

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2025-002

A BY-LAW TO REGULATE BUSINESS LICENSING IN THE TOWN OF AMHERSTBURG

WHEREAS subsection 5(3) of the *Municipal Act, 2001* provides that, a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS pursuant to the provisions of Part IV of the *Municipal Act, 2001*, as amended, a municipality may pass by-laws for licensing, regulating and governing businesses;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10 of the Act, a municipality may provide for a system of licences with respect to a business and may:

- a) Prohibit the carrying on or engaging in the business without a licence;
- b) Refuse to grant a licence or to revoke or suspend a licence;
- c) Impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- e) Impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- f) License, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and,
- g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licenses established by the municipality.

AND WHEREAS the Municipal Council for The Corporation of the Town of Amherstburg considers it necessary and desirable for the public to exercise its licensing powers for the purposes of:

- a) Health and safety including health and safety of service providers and consumers and patrons; and/or

- b) Nuisance control; and/or
- c) Consumer protection; and/or
- d) Suppressing conditions conducive to crime;

AND WHEREAS section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS the Municipal Council for The Corporation of the Town of Amherstburg is of the opinion that the delegation of legislative powers under this by-law to the Manager of Licensing and Enforcement including without limitation the power to issue, revoke, suspend and impose conditions on a licence and prescribe operational standards to be imposed on licensees, including without limitation operational standards such as signage requirements, advertising requirements, hours of operation and records that are to be kept by licensees and the form and content thereof, are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons:

- a) For services or activities provided or done by or on behalf of it;
- b) For costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,
- c) For the use of its property including property under its control.

NOW THEREFORE the Municipal Council of The Corporation of the Town of Amherstburg licenses the following businesses for the following rationales:

“**Auctioneer**” for the purpose of ensuring that the business is not a nuisance to the surrounding properties and neighbourhood, and to protect the consumer who is purchasing the products being sold;

“**Automobile Service Station**” for the purpose of consumer protection to ensure that the work performed is consistent with industry standards;

“**Bed and Breakfast and Guest House Establishments**” for the purpose of protecting the health and safety of the persons staying in the house by ensuring that the building code regulations are met, as well as the required essentials such as plumbing and water are provided. For ensuring that the bed and breakfast and guest house establishment does not create a nuisance to the adjoining property or surrounding lands, and for consumer protection such that the persons staying in the house know whom to contact in the case of a problem or emergency with the building;

“**Body Modification**” for the purpose of protecting the health and safety of the persons attending the establishment by ensuring that building code regulations are met, as well as the required essentials such as a health inspection for consumer protection;

“**Campgrounds/Trailer Parks**” every tourist establishment comprising land used or maintained as grounds for camping or parking recreational vehicles with a service building or buildings and may include those retail facilities required to serve the guests of and visitors to the establishment. A Summer Camp within the meaning of the regulations under the Public Health Act or a camp operated by a charitable organization within the meaning of The Charitable Institutions Act, are not deemed camping establishments for the purpose of this by-law.

“**Caterers**” to ensure that regulations are met for the handling and storage of food for sale to the public;

“**Door –to-Door Salesperson**” for the purpose of ensuring that the business is not a nuisance and to protect the consumer who is purchasing the products being sold;

“**Food Store**” to ensure that regulations are met for the handling and storage of food for sale to the public;

“**Hawker or Pedlar**” for the purpose of ensuring that the business is not a nuisance by hindering vehicles or pedestrian traffic and/or causing a hazard in any way and to protect the consumer who is purchasing the products being sold;

“**Hospitality Food/Liquor Service**” for the purposes of protecting the health and safety of the customers and to ensure the protection of the consumer.

