Public Health Inspector is not obstructed when:
 - (a) Posting a Certificate of Inspection in a clearly visible and conspicuous location on the food service vehicle;
 - (b) Removing a Certificate of Inspection which has been posted on the food service vehicle;
 - (ii) No one other than a public health inspector posts or removes a Certificate of Inspection on the food service vehicle.
- (2) A Public Health Inspector may place requirements upon any operator they deem to have a moderate to high risk establishment provide food safety training for their staff to the satisfaction of the Public Health Inspector. Such requirements when issued become a condition of licensing and may result in the suspension or revocation of licensing if not fulfilled within the allotted time frame.

By-Law 2020-17**Schedule 6 – Food Premises****1. Definitions**

In this Schedule,

“Certificate of Inspection” means a certificate in a form approved by the Medical Officer of Health which sets out the results of an inspection or inspections conducted under the *Health Protection and Promotion Act* or its regulations.

“Farmer” means a farmer as defined in the *Farming and Food Production Protection Act, 1998*.

“Food premises” means a premise where food or drink for human consumption is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale and includes bars and nightclubs but does not including a premises that is:

- (i) A dwelling unit, except a dwelling unit used as a food premises home occupation;
- (ii) Entirely exempt from R.R.O. 1990, Reg. 562 entitled “Food Premises” under section 2 of that Regulation;
- (iii) In part exempt from R.R.O. 1990, Reg. 562 entitled “Food Premises” under section 3 of that Regulation; or
- (iv) Operated by a farmer, selling or offering for sale only unprocessed produce from his or her agricultural operation.

“Home occupation” means a use conducted as a business in a dwelling unit which is secondary to the use of the dwelling unit as a private residence.

“Public Health Inspector” means a Public Health Inspector employed in the Haldimand – Norfolk Health Unit.

LICENCE REQUIRED

2. (a) No person shall operate a food premises without a licence.
- (b) When submitting an application for a licence, an applicant for a licence under this Schedule shall submit a detailed premises plan, drawn to scale, of the food premises that has been approved by the Issuer of Licences and the details of such premises plan shall include but are not, limited to depicting the location, as applicable, of patios, seating areas, offices, cloak rooms, dance areas, kitchen facilities, bar areas, washrooms, storage areas and entrances/exits.
- (c) No licence holder under this Schedule shall change or cause a change to be made to a premises plan without first obtaining the approval of the Issuer of Licences.

By-Law 2020-17**DUTIES OF OPERATOR**

3. Every person operating a food premises shall be responsible for keeping the premises clean and orderly and maintained in all respects suitable for the purpose for which they are used, and for keeping the premises adequately lighted and ventilated.

PUBLIC HEALTH APPROVAL

4. A licence to operate a food premises shall not be issued until a Public Health Inspector has informed the Issuer of Licences that all requirements under the Health Protection and Promotion Act and its regulations have been fully complied with.

POSTING OF CERTIFICATES OF INSPECTION

5. (1) Every person who operates a food premises shall permit a Public Health Inspector to post a Certificate of Inspection in a clearly visible and conspicuous location at all entrances by which customers may enter the premises.
 - (2) Where a premises described in subsection (1) does not have an entrance by which customers may enter the premises, the person who operates a food premises shall permit a Public Health Inspector to post a Certificate of Inspection in a clearly visible and conspicuous location at the pick-up window or other location in the premises from which customers are served.
 - (3) Every person who operates a food premises shall permit a Public Health Inspector at any reasonable time to remove a Certificate of Inspection which has been posted at the premises.
 - (4) When a Certificate of Inspection has been removed by a Public Health Inspector under subsection 5. (3), the person who operates a food premises shall not post a copy of a Certificate of Inspection or any facsimile of the certificate at any location on the premises.
 - (5) Public Health Inspectors may place requirements upon any operator they deem to have a moderate to high risk establishment provide food safety training for their staff to the satisfaction of the Public Health Inspector. Such requirements when issued become a condition of licensing and may result in the suspension or revocation of licensing if not fulfilled within the allotted time frame.

By-Law 2020-17**Schedule 7 – Pawnbrokers/Seller of Used Goods****1. Definitions**

In this Schedule:

“Antiques” means furniture or other goods commonly recognized as collectable because of their quality, value or age, and reproductions of such goods, but does not include bicycles, coins, electronic goods, jewelry, musical instruments, precious gems, precious metals, time pieces or tools;

“Bicycle” includes but is not limited to a unicycle or a tricycle;

“Electronic goods” includes but is not limited to:

- (a) Digital/video cameras, computers, facsimile machines, DVD/CD/video players or recorders, mp3 music players, stereos, televisions;
- (b) The components of electronic goods; or
- (c) The forms of media played or otherwise used by electronic goods such as DVDs, CDs or videos;

“Jewelry” means articles of personal adornment made in whole or part of precious gems or precious metals;

“Operator” means a person who owns, operates, manages, supervises, controls or is responsible for a business;

“Pawnbroker” means a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon and who is subject to the *Pawnbrokers Act*;

“Precious metals” include but are not limited to gold, platinum or silver;

“Jewelry and precious metals business” means a business purchasing jewelry or precious metals for the purpose of smelting the jewelry or precious metals;

“Purchase”, in all its forms, includes but is not limited to taken in exchange, received on consignment, redeemed on a pawn ticket or otherwise received;

“Second-hand goods” means second-hand bicycles, coins, electronic goods, jewelry, precious gems, musical instruments, time pieces or tools;

“Second-hand goods business” means a business purchasing or selling second-hand goods including but not limited to an antique market or a flea market vendor;

“Works of art” means paintings, photographs, sculpture and other products of artisans commonly recognized as collectable because of their quality or value, but does not include jewelry, precious gems, time pieces or coins.

By-Law 2020-17**2. APPLICATION**

- (a) This Schedule does not apply to:
 - (i) The business of purchasing or selling antiques or works of art; or
 - (ii) A charitable corporation.

3. LICENSING

- (a) No person shall operate a jewelry and precious metals, pawnbroker, or second hands goods business without a licence.
- (b) Every person required to obtain a licence shall obtain a separate licence for each jewelry and precious metals business, pawnbroker business, salvage business or second-hand goods business.
- (c) In addition to complying with the General Provisions of this By- Law, a person applying for:
 - (i) A pawnbroker business licence shall provide security in the amount of \$2,000 to the satisfaction of the County Treasurer in the accordance with section 6 of the *Pawnbrokers Act*,
 - (ii) Every pawnbroker business operator shall comply with the *Pawnbrokers Act*.

4. RECORDS

- (a) Every jewelry and precious metals business operator, salvage business operator or second-hand goods business operator shall ensure that, without delay, at the time when any jewelry, precious metals, salvage or second-hand goods are purchased by their jewelry and precious metals business, salvage business or second-hand goods business, a record of the purchase is made and such record shall include:
 - (i) The date and time of the purchase;
 - (ii) The price or other consideration given; or marker, if any.
- (b) Every jewelry and precious metals business operator or second-hand goods business operator shall ensure that a record of purchase under subsection 4(a):
 - (i) Is easily readable and in English;
 - (ii) Is not altered or deleted once completed;
 - (iii) Is protected from loss or destruction; for a minimum period of one year;
 - (iv) Is made available to the Issuer of Licences or his/her designate immediately upon request.

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- (c) No jewelry and precious metals business operator or second-hand goods business operator shall provide the name, birth date or address of the person from whom the jewelry, precious metals, or second-hand goods were purchased to any other party that the aforementioned except in a case where a enforcement agency which has made a request in writing which outlines that the release of information is being made to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.
- (d) Every jewelry and precious metals business operator, or second-hand goods business operator who has reasonable cause to suspect that jewelry, precious metals, salvage or second-hand goods offered to them or their employee or agent has been stolen or otherwise unlawfully obtained shall without delay report the matter to the Ontario Provincial Police.

5. PURCHASE

- (a) No jewelry and precious metals business operator, or second-hand goods business operator shall purchase or shall permit the purchase of jewelry, precious metals, salvage or second-hand goods from a person appearing to be under:
 - (i) The age of 18 years; or
 - (ii) The influence of alcohol or drugs.
- (b) Before jewelry, precious metals or second-hand goods are purchased from a person, every jewelry and precious metals business operator or second-hand goods business operator shall ensure they, their employee or agent examines one or more item of identification that:
 - (i) Includes the name, birth date, address and photograph of the person; and
 - (ii) Reasonably appears to belong to the person and to have been issued by a government.

6. RETENTION PERIOD

- (a) Every jewelry and precious metals business operator, operator or second-hand goods operator shall retain jewelry, precious metals, salvage and second-hand goods on the premises of their business in an unchanged condition and, in the case of second-hand goods, exposed to public view, for a period of at least 30 days after the day on which the jewelry, precious metals or second-hand goods are purchased.
- (b) During the 30 day period under subsection 6(a), no jewelry and precious metals business operator, or second-hand goods business operator shall sell or otherwise dispose of or permit the sale or other disposal of the jewelry, precious metals, or second-hand goods.

By-Law 2020-17**SCHEDULE 8 - Salvage Yards****1. DEFINITIONS**

In this Schedule:

“Enclosure” - shall mean a building, structure or fence constructed of sheet metal or solid wood boards or a natural barrier in the form of trees or berms, which provides a complete visual barrier.

“Salvage Yard” - shall mean any land, including buildings or structures thereon or any part thereof, where used merchandise and vehicles are dismantled, stored or processed for further use and includes a junk yard, scrap metal yard and automobile or farm machinery wrecking yard and retail sales incidental thereto.

“Salvage” means metal scrap, used or wrecked motor vehicles or used or wrecked motor vehicle parts;

“Salvage business” means a business purchasing or selling salvage and includes but is not limited to a motor vehicle wrecking yard;

- (a) Zoning By-Law- shall mean a By-Law that restricts or regulates the use of land.

2. GENERAL PROVISIONS

- (a) No person shall operate a *Salvage Yard* without a *Salvage Yard* Licence.
- (b) No person shall operate a *Salvage Yard* on any land not designated for the purpose of an operating *Salvage Yard* according to applicable zoning by-laws.
- (c) No person shall operate a *Salvage Yard* without erecting and maintaining an *enclosure* that completely encloses the area where salvage is being stored.
- (d) The enclosure shall be a minimum of 2.13 metres (7 feet) in height and shall form shall form a complete visual barrier.
- (e) Every licensee shall ensure salvage is stored in a safe manner, within the enclosed area, in such a manner that it does not come into contact with the *enclosure* which, in the opinion of the Municipal Law Enforcement Officer, appears to be adversely affecting its structural soundness, or be piled to exceed 2.13 metres (7 feet) within 5 metres (16 feet) of the enclosure.
- (f) All *Salvage Yard* Licences issued pursuant to the provisions of this By-Law shall be posted in a conspicuous place on the premises, which are licensed, pursuant to the provisions of this By-Law.

By-Law 2020-17**3. ENFORCEMENT**

- (a) This By-Law shall be enforced by a Municipal Law Enforcement Officer.
- (b) Upon receipt of an Application for a Salvage Yard Licence or renewal of licence, the Municipal Law Enforcement Officer may conduct an inspection of the Salvage Yard or proposed Salvage Yard to ensure compliance with the provisions of this By-Law.
- (c) Where the Salvage Yard is not in compliance with the provisions of this By-Law, a Municipal Law Enforcement Officer may give Notice to the owner or operator of the Salvage Yard, in writing, directing that the Salvage Yard be brought into compliance with the requirements of this by-law within a defined time period, but such time period shall not be less than seventy-two (72) hours from the date of the Notice, save and except that which constitutes a safety hazard.
- (d) Said Notice shall be delivered to the last known address as shown on the last revised assessment rolls of the municipality.
 - (i) In the case of a safety hazard, a Municipal Law Enforcement Officer may compel that said hazard be remedied forthwith without the Notice as described in Section 3.

4. GENERAL

- (a) When a used or wrecked motor vehicle is purchased, every salvage business operator shall produce, at the request of the Issuer of Licences or an Officer, the vehicle portion of the permit issued for the motor vehicle or the notice from the Ministry of Transportation that the motor vehicle has been destroyed.
- (b) Every salvage business operator shall ensure that, without delay, at the time when any metals, salvage or second-hand goods are purchased by their business, a record of the purchase is made and such record shall include:
 - (i) The date and time of the purchase;
 - (ii) The price or other consideration given; or marker, if any;
 - (iii) Any identifying number or mark, including but not limited to the VIN number and licence plate number, if any, of a used or wrecked motor vehicle.
- (c) Every salvage business operator shall ensure that a record of purchase under Section 4:
 - (i) Is easily readable and in English;
 - (ii) Is not altered or deleted once completed;
 - (iii) Is protected from loss or destruction; for a minimum period of one year;

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- (iv) Is made available to the Issuer of Licences or his/her designate immediately upon request;
- (v) No salvage business operator shall provide the name, birth date or address of the person from whom the jewelry, precious metals, or second-hand goods were purchased to any other party the that aforementioned except in a case where a enforcement agency which has made a request in writing which outlines that the release of information is being made to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.
- (vi) Every salvage business operator who has reasonable cause to suspect that goods offered to them or their employee or agent has been stolen or otherwise unlawfully obtained shall without delay report the matter to the Ontario Provincial Police.
- (vii) When a used or wrecked motor vehicle is purchased, every salvage business operator shall produce, at the request of the Issuer of Licences or an Officer, the vehicle portion of the permit issued for the motor vehicle or the notice from the Ministry of Transportation that the motor vehicle has been destroyed.