“**Lodging House**” for the purpose of protecting the health and safety of the persons residing in the house by ensuring that the building code regulations are met, medication is dispensed correctly and basic human needs are provided. As well as the required essentials such as plumbing and water are provided, for ensuring that the lodging house does not create a nuisance to the adjoining property or surrounding lands, and for consumer protection such that the persons residing in the house know whom to contact in the case of a problem or emergency with the building;

“**Mobile Vendors of Food**” for the purposes of health and safety and ensuring that the vendor is following all required health regulations, and to ensure that the consumer does not become ill, and to ensure that the vendors are not hindering vehicle or pedestrian traffic and/or causing a hazard in any way and/or having a negative aesthetic impact on the Municipality which would fall under nuisance control;

“**Old Gold or Other Precious Metal Dealers**” for the purpose of consumer protection by ensuring that stolen jewellery is not being trade;

“**Public Hall**” for the purpose of the health and safety of persons who enter the hall and to ensure that the business is not a nuisance and the premise complies with Building and Fire code standards;

“**Retail/Resale and Pawnbroker Shop**” for the purpose of consumer protection by ensuring that stolen goods are not being traded;

“**Salvage Yard**” for the purposes of protecting the consumer purchasing items and to ensure that the building/yard is safe and healthy for the persons who enter and to ensure that it is not a public nuisance by having unnecessary debris;

SHORT TITLE BUSINESS LICENSING BY-LAW

PART 1- DEFINITIONS

1.1 In this By-law:

“**Animal Control By-law**” means the Animal Control By-law #2022-008 as amended from time to time, or repealed and replaced by another by-law dealing with animals;

“**Antique**” means any object or article which is at least 50 years old, is in limited supply, and is no longer made or manufactured in its existing state;

“**Applicant**” means a person applying for a licence under this By-law;

“**Auctioneer**” means a person conducting an auction; and,

(a) “**Auction**” means a publicly-held sale where goods are sold to the highest bidder.

(b) An Auctioneer's Place of business is an Auction Establishment as defined in the Zoning By-law 1999-52 as amended.

“Automobile Service Station” means a building or place where gasoline, oil, propane, and grease for motor vehicles are stored or kept for sale, or where motor vehicles are stored, kept for sale or used for hire, or where motor vehicles may be oiled, greased, or washed or where repairs essential to the actual operation of motor vehicles are executed or performed or where vehicles are upholstered, painted or where the vehicle body is repaired. An Automobile Service Station is also a land use as defined in the Zoning By-law 1999-52 as amended;

“Bankruptcy and Insolvency Act” means the Bankruptcy and Insolvency Act, R.S.C. 1985, c. B.3 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“Bed & Breakfast or “Guest House” means a home-based business for the temporary accommodation of the traveling public located within a single detached dwelling which is occupied on a full-time basis by the owner of such single detached dwelling or the principal shareholder (or one of them if more than one shareholder holds the greatest number of shares) of the corporation registered as the legal owner of the building, including during the time the Bed and Breakfast or Guest House is in operation, and shall contain at least one (1) bedroom for the exclusive use of the owner and at least two (2) accessory guest rooms for use in the Bed and Breakfast or Guest House operation, and shall mean and include any Bed and Breakfast or Guest House legally established under any predecessor by-law, but shall not include a Lodging House or a Hotel. Bed & Breakfast Establishment is a land use as defined in the Zoning By-law 1999-52 as amended;

- a. “Hotel” shall mean a building or part of a building or group of buildings used for the purpose of providing sleeping accommodation for the traveling public, and shall include a motel or motor hotel, but shall not include a Lodging House, Bed and Breakfast or Guest House. Hotel is a land use as defined in the Zoning By-law 1999-52 as amended; and,
- b. “Keeper” shall mean the person who has day-to-day responsibility for the operation, upkeep and maintenance of the Bed and Breakfast or Guest House on behalf of the owner, and the owner and Keeper may be one and the same person.

“Body Modification” means a premises, building or part of a building in which persons are engaged or employed in furnishing services and otherwise administering to the individual the personal needs of a person and includes, a tattoo parlour, body piercing establishments, or body scarification establishments;

- (a) “Body Piercing” means the practice of inserting ornaments or other items not required for medical purposes into human tissue, not including the ear, with a needle or other implement.
- (b) “Scarification” means the practice of cutting or abrading human skin to bring about permanent scarring and includes the placement of implants not required for medical purposes beneath the skin.
- (c) “Tattoo” means the practice of permanently depositing pigments not required for medical purposes into human skin by the use of a needle or other implement.

“Building Code Act” means Building Code Act 1992, S.O. 1992, c.23 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“Business Day” means any day excluding Saturdays, Sundays and statutory holidays.

"Business" means any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality and includes:

- (a) trades and occupations;
 - (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
 - (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and
 - (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire;
- but does not include:
- (a) a manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail;
 - (b) the sale of goods by wholesale; or
 - (c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources;

"Campground" means a use consisting of at least five (5) camping sites, licensed under the provisions of The Municipal Act, as amended from time to time, and comprising land used or maintained for seasonal recreational activity as grounds for the camping or parking of a tent, tent trailer, motor home, travel trailer, or truck camper, but not a mobile home;

"Campsite" means an area of land in a tourist camp or trailer camp designated for the use of one camping vehicle or camping tent;

"Camping Tent" means any collapsible structure, which has a soft, readily foldable fabric or fabric-like material as its basic component and is designed to be used as temporary occupancy other than a small children's play tent and a tent used exclusively for dining purposes;

"Camping Vehicle" means any vehicle designed to be used as temporary accommodations on a tourist camp or trailer camp such as a travel trailer, a slide-in camper, a chassis-mounted camper, tent trailer, and a motorized home. Such vehicles may be attached to a self-propelled motor vehicle for the purpose of either being towed or carried from place to place, or be capable of self-propulsion, provided that they are equipped to provide temporary occupancy;

"Carrying on" when used in relation to any trade, occupation, calling or business, includes promoting, advertising, soliciting for, or offering goods or services in connection with such trade, occupation, calling or business;

"Charitable Organization" means a registered Charity, as defined in Subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), or successor legislation, that has a registration number issued by the Canada Revenue Agency, or successor agency;

"Cat" means a carnivorous mammal commonly known as a felids catus;

"Chief Building Official" means the Chief Building Official as appointed by Municipal Council pursuant to the *Building Code Act*;

"Chief of Police" means the Chief of the Windsor Police Service or a person delegated by them;

“**Clerk**” means the Town Clerk for the Town or a person delegated by them;

“**Company**” means a corporation with share capital;

“**Consumer Protection Act**” means the Consumer Protection Act, R.S.O. 1990, c. C.31 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“**Council**” means the Municipal Council of The Corporation of the Town of Amherstburg;

“**Dog**” means a carnivorous mammal commonly known as a genus canis;

“**Door-to-Door Salesperson**” means a person carrying on or engaging in any trade, business or occupation who attends at residential property for the purpose of selling, hiring or offering to sell or hire any goods or services, showing for the purpose of sale or hire of samples, patterns or specimens of any goods, or for the purpose of the taking of orders to future delivery of any goods or services, with or without a formal written contract, where such attendance has not been solicited or requested by the occupants of such property but this definition shall not include a licensed real estate agent/broker;

“**Drug**” means any drug excluding patent medicines and prescription drugs required for medicinal purposes;

“**Egress**” means a continuous path of travel provided for the escape of persons from any point in a building or contained open space to a separate building, an open public thoroughfare, or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare and includes exits and access to exits;

“**Enforcement Officer**” means a Municipal Law Enforcement Officer appointed by the Municipal Council, a police officer with the Windsor Police Service or an officer, employee or agent of the Town whose responsibilities include the enforcement of this By-law;

“**Essex County Humane Society**” means the Essex County Humane Society incorporated by Letters Patent dated the 6th day of September, 1949 for the purpose of providing effective means for the prevention of cruelty to animals and the protection thereof;

“**Exit**” means that part of a means of egress, including doorways that lead from the floor area it serves, to a separate building, an open public thoroughfare, or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare;

“**Fire Chief**” means the Chief of Amherstburg Fire Department or a person delegated by them;

“**Fire Protection and Prevention Act**” means Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“**Fireworks By-law**” means Fireworks by-law #2017-092 as amended from time to time, or repealed and replaced by another by-law dealing with fireworks;

“**Food**” means a substance excluding liquor taken into the body to maintain growth;

“**Food Handler**” means a person certified through a food handling training course provided by the Windsor-Essex County Health Unit;