By-Law 2020-17**Schedule 9 – Personal Aesthetic Services****1. DEFINITONS**

In this Schedule:

“Personal aesthetic service” means a service provided for any part of the human body where there is a risk of exposure to blood and includes, but is not limited to, hairdressing, barbering, manicure, pedicure, tattooing, micro-pigmentation, body-waxing, body-piercing and electrolysis services.

- (i) A personal aesthetic service does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

2. LICENCE REQUIREMENT

- 2. (1) No person shall carry on a personal aesthetic service business without a licence.
- (2) Every person required to obtain a licence under this Schedule shall obtain a separate licence in respect of each premises where a personal aesthetic service business is carried on.

3. DUTIES OF LICENCE HOLDERS

- .(1) Every person who carries on a personal aesthetic service business shall comply with the “Ministry of Health Infection Control in Personal Services Settings Protocol”, 2008, as amended from time to time, and the requirements of the Medical Officer of Health.
- (2) No person who carries on a personal aesthetic service business shall permit their employee or any person to provide a personal aesthetic service for a customer or any person who they reasonably suspect has been exposed to or is suffering from a communicable disease.
- (3) Every person who carries on a personal aesthetic service business shall keep the personal aesthetic service business in a clean and sanitary condition to the satisfaction of the Medical Officer of Health.

4. GENERAL

- 4.(1) A Public Health Inspector or a Municipal Law Enforcement Officer appointed under any County By-Law or any other person assigned or appointed by the Issuer of Licences or the Medical Officer of Health may enforce the provisions of this Schedule and may, at all reasonable times, inspect a personal aesthetic service business.

By-Law 2020-17**Schedule 10 – Taxicabs/Limousines****1. DEFINITIONS**

1. In this schedule,
 - (a) “Accessible Formats” means an alternate format that allows people with disabilities to access information in a manner other than how the format was originally delivered, and may include, but is not limited to, large print and Braille;
 - (b) “Taxicab” means a motor vehicle having a seating capacity of not more than eight (8) persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or a group of persons, one fare charge only being collected or made for the trip, including an Accessible Taxicab, but shall not include a public vehicle as defined in accordance with the *Public Vehicles Act* or successor legislation;
 - (c) “Taxicab Driver” means a person who is licensed as such or required to be licensed as such under this By-Law and includes a taxicab owner who drives a Taxicab or Accessible Taxicab;
 - (d) “Taxicab Owner” means a person who is licensed as such or required to be licensed as such under this By-Law and includes a lessee, licensed under this By-Law of a Taxicab or Accessible Taxicab owner’s vehicle;
 - (e) “Taxicab Plate” means a green metal plate, 3” by 5”, containing the words “TAXI”, “Norfolk County”, a number and current year sticker, to be attached to the rear bumper of the taxicab/ accessible taxicab on the passenger side, and for accessible taxicabs only, a sticker showing the international symbol of accessibility;
 - (f) “Annual Licence” means a licence issued to the applicant which expires at 11:59 p.m. on April 14th of a given year;
 - (g) “Business Case” means a written document submitted with the initial application for a Taxicab Owner’s licence which provides reasons, justification and benefits to Norfolk County by granting approval to increase the number of taxicab companies;
 - (h) “Carry on” when used in reference to a taxicab business means to continuously operate, engage, drive, or make a taxicab available for the conveyance of passengers for hire or reward and includes waiting for, accepting, or dispatching orders;
 - (i) “Conveyance” means to carry, transport, transfer or move;
 - (j) “Driver” means a person driving a vehicle required to be a taxicab, or limousine;

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- (k) “Expiry Date” means the date appearing after “this licence shall continue in force until” on all licences issued under this By-Law;
- (l) “Fare” means the amount of money displayed on the taxicab meter at the conclusion of a trip to be paid by the passenger, or the flat rate allowed under the Schedule for the trip to be paid by the passenger, together with any additional charges allowed under the Schedule;
- (m) “Limousine” means a motor vehicle that is available for or providing a conveyance service, excluding a Taxicab, and is dispatched via a Transportation Network Company;
- (n) “Motor Vehicle” means a motor vehicle defined in accordance with the provisions of the *Highway Traffic Act, R.S.O. 1990, c.H.8*, as amended;
- (o) “Owner” includes a lessee of a vehicle, and includes any person, proprietorship, limited partnership, corporation or other entity which carries on the business of transporting passengers in Norfolk County;
- (p) “Passenger” means any person in a taxicab or limousine other than the driver who has hired the owner or driver for a trip;
- (q) “Person” includes any individual, partnership, firm, association or corporation;
- (r) “Service Animal” means an animal that is a service animal for a person with a disability,
 - (i) If it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or
 - (ii) if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability;

And shall include a guide dog as defined in Section 1 of the *Blind Persons Rights’ Act*,

- (s) “Taximeter” means a measuring device used in a taxicab to calculate the fare payable for a trip;
- (t) “Transportation Network Company” means a person that Dispatches only by offering or operating any part of a mobile application or other electronic service that receives requests for transportation services from prospective passengers and connects such requests to a person operating a limousine;

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- (u) "Vehicle" means a vehicle defined in accordance with the provisions of the *Highway Traffic Act, R.S.O. 1990, c.H.8*, as amended.

2. CLASSES OF LICENCES

- 2.1 The following classes of licensing are required for the operation of a taxicab in Norfolk County and shall be procured and maintained in good standing.
 - (a) A Taxicab business owner;
 - (b) A Taxicab driver;
 - (c) A Taxicab vehicle;
 - (d) A Limousine business owner;
 - (e) A Limousine driver;
 - (f) A Limousine vehicle
- 2.2 No Person shall carry on or engage in a trade, calling, business or occupation listed in Section 2 within the boundaries of Norfolk County unless he or she has valid and current Licences from Norfolk County permitting him or her to do so.
- 2.3 For the purposes of this By-Law, a Person is carrying on or engaging in any of the trades, callings, businesses or occupations listed in Section 2.1 (a), (b), (c), (d) and (e) when:
 - (a) Passengers are conveyed wholly within Norfolk County or from any point in Norfolk County to any point outside Norfolk County; or
 - (b) The usual business address of the person is within Norfolk County;
- 2.4 A Taxicab Owner shall not permit any person to operate a Taxicab or Limousine vehicle within the boundaries of Norfolk County unless the both the vehicle and Driver hold a valid and current Licence issued by Norfolk County.
- 2.5 No Licences issued under Section 2.1 (a), (b), (c), (d) or (e) are transferable.
- 2.6 A valid Licence pursuant to the provisions of this By-Law does not relieve the applicant or licensee, as the case may be, from the obligation to comply with all other applicable By-Laws of Norfolk County and laws of the Province of Ontario and the Government of Canada.

By-Law 2020-17**3. TAXICAB OR LIMOUSINE OWNER BUSINESS LICENCE**

- 3.1 Owner's Licence respecting any company shall file with the Licensing Officer the following:
- (a) A completed application form;
 - (b) The fee prescribed in the Norfolk County User Fees & Services By- Law;
 - (c) Particulars of a criminal record which shall include a vulnerable sector police search and search of the pardoned sexual offenders database, dated within the last thirty-six (36) days, as provided by the Ontario Provincial Police or other police agency;
 - (d) Particulars of a driving record, dated within the last thirty-six (36) days, as provided by the Ministry of Transportation or other police agency is required if the Business owner intend to operate a vehicle themselves;
 - (e) Particulars of the vehicle(s) to be used in relation to the Business Licence, including:
 - (i) Proof of ownership of the vehicle;
 - (ii) A current safety standards certificate, dated within thirty-six (36) days of application; and
 - (iii) A Certificate of Insurance providing for third party liability of at least \$2,000,000 insurance coverage.
 - (f) In respect of vehicles using propane or natural gas fuel, a certificate from a person duly qualified to provide such certificate dated not more than thirty-six (36) days prior to the approval of the Licence application;
 - (g) In respect of an Accessible Taxicab or Limousine, a certificate from a qualified person to the effect that the equipment which renders the Taxicab or Limousine an Accessible vehicle is safe and in proper working order; and,
 - (h) Furnish any evidence or information required by the Issuer of Licences or their designate to show that Taxicabs proposed for the business meet all requirements of this schedule for licensing.
- 3.2 Additional Requirements Taxicab and Limousine Owner Business Licence:

In the case of a new Business Licence upon completion of the investigations and searches set out above and the submission of a business case by the applicant the Licensing Officer shall recommend directly to the Council of Norfolk County respecting the issuance of a licence:

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- (i) The Licensing Officer shall recommend refusal in all instances where:
 - (a) An incomplete application has been submitted and upon request has not been rectified;
 - (b) The applicant does not present a valid business case justifying the need to increase the number of companies providing service to Norfolk County;
 - (c) The applicant has been convicted of an offence under this or any other legislation relating to vehicles for hire in Canada;
 - (d) The applicant has outstanding fines to the County;
 - (e) There is other information known to the Licensing Officer that provides a reasonable expectation that the applicant will not carry on business with honesty and integrity.

3.3 Upon receiving the Licensing Officer's staff report the matter shall be brought before Council for consideration and the applicant shall be given notice of the meeting date.

- (a) The County Clerk shall issue a written copy of Council's decision whether or not to grant a new taxi business licence;
- (b) When Council recommends refusal of issuance and that recommendation differs from the recommendation of the Licensing Officer, Council shall provide details outlining the reasoning for the refusal and also may also return the application fee if they so desire;
- (c) Where Council authorizes initial issuance of a Taxicab Business Licence, the Licensing Officer shall issue the licence to the applicant.

- 3.4
- (a) A licensee, including a person, partnership, firm, association or corporation, shall notify the Licensing Officer prior to any change in actual or legal control of the business to which the Licence relates.
 - (b) The change of legal control of a business requires the issuance of an application as a new business taxicab licence along with a business case and report to Council:
 - (i) If Information can be provided to satisfy the Licensing Officer that the new business can meet all the requirements of licensing under this schedule and will operate in similar fashion of the current business, the requirement for report to Council for a new taxicab business approval may be waived.

By-Law 2020-17**3.5 Right to Refuse Taxicab and Limousine Owners Business Licence Application:**

The Licensing Officer has the ability to refuse to accept an application for a Taxicab or Limousine Business Licence in instances where:

- (a) The applicant, business or partnership has previously applied for a licence within the last two calendar years;
- (b) The applicant previously held a taxicab business licence which was suspended, or revoked;
- (c) Processing of an application would be contrary to an order of the By-Law Appeals Committee or other level of court.

3.6 A decision under 3.5 (a), (b), and (c) to refuse to process an application for a Business Licence is appealable to the Licensing Officer whose determination on whether or not to process is final for a two year period.

4. Driver Licence

4.1 Each Driver shall prior to licensing submit the following:

- (a) A completed application form;
- (b) The fee prescribed in the Norfolk County User Fees & Services By- Law;
- (c) Particulars of a criminal record which shall include a vulnerable sector police search and search of the pardoned sexual offenders database, dated within the last thirty-six (36) days, as provided by the Ontario Provincial Police or other police agency;
- (d) Particulars of a driving record, dated within the last thirty-six (36) days, as provided by the Ministry of Transportation or other police agency. In the case of an Accessible Taxicab or Limousine, the Driver must furnish proof of having completed a Training Program with respect to the handling, safety restraint, transportation, care and safety of passengers with disabilities at the time of application;
- (e) All information must be submitted in full a minimum of thirty (30) days prior to issuance or required renewal of a Drivers Licence

4.2 No Driver licence will be issued when:

- (a) A Driver presents a driving abstract with five (5) or more demerit points.

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- (i) Appeal of non-issuance of a Drivers Licence due to demerit points may be made to the By-Law Appeals Committee pending the filing of an appeal and without the prescribed fee.
- (b) Has not sufficiently completed required forms;
- (c) Has failed to pay the current or previous licensing fee;
- (d) Has been convicted of a criminal offence during the preceding five (5) years for which a pardon has not been granted;
- (e) Has been convicted at any time of an offence which in the opinion of the Licensing Officer is related to an incident of violence, assault or weapons;
 - (i) Those denied a licence under Section 4.2 (e) shall be permitted to file an appeal with the By-Law Appeals Committee without the prescribed fee;
- (f) Is the subject of outstanding criminal charge(s) or a Careless Driving Charge(s) at the date of the application;
- (g) The issuance of a licence is contrary to a ban or suspension placed upon the driver by the By-Law appeals Committee;

5. Driver Conduct

5.1 Any of the following infractions can result in a driver facing suspension, revocation or non-renewal of a licence:

- (a) The use of discourteous language or profanity in front of a customer;
- (b) Overcharging, metre tampering or other similar abuse;
- (c) Smoking or allowing customers to smoke in the taxicab or limousine;
- (d) Repeated failure to maintain taxicab or limousine in neat and clean fashion;
- (e) Operating a vehicle in contravention of any other sections of this By-Law;
- (f) Failure to surrender taxicab or limousine licence immediately to the Licensing Officer after charged with a criminal offence or Careless Driving Charge or upon their Driver Licence being suspended for any period of time.