“**Food Store**” means any premises where food or milk is processed, prepared, stored, handled, displayed, sold or offered for sale, but does not include a private residence

from which food is not sold or offered for sale. Food Store is also a land use as defined in the Zoning By-law 1999-52 as amended;

“Hawker or Pedlar” "Hawker" or "Pedlar" includes:

- (a) any person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the Town afterwards; and
- (b) any retailer which has an employee or agent who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the Town afterwards;
- (c) but excludes a consumer show open to the public or a trade show open by invitation or registration only, the primary purposes of which are the display of goods and products and not the direct sale of them and activities of real estate agents or brokers.

“Health Insurance Act” means the Health Insurance Act, R.S.O. 1990, c. H.6 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“Health Protection and Promotion Act” means Health Protection and Promotion Act, R.S.O. 1990, c. H.5 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“Highway Traffic Act” means Highway Traffic Act, R.S.O. 1990, c.H.8 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“Holiday” includes New Year’s Day, Good Friday, Easter Monday, Christmas Day, the birthday or the day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning Sovereign, Victoria Day, Dominion Day, Labour Day, Remembrance Day, and any day appointed by proclamation of the Governor General or Lieutenant Governor as a public holiday or for a general fast or thanksgiving, and when any holiday, except Remembrance Day, falls on a Sunday, the day next following is in lieu thereof a holiday;

“Hospitality Food Service” means a restaurant or takeout restaurant that does not serve liquor. Eating Establishment and Restaurant-Fast Food Restaurant are also land uses defined in Zoning By-law 1999-52 as amended;

“Hospitality Food Service/Ancillary Liquor Service” means a restaurant which serves both food and liquor but whose liquor sales monetarily exceed 50% of its gross sales. Restaurant is a land use as defined in the Zoning By-law 1999-52 as amended;

“Hospitality/Mixed Use (Food/Liquor) Service” means a restaurant that is a Hospitality Food Service/Ancillary Liquor Service establishment from 4:01 o’clock a.m. to 8:00 o’clock p.m., and is a Hospitality Liquor Service/Ancillary Food Service establishment at all other times. Restaurant and Tavern are land uses defined in Zoning By-law 1999-52 as amended;

“**Income Tax Act**” means Income Tax Act, R.S.C. 1985, c. 1 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“**Land Titles Act**” means the Land Titles Act, R.S.O. 1990, c.L.5 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“**Licensee**” means any holder of any licence issued under this by-law;

“**Licence Manager**” means the manager of Licensing and Enforcement or a person delegated by them;

“**Licensing Committee**” means a licensing committee established under the authority of the *Municipal Act* having the powers to licence any trade, calling, business or occupation authorized by a by-law;

“**Liquor**” means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter;

“**Liquor Licence Act**” means Liquor Licence Act, R.S.O. 1990, c. L.19 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“**Local**” generally means within the boundaries of the municipality of The Town of Amherstburg but when in reference to obtaining a police clearance means the municipality in which applicant normally resides;

“**Local Retailer**” shall mean any individual or business which provides for the selling or offering for sale of goods or services at a building or structure located within the Town of Amherstburg which is subject to property tax in the Town;

“**Lodging House**” shall mean and include any house or other building or portion thereof in which more than three persons are harboured, received or lodged for hire, with or without meals but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital or institution is licensed, approved or supervised under any general or special Act. Lodging House is a land use as defined in the Zoning By-law 1999-52 as amended;

“**Lunch Counter**” means a building or structure or part thereof where meals or meal portions, as an accessory use excluding beverages, are prepared and sold over a counter for consumption within the building or structure or off the premises;

“**Medical Officer of Health**” means the Medical Officer of Health for the Windsor-Essex Health Unit or a person delegated by them;

“**Mobile Vendor of Food**” means a person who sells food from a vehicle, cart, basket or other container, which is not intended to be stationary and may be moved from place to place. Food Vehicle or Trailer are land uses in Zoning By-law 1999-52 as amended;

“**Municipality**” means the geographic area known as the Town of Amherstburg;