5.2 Vehicle Licence

Each vehicle shall meet the following requirements prior to issuance of a licence:

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- (a) A completed application form;
- (b) The fee prescribed in the Norfolk County User Fees & Services By-Law;
- (c) Particulars of the vehicle to be used including;
 - (i) Proof of ownership of the vehicle;
 - (ii) A current safety standards certificate, dated within thirty-six (36) days of application;
 - (iii) A Certificate of Insurance in the amount of \$2,000,000.
- (d) In respect of vehicles using propane or natural gas fuel, a certificate from a person duly qualified to provide such certificate dated not more than thirty-six (36) days prior to the approval of the Licence application;
- (e) In respect of an Accessible Taxicab or limousine, a certificate from a qualified person to the effect that the equipment which renders the Taxicab an Accessible Taxicab or limousine is safe and in proper working order;
- (f) Furnish any evidence or information required by the Licensing Officer or their designate to show that vehicles proposed for the business meet all requirements of this schedule for licensing;
- (g) Particulars of the vehicle(s) to be used in relation to the Business Licence;
- (h) Vehicles including fare metres must be presented for inspection prior to licence issuance or renewal;
- (i) At their discretion the Licensing Officer may approve alternative fare metre technologies.

6.1 Vehicle Requirements

- (a) All vehicles are required to be kept clean and orderly at all times both on the exterior and interior this includes:
 - (i) No visible rust;
 - (ii) No dents;
 - (iii) Paint on vehicles must be uniform and consistent;
 - (iv) Any trash must be place in an appropriate receptacle
 - (v) Exteriors of vehicles must be washed regularly and should not have an accumulation of dust or dirt;

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- (vi) Interiors of vehicles must be cleaned and vacuumed regularly.
- (b) Effective January 1, 2021 no licence shall be issued to a vehicle that is over eight (8) years old.

7. General Requirements and Offences

- 7.1(a) When the Licensing Officer or any Municipal Law Enforcement Officer believes, on reasonable grounds, that a vehicle or its equipment is not safe, they may issue and order in writing requiring that the licensee produces a valid safety standards certificate relating to that vehicle dated after the date of notice;
 - (b) No Driver shall operate and no Owner or Licensee shall permit to be operated a vehicle after receipt of the notice referred to in this section until the Licensing Officer or Municipal Law Enforcement Officer has been provided with a valid safety standards certificate as required in this section;
 - (c) If a licensee does not produce a safety standards certificate within seventy-two (72) hours of receiving the notice referred to in this section, the Licensing Officer or designate shall revoke the vehicle Licence and suspend the Drivers Licence;
 - (d) The revocation of a vehicle licence for safety reasons or failure to provide a valid safety standards certificate within the allotted time frame is not appealable and can only be remedied through the purchase of a new vehicle licence.
- 7.2(a) A licensee and a Driver employed by him or her shall produce, in respect of any vehicle being operated by the Driver, evidence of insurance as required under this By-Law forthwith upon demand of the Licensing Officer, a peace officer or a Municipal Law Enforcement Officer;
 - (b) If a licensee or a Driver employed by him or her, does not produce evidence of insurance when demanded pursuant to this section, the Licensing Officer shall suspend the Licence forthwith;
 - (c) In instances where the inability to provide insurance is related to the Business Licence all Drivers licences issued underneath that business shall also be suspended;

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- (d) If by the end of the next regular business day following the day of suspension the licensee has provided adequate proof of insurance to the Issuer of Licences shall reinstate the Licence;
- (i) If adequate proof of insurance is not provided by the end of the next regular business day following the date of suspension all the related licences shall be revoked, such revocation is not appealable.
- (ii) If within fifteen (15) days of revocation the Business provides adequate proof of insurance along with all the fees associated for new licences for the Business and Drivers new Licences will be issued without a full application process required; save and except in instances when the timing of issuance would subvert the regular annual renewal process.

7.3 The Licensing Officer or designate shall suspend or revoke any Drivers Licence when they become aware of the licensee no longer would meet any of the requirements of issuance under the initial Drivers Licence application process.

7.4 The Licensing Officer shall suspend or revoke any Driver if:

- (a) The licensee's Ontario driver's licence is suspended for any reason;
- (b) The licensee is charged with an offence under the Criminal Code of Canada or the *Controlled Drug & Substances Act*;
- (c) The licensee is charged with an offence under the *Liquor Licence Act* for the Province of Ontario if the charge relates in any way to the use or operation of a Taxicab or Limousine.

7.5 (a) The Licencing Officer may suspend or revoke or fail to renew a licence when a Driver for any other matter of non-compliance or infractions as outlined in this schedule

(b) Upon Suspension or Revocation of a Drivers licence the licensee is required to immediately surrender their licence.

(c) Upon Suspension or Revocation of a Licence the By-Law Appeals committee shall hold a Show Cause Hearing within thirty (30) days and proper notice shall be provided to the licensee at least ten (10) days prior to the hearing.

(d) The decision of the By-Law Appeals Committee is final.

8. General Provisions

8.1 The general provisions relating to Owners and Drivers in this Part apply to all Owners and Drivers required to be licensed under this By-Law.

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8.2 Every Owner:

- (a) Shall submit their vehicles for examination or inspection at any time when required by the County Clerk or a person designated by the County Clerk;
- (b) Shall investigate immediately, any mechanical defect in their accessible vehicle reported to him by a Driver or any other person;
- (c) Shall report any change of his business address or his residence address to the Clerk with two (2) days of the change;
- (d) Shall ensure that every driver provides, or will arrange for the provision of, accessible formats upon request and shall notify the public about the availability of accessible formats;
- (e) Shall ensure that an Accessible Taxicab or Limousine and Accessible Taxicab or Limousine Driver meets the requirements as defined in Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Persons) made under the,;
- (f) Shall notify the Licensing Officer forthwith if any Driver using their vehicle:
 - a. Is the subject of a charges under the Criminal Code of Canada or the *Controlled Drug & Substances Act*;
 - b. Has been convicted of a criminal offence;
 - c. Has their Provincial Drivers Licence suspended for any duration.

8.3 No Owner,

- (a) Shall permit a vehicle to be operated if the vehicle or its equipment is unsafe;
- (b) Shall permit that vehicle to be operated unless it is insured as required by this By-Law;
- (c) Shall permit any person, other than a Licensed Driver employed by him, to operate a vehicle;
- (d) Shall prevent or hinder a person authorized by the County Clerk from entering an vehicle owned by him for the purpose of inspecting the vehicle;

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- (e) Shall permit an Accessible Taxicab or Taxicab, or Accessible Limousine or Limousine, in respect of which a mechanical defect has been reported to him, to be operated until he or she has inspected and ensured that the mechanical defect, if any, has been corrected;
- (f) Shall permit a Driver to operate a vehicle unless the Driver complies with all licensing requirements;
- (g) Shall permit anyone to smoke in a vehicle in accordance with the *Smoke-Free Ontario Act*.

8.4 Every Driver,

- (a) Shall maintain in good standing, a valid and subsisting driver's licence issued by the Province of Ontario;
- (b) Shall list on his application for an Drivers Licence or any renewal application therefore, all employers for whom he or she is working as a Driver at the time of such application;
- (c) Shall notify the Licensing Officer forthwith of any change in his or her employment as a Driver;
- (d) Shall report any change of address to the Licensing Officer within two (2) days of the change;
- (e) Shall notify the Licensing Officer immediately if they are:
 - a. Subject of a charges under the Criminal Code of Canada or the *Controlled Drug & Substances Act*;
 - b. Has been convicted of a criminal offence ;
 - c. Has had their Provincial Drivers Licence suspended for any duration.
- (f) Shall produce his or her Licence to permit the change to be entered hereon at the time of notification of the change;
- (g) Shall inspect an Accessible Taxicab, Taxicab, Accessible Limousine, or Limousine which he or she intends to operate at the commencement of each work shift and at the conclusion of each work shift and shall maintain a log of each inspection;
- (h) Shall report any mechanical defects which are disclosed during these inspections forthwith to the Taxicab Owner;
- (i) Shall submit the vehicle in their care and control for examination or inspection at any time by the County Clerk or a person designated by the County Clerk, upon demand of that person;

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- (j) Shall report to their employer, any accident in which the Taxicab Driver has been involved while operating an Taxicab or Limousine forthwith;
 - (k) Shall return a Taxicab or Limousine to their employer promptly at the conclusion of the Driver's work shift if required by the Owner;
 - (l) Shall produce to a police officer or a Municipal Law Enforcement Officer, upon demand of that officer any Licence issued pursuant to this By-Law;
 - (m) Shall produce to a police officer or a Municipal Law Enforcement Officer, upon demand of that officer, their driver's licence issued by the Province of Ontario;
 - (n) Shall attend at the identified County Office location for the purposes of obtaining a photo identification card.
 - (o) Shall ensure wheelchairs are securely anchored to the vehicle prior to providing an Accessible Taxicab Service and ensure that the vehicle meets the requirements as defined in Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Person) made under the *Highway Traffic Act*;
 - (p) Shall provide, or arrange for the provision of, accessible formats upon request and shall notify the public about the availability of accessible formats;
- 8.5 No Accessible Taxicab, Taxicab, Accessible Limousine, or Limousine Driver,
- (a) Shall operate any Motor Vehicle required to be a Taxicab or Limousine unless he or she has a valid and subsisting driver's licence issued by the Province of Ontario;
 - (b) Shall operate any other vehicle required in a manner that is defined as that of a Taxicab or Limousine unless it has a valid vehicle licence;
 - (c) While having care and control of a Taxicab or Limousine, shall permit any person, other than another Taxicab Driver licensed under this By-Law, to operate the Motor Vehicle;
 - (d) Shall operate a Taxicab or Limousine unless the licence issued by the County Clerk containing his or her name is affixed in the place in the vehicle approved by the County Clerk and in such manner that the same is plainly visible to and readable by Passengers;

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- (e) Shall operate a Taxicab or Limousine if he reasonably believes the vehicle or its equipment is unsafe;
 - (f) Shall operate a Taxicab or Limousine that is not insured as required by this By-Law;
 - (g) Shall prevent or hinder a person authorized by the County Clerk from entering the vehicle in the care and control of the Driver for the purpose of inspecting the vehicle or its equipment;
 - (h) Shall operate a Taxicab or Limousine which contains more occupants than the number of seats normally available for occupancy for the vehicle;
 - (i) Shall permit anyone to smoke in a Taxicab or Limousine in accordance with the *Smoke-Free Ontario Act*;
 - (j) Shall drive, or act as a driver of any Accessible Taxicab or Accessible Limousine without first having completed a Training Program with respect to the handling, safety restraint, transportation, care and safety of passengers with disabilities, written proof of which shall be provided prior to the issuance of any Accessible Taxicab or Limousine Licence.
- 8.6(a) No Driver shall operate a Taxicab unless it is equipped with a taximeter in proper working order, which taximeter shall compute fares to be paid in accordance with distance traveled and time elapsed;
- (i) Notwithstanding 8.6(a), the Licensing Officer may review and approve alternative technologies for fare tracking.
- (b) In respect of all trips, except when a fare has been negotiated pursuant to the terms allowed in this schedule, a Taxicab Driver shall activate the taximeter to compute the fares to be paid in accordance with distance traveled and time elapsed immediately upon a Passenger entering the vehicle, and shall keep the taximeter so activated throughout the trip;
 - (c) Every Taxicab Driver shall, upon request of the County Clerk, provide all particulars of an agreement entered into relative to the charging of fares, including any written contract or other document, and any invoices, receipts or other evidence of payment, immediately upon such request being made;
 - (d) Every Taxicab Driver shall follow the shortest possible route to the destination requested by a Passenger unless the Passenger designates another route;

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- (e) No Taxicab Driver shall knowingly mislead or deceive any Passenger or potential Passenger as to the location or distance to a place to which the Passenger or potential Passenger intends or wishes to travel.

8.7 No Driver shall operate a Vehicle under this By-Law unless:

- (a) It is equipped with an extra tire and wheel ready for use;
- (b) The interior and exterior are clean and in good repair; and,
- (c) The vehicle and its equipment are free from mechanical defects.

8.8 Requirements Upon Taxicab Drivers:

(a) Every Taxicab Driver shall maintain a daily record (hereinafter called the "trip record") of all trips made by him or her as a Driver of a Taxicab, and the trip record shall be prepared immediately upon the conclusion of a trip and prior to the commencement of the next trip, and shall contain the following information:

- (i) The point of origin and the point of conclusion of the trip;
- (ii) The number of Passengers;
- (iii) The fare charged, and
- (iv) The Ontario licence plate number of the vehicle.

(b) Every Taxicab Driver shall submit his or her trip record for a work shift to the Taxicab Owner at the conclusion of that shift.