“**Municipal Act**” means Municipal Act, 2001, S.O. 2001, c.25 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“**Municipal Freedom of Information and Privacy Protection Act**” means Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“**Newspaper**” means a daily or weekly publication on folded sheets; contains news and articles and advertisements;

“**Obtain**” means to purchase, receive or take in exchange or pledge;

“**Old Gold**” means gold or any other precious metal, including platinum and silver, which is not newly minted, and includes old jewelry or similar articles intended to be smelted, dismantled, sold or exchanged;

“**Ontario Building Code**” means Ontario Building Code, O. Reg. 403/97 as amended being regulations made under section 34 of the Building Code Act;

“**Owner**” means:

(a) with respect to premises, the registered owner of the land on which the premises is situated and includes a trust acting on behalf of the registered owner, the estate of the registered owner and a person with a leasehold interest in the land or premises;

(b) with respect to a business, the person that carries on the trade, business, or occupation and whose name appears on the licence issued for such trade, business or occupation under this By-law;

“**Parking**” means allowing a vehicle to remain stationary on a street or in a parking lot;

“**Parking By-law**” means the Traffic By-law #2011-069 being a by-law to regulate vehicular parking within the limits of the Town of Amherstburg on municipal streets, municipal parking lots and private properties as amended from time to time, or repealed and replaced by another by-law dealing with parking;

“**Pawnbroker**” means a person who exercises the trade of receiving or taking by way of pawn or pledge, any goods for the repayment of money lent thereon as defined in the Pawnbroker Act;

“**Pawnbroker Act**” means the Pawnbroker Act, R.S.O. 1990, c. P.6 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“**Person**” means any individual, company, firm, organization, partnership, body corporate or politic, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

“**Pet Shop**” means a premise where animals or birds for use as pets are sold, adopted or kept for sale or adoption as may be permitted in Schedule P1 of this By-law;

“**Police Record Check**” means a vulnerable criminal information report that is a result of a search of the local police records where the Applicant resides and the national databases maintained by the Canadian Police Information Centre;

“**Place of business**” means any place, premises or location, or part thereof, in which a business is carried on, and includes a shop, store or office, an office in a dwelling unit which is accessible to the public and, where there is no such place, premises or locations from which the business is carried on, it includes a vehicle or other equipment used for the purpose of carrying on the business;

“**Premise**” means land, including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business;

“**Principal**” for the purpose of this bylaw means the most important part;

“**Provincial Offences Act**” means Provincial Offences Act, R.S.O. 1990, c. M. 56 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“Public Hall” or **“Hall”** means a building or structure or any part thereof used or offered for use as a place of public assembly for any purpose, but does not include a theatre within the meaning of the Theatres Act;

“Refreshment Vehicle Structure” means a refuse container, beverage cooler, tables and chairs used in conjunction with the operation of a refreshment vehicle. This includes all objects including cases and containers separate from the refreshment vehicle used directly or indirectly for the provision of refreshments for consumption by the public;

“Registered Charitable Organization” shall mean any charity that is registered or is eligible to be registered with the Federal Government and has a registered charity number that has been issued;

“Registry Act” means Registry Act, R.S.O. 1990, c. R.20 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“Restaurant” means a building or structure or part thereof used primarily for the preparation and serving of food and beverage to patrons for immediate consumption therein or within a physically defined open air, sit down eating area located on the same lot therewith including taverns. As an accessory use, a restaurant may offer entertainment, exclusive of a dance floor. Restaurant is a land use as defined in the Zoning By-law 1999-52 as amended;

“Retail/Resale Shop” means a building or any part thereof used for the purpose of buying, selling or otherwise dealing in used goods of all kinds excluding scrap or salvage material or antiques or works of art. Retail Store is a land use as defined in the Zoning By-law 1999-52 as amended;

“Salvage Yard” means premises or part thereof used for receiving, storing, or dealing in scrap or salvage material. Salvage Yard or Scrap Yard are land uses as defined in Zoning By-law 1999-52 as amended;

“Sewer Use By-law” means the Sewer Use By-law #2016-007 as amended from time to time, or repealed and replaced by another by-law dealing with sewers;