8.9 (a) Every Taxicab Driver shall serve the first person requiring the service of his Taxicab at any place within the area municipality to which the Taxicab Owner's Licence relates at any time, unless,

- (i) He has reasonable concerns for his safety;
- (ii) He has reasonable concerns that his fare may not be paid, or
- (iii) He has made prior arrangements to accept another Passenger, the proof of which lies upon the Taxicab Driver in any proceeding under this By-Law;

(b) Every Taxicab Driver shall deliver all property or money found in his Taxicab immediately to the owner thereof, or if the owner cannot be located immediately, to the nearest police station together with any information concerning the owner of the property or money which is in the possession of the Taxicab Driver;

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- (c) No Taxicab Driver, other than a driver of a Taxicab which is being used for the transportation of children to and from school, shall take on any additional Passenger after the commencement of the trip without the consent of the first Passenger taken on during that trip, unless emergency conditions exist.

8.10 Every Taxicab Driver:

- (a) Shall display a current tariff card issued by the County Clerk, setting out the rates to be charged in a conspicuous place in the Taxicab so as to be conveniently seen and read by Passengers and will indicate the same number as shown on the Taxi plate attached to the rear bumper on the passenger side of the vehicle and display that accessible formats are available upon request;
- (b) Shall charge rates to Passengers in accordance with the Rate Schedule set out on the tariff card, or in accordance with the agreement reached if the fare is being charged pursuant to the allowances of this schedule;
- (c) Shall not charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip;
- (d) Shall not charge a fee for the storage of mobility aids or mobility assistive devices;
- (e) Shall, if a person with a disability is accompanied by a service animal, permit the person to use the Taxicab he/she is driving with the service animal and to keep the service animal with him or her;
- (f) Upon the request of the Passenger, shall provide a receipt of the fare paid showing the amount of the fare paid, the vehicle licence plate number of the Taxicab and the date.

8.11 Every Taxicab Owner:

- (a) Shall affix a taximeter or approved device or technology, to register distances traveled and time elapsed and to compute fares to be paid, in a conspicuous place in the Taxicab, such place to be approved by the County Clerk or person appointed by the County Clerk;
- (b) Shall submit any taximeter for testing or inspection by such person as the County Clerk may designate at the times required by that person;

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- (c) Shall adjust the taximeter in accordance with rates prescribed from time to time by the County Clerk and submit a Calibration Certificate from a qualified company to verify the proper adjustment;
- (d) Shall permit the use of the taximeter only when the seal thereon is intact;
- (e) Maintain the taximeter in proper working condition.

8.12 Every Taxicab Owner shall:

- (a) Display, in a conspicuous place in the Taxicab, a current tariff card issued by the County Clerk setting out rates to be charged, so as to be conveniently seen and read by passengers and will indicate the same number as shown on the Taxi plate attached to the rear bumper on the passenger side of the vehicle and display that accessible formats are available upon request,;
- (b) Affix a sign on the roof of the Taxicab indicating that the vehicle is a Taxicab;
- (c) Install and maintain in proper working order a roof light that turns off when the meter is activated, or alternatively, a dashboard light that turns on when the meter is activated, both of which lights must be installed so that they are clearly visible to persons outside the Taxicab;
- (d) Install an Taxicab Plate to the rear bumper of the taxicab on the passenger side;
- (e) No Taxicab Owner shall permit any advertisement to be displayed on the Taxicab that is unsightly or in poor repair;
- (f) No Taxicab Owner shall permit any Taxicab Driver to operate the Taxicab unless the Taxicab Driver maintains a trip record as provided in section.

8.13 Every Taxicab Owner shall:

- (a) Keep the trip record referred to in this section for a period of at least twelve (12) months;
- (b) Permit any person authorized by the County Clerk to inspect the trip record on the premises, or
- (c) Remove the trip record from the premises for the purpose of inspection.

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- 8.15(a) Every Taxicab Owner shall ensure that Drivers of his Taxicab charge rates to Passengers in accordance with the rate schedule set out on the tariff card issued by the County Clerk, or in accordance with an agreement for services of the Taxicab pursuant to requirement of this Schedule.
- (b) In the event that the Council changes the metered rates to be charged to Passengers for the use of a Taxicab, the Taxicab Owner shall make the necessary mechanical changes to the taximeter within three (3) weeks from the date of approval to the satisfaction of the Licensing Officer;
- (c) Every Taxicab Owner shall provide to the Taxicab Driver, upon request of a Driver, a receipt for all monies turned over to the Owner by the Driver at the end of the Driver's shift;
- (d) Every Taxicab Owner shall, upon request of the County Clerk, provide all particulars of an agreement entered into relative to the charging of fares including any written contract or other documents, and any invoices, receipts or other evidence of payment;
- (e) Every Taxicab Owner shall ensure that Taxicab or Drivers operating the Owner's Taxicabs comply with the provisions of this By-Law;
- (f) Every Taxicab Owner shall ensure that no person employed by him or her shall carry any radio equipment, radio scanners or other equipment capable of monitoring radio calls other than the equipment used or required to transmit to or receive broadcasts or signals from the radio dispatcher for whom the Driver is working.
- 8.16 A Business Owner shall not permit his or her vehicle to be operated unless:
- (a) He or she has procured and maintained in good standing, a standard automobile policy of insurance providing for third party liability of at least \$2,000,000.00 insurance coverage for the use designated in the Licence; and
- (b) The policy of insurance contains an endorsement requiring that the insurer give to the Licensing Officer at least ten (10) days' notice of any proposed cancellation or variation of the policy.
- 8.17(a) All Licences issued shall be signed by the Licensing Officer, or designate, and the signature may be stamped, printed or mechanically reproduced on the Licence.

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- (b) The Expiry Date for all Annual Licences issued under this By-Law shall be 11:59 p.m. April 14th of each year.
- (c) No Taxicab Owner's Licence shall be issued unless the applicant has:
 - (i) Provided off street parking for the number of vehicles for which an Taxicab licence is being applied; and
 - (ii) Satisfied the Licensing Officer of the proper zoning on the location where the business will operate from.

9. General Provisions – Limousines

9.1 Prohibitions:

- (a) No limousine driver shall:
 - (a) Provide a Conveyance Service without such service being arranged through a mobile application or other electronic service that receives requests for transportation services from passengers and connects such requests to a person operating a limousine;
 - (b) Accept payment of a Fare other than through a mobile payment application or other electronic service that receives requests for transportation services from passengers and connects such requests to a person operating a limousine;
 - (c) Provide a Conveyance Service without the request for such service being dispatched by a Transportation Network Company;
 - (d) Publish or cause to be published any representation that they are licensed under this By-Law or hold themselves out as being licensed under this By-Law if they are not.