“Smoking By-law” means the Smoking By-law #2016-113 as amended from time to time, or repealed and replaced by another by-law dealing with smoking;

“Take-out Restaurant” means a building, structure or part thereof where food, prepared on or off the premises, is offered for sale to the public, and where the food is ordered for delivery or pick-up with consumption of all food occurring off the premises. Fast Food Restaurants also a land use as defined in the Zoning By-law 1999-52 as amended;

“Tavern” means a restaurant which serves both food and liquor but whose liquor sales monetarily exceed 50% of its gross sales. As an accessory use, a tavern may offer entertainment, exclusive of a dance floor. Tavern is a land use as defined in the Zoning By-law 1999-52 as amended;

“Technical Standards and Safety Act” means the Technical Standards and Safety Act, 2002, S.O. 2000, c.16 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

“To Provide” when used in relation to goods includes to sell, offer to sell or display for sale, by retail or otherwise such goods, and “providing” and “provision” have corresponding meanings;

“Treasurer” means the Treasurer of The Corporation of the Town of Amherstburg;

“**Vehicle**” means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, cart and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a streetcar;

“**Work order**” means an order or written order to comply issued under a Town of Amherstburg By-law to a licensee or property owner requiring who contravened this bylaw or who caused or permitted a contravention or the owner of property on which the contravention occurred to do work to correct the contravention;

“**Zoning Administrator**” means the officer or employee of the Corporation charged with the duty of enforcing the provision of the Zoning By-law.

PART 2

LICENSES

2.1 No person shall carry on, conduct, operate, maintain, keep, or engage in any business set forth in subsections (1) – (19) below regardless of whether the business is being carried on wholly or partly within the Town, unless he first obtains the appropriate Town of Amherstburg licence to do so from the Issuer of Licenses. Licence renewals are subject to the renewal and expiration dates outlined in Appendix “A” of the General Provisions. Any person who, after the first day of the following months in any year as in Column B, commences to carry on any trade, occupation, calling or business for which a licence is required by this by-law and will expire as in Column A, shall obtain a licence for the balance of the licensing year upon payment of fee equal to one-half the fee set out in Schedule 1. (Amended Feb 12, 2024 B/L 2024-013)

Column A

Column B

Expiry Date of Licence	Half-Price Fee
January 31st	October 1st
February 28 th (29 th)	November 1st
May 31st	February 1st
August 31st	May 1st
October 31st	July 1st
November 30th	August 1st

- (1) any person who owns or operates an AUTOMOBILE SERVICE STATION;
- (2) any person who owns or operates an AUCTION;
- (3) any person who owns or operates a CAMPGROUNDS/TRAILER PARK;
- (4) any person who owns or operates a CATERER SERVICE;
- (5) any person who operates as a DOOR-TO-DOOR SALESPERSON;
- (6) any person who owns or operates a FOOD STORE;
- (7) any person who operates as a HAWKER OR PEDLAR;
- (8) any person carrying on the business of a HOSPITALITY FOOD SERVICE, HOSPITALITY FOOD SERVICE/ ANCILLARY LIQUOR SERVICE; HOSPITALITY LIQUOR SERVICE/ ANCILLARY FOOD SERVICE; HOSPITALITY/MIXED USE (FOOD/ LIQUOR) SERVICE, LUNCH COUNTER;
- (9) any person who owns or operates a LODGING HOUSE;
- (10) any person who owns or operates a business as a MOBILE VENDOR OF FOOD for food consumed by the public;
- (11) any person who deals in OLD GOLD OR OTHER PRECIOUS METALS or old jewellery for the purpose of reselling, exchanging or smelting the same and recovering the gold therefrom;
- (12) any person who is the owner of a building or structure or a part thereof used as a PUBLIC HALL;
- (13) any person who is the owner or operator of a RETAIL/RESALE SHOP or carries on the business of a PAWNBROKER;
- (14) any person who is the owner of operator of a SALVAGE YARD;

- (15) any person who sells, offers to sell or advertises for sale in any way, any goods, wares or merchandise by way of SPECIAL SALE;
- (16) any person carrying on business of a TOBACCONIST including an automatic vending machine which sells tobacco;
- (17) any person carrying on business of a VAPOUR RETAILER.