10. Application of By-Law Exemptions

10.1 This By-Law shall not apply to:

- a. A motor vehicle with a seating capacity of not more than 8 individuals, including the driver;
- b. An ambulance or funeral hearse;
- c. A school bus as defined under the *Highway Traffic Act* that is licensed under the *Public Vehicles Act* while it conveys students to and from school as defined under the *Highway Traffic Act*;
- d. A bus operated under Ride Norfolk;

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- e. Any person Ride Norfolk enters into an agreement with for the conveyance of senior citizens or persons with disabilities;
- f. A motor vehicle used by not-for-profit organizations registered in the province of Ontario for the purpose of transporting senior citizens or persons with disabilities; designated driver services for which a designated driver drives the customer in the customer's vehicle to at least one destination; or,
- g. Courtesy vehicles in association with motor vehicle repair shops where a customer is driven to a predetermined destination.

By-Law 2020-17**Schedule 10(i) to By-Law 2020-17****TARIFF OF RATES FOR TAXICABS**

The permitted maximum fares for Taxicabs licensed by Norfolk County shall be as Follows
(All rates include taxes):

Meter Drop Rate	\$ 3.75
Each additional kilometer	\$ 2.50
Waiting Time	\$35.00/hr
Handling of groceries, parcels, luggage (6:00 a.m. to 12:00 midnight)	\$.50 Additional Passengers \$.50/person Additional
Passengers (12:01 a.m. to 6:00 a.m.) within urban areas*	\$ 2.00/person Deliveries \$ 8.00/delivery
Senior Rates- within urban areas*	\$ 7.00

*All prices include HST

*Urban Areas as defined in the Official Plan.

By-Law 2020-17**Schedule 11 – Friday the 13th Thursday the 12th Events****1. Definitions**

- “Agent” means an individual appointed by Council in By-Law to act upon their behalf in matters of issuance and review of licences.
- "Cold Weather Event" means any Thursday the 12th & Friday the 13th in November, December, January, February, March or April.
- “Friday the 13th Event” means any Motorcycle Enthusiasts Event taking place in Port Dover, Ontario on Thursday the 12th to Friday the 13th of any month, between the hours of 6:00 p.m. on Thursday the 12th to 11:59 p.m. on Friday the 13th;
- “Warm Weather Event” means any Thursday the 12th and Friday the 13th in May, June, July, August, September or October.

2. Licence Required

- 2.1 Any person conducting any sale of merchandise or operating a Mobile Food Premise on any Thursday the 12th & Friday the 13th event shall obtain a 30 hour licence pursuant to this Schedule, including resident business owners, corporate sponsors, ticket sellers, and those with no retail sales; one licence to be issued for all Cold Weather Events in the same year; one licence to be issued for each Warm Weather Event in any year.
- 2.2 No person shall conduct any sales on Saturday the 14th, without a valid annual licence, written permission from the property owner and payment of the appropriate annual fee.
- 2.3 No person shall conduct any sales on municipal property on any time other than the 30 hour period starting at 6:00 p.m. on Thursday 12th and ending at 11:59 p.m. on Friday the 13th.
- 2.4 No licence applications for any Thursday the 12th and Friday the 13th event shall be accepted or licence issued after the last business day in the month preceding the event.

3. Merchandise Sales Licence

- 3.1 Merchandise Sales Licences shall be reviewed and issued by (a)an agent(s) appointed by Council in By-Law.
- 3.2 A full list of all Merchandise Licences issued shall be provided to the County's Business Licensing area on or before the last business day preceding the event by Council's appointed agent(s).

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4. Permission of Property Owner

No person shall conduct any sales except with written permission from the Organizing Group that a site has been assigned or from the property owner where the sale is on private property.

5. Display of Licence

Every licence shall be prominently displayed at the location of the licensed business at all times when the licensee is engaged in the activity for which the licence has been issued.

6. Written Description of Goods/Services

- 6.1 Every applicant shall file with the application a written statement fully describing the good, services or food stuffs he or she intends to sell;
- 6.2 Every applicant is required to acknowledge their awareness that no County land will be utilized, rented or sub-rented to groups that are associated with organized crime or a group that is reasonably assumed to extort, support or condone of a culture of criminality or lawlessness;
- 6.3 No vendor booth may display gang colours or paraphernalia even if such items are not for sale, this includes clothing worn by employees;
- 6.4 All vendors violating Sections 6.2 of this By-Law will be guilty of a Trespass upon County land;
- 6.5 All vendors in violation of Sections 6.2 or 6.3 of this By-Law shall have their licence immediately revoked.

7. Hours of Operation

No person licensed under this section shall peddle goods or services, or carry on a Mobile Food Premise Sale, before 6:00 p.m. on the Thursday the 12th or after 11:59 p.m. on any Friday the 13th.

8. Insurance

- (a) Every application for Mobile Food Premise must provide a current Certificate of Insurance certifying that public liability insurance in the amount of not less than \$2,000,000 is in force for such event.
- (b) If sales are on municipal property, the policy must name the Corporation as additional insured and shall save and hold harmless the municipality in respect to any and all occurrences with respect to the operation of the business.

By-Law 2020-17**9. Medical Officer of Health Approval**

- (a) Every application for a mobile food premise must provide approval from the Medical Officer of Health or designate stating that the food premise for which the licence is being sought, meets the applicable requirements for food premises contained in the Ontario Regulations pursuant to the *Health Protection and Promotion Act, R.S.O.1990*, as amended.
- (b) A Food Provider Application Form must be completed and submitted to the Haldimand-Norfolk Health Unit no later than thirty (30) days prior to the event.
- (c) Annual Mobile Food Licence holders will be issued a licence at no charge pending all criteria of licensing of the Friday the 13th are met.

10. Refuse Container

The licensee must provide on-site and accessible to patrons, a non-combustible garbage container complete with a lid and a recycling container, both sized to accommodate one day's waste. All waste, including grease which shall be removed in a container, is to be removed from the site upon close of business daily. Gray water may be either removed in a container or disposed of in the sanitary sewer system. No disposal through the storm sewer system is permitted.

11. Chief Fire Official Requirements

All vendors are required to complete and sign the Norfolk County Fire & Rescue Services Vendor Fire Safety Requirements Approval Form, indicating compliance with requirements of the Chief Fire Official for Norfolk County.

NOTICE- NO GANG MERCHANDISE SALES

With the goal of ensuring public safety, Norfolk County is not allowing the sale or display of merchandise, paraphernalia or insignia supporting organized crime or gang activity. Those found in violation of are guilty of Trespass to Property.

AUTHORIZATION

Norfolk County hereby authorizes the Ontario Provincial Police to act as our agent to enforce the Trespass to Property Act, County By-Laws and Other statutes in relation to all County owned property. There are to be no unauthorized sales or display of gang insignia, paraphernalia of merchandise on these properties during any Friday the 13th Event.