PART 3

GENERAL PROVISIONS

3.1 Licensing – Powers

The power to licence, regulate and govern a business, trade or occupation includes the power,

- (1) to prohibit the carrying on of or engaging in the business without a licence;
- (2) to refuse to grant a licence or to revoke or suspend a licence;
- (3) to fix the expiry date for a licence;
- (4) to define classes of businesses and to separately licence, regulate and govern each class;
- (5) to impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, including but not limited to the following conditions:
 - (a) requiring the payment of licence fees;
 - (b) restricting the hours of operation of the business;
 - (c) allowing at any reasonable time, the municipality to inspect places or premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying on of the business;
 - (d) prohibiting places or premises used for the business to be constructed or equipped so as to hinder the enforcement of the by-law;
 - (e) requiring the premises of the business, or part of the premises, to be accessible to persons with disabilities.
- (6) to impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (7) to impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (8) to licence, regulate or govern the place or premises used for the business and the persons carrying it on or engaged in it;
- (9) to regulate or govern the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of or engaging in the business;
- (10) to exempt any business or person from all or any part of the by-law; and
- (11) without limiting anything in clauses (a) to (e), to require the payment by a licensed business of additional fees at any time during the term of the licence for costs incurred by the municipality attributable to the activities of the business.

3.2 Administration of by-law

Town Council hereby appoints the Manager of Licensing and Enforcement for the Town to administer this by-law, and to engage such Officers, clerks and staff as may be necessary to carry out the administrative functions of this by-law including the enforcement thereof.

3.3 Enforcement – Manager of Licensing and Enforcement

The enforcement of this by-law is assigned to members of the Police Service as employed by the Town of Amherstburg and to persons under the supervision of the

Manager of Licensing and Enforcement for the Town of Amherstburg or any Provincial Offences Officers appointed by Town Council.

3.4 Part 3 – applies to – all other parts

All of the regulations contained in this Part of this by-law shall apply to all licenses required under the provisions of this by-law.

3.5 Licence – display

- (1) No person holding a licence issued pursuant to this by-law shall fail to:
 - (a) with respect to premises, display the licence in a conspicuous place in or on the said premises; or
 - (b) with respect to a vehicle, display the licence in a conspicuous place in or on the said vehicle; or
 - (c) with respect to an individual, maintain the licence on their person while conducting the activity for which the licence was issued and when so requested by an Inspector, as authorized under this by-law, produce his licence for inspection.

3.6 Licence – application

- (1) Applications for all licenses issued under the provisions of this by-law and applications for the renewal of such licenses:
 - (a) Shall be made to the Manager of Licensing and Enforcement on forms to be provided;
 - (b) When received by the Manager of Licensing and Enforcement, will be stamped with the date of receipt and processed in the order in which they were received; and
 - (c) will be processed giving priority to applications for renewal of licenses for a particular year provided the application for renewal is received by the Manager of Licensing and Enforcement on or before the last business day of the expiration date as set out in section 2.1 herein. When a renewal deadline expires on a Saturday, Sunday or holiday, the act or proceeding may be done or taken on the day next following that is a business day.

3.7 Licence-application-full information-required

- (1) Every applicant shall provide in full, at the time the application is submitted, all of the information requested on the application form as well as:
 - (a) payment of the prescribed licence fee set out in Schedule “1” of this by-law; and
 - (b) any other document or information as may be required in any other Part of this by-law.
- (2) No person shall give false or incorrect information for the purpose of obtaining a licence or certificate.

3.8 Licence – application – subject to approval

Every application will be subject to investigations approvals from such municipal or provincial departments or agencies as the Manager of Licensing and Enforcement deems necessary, or as directed by Town Council, including but not limited to: Police Services, Windsor/Essex County Health Unit, Fire and Rescue Services Department, Building and Development Department, Environmental Services Department and Licensing and Enforcement Department.

3.9 Contravention – other laws- prohibited

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

3.10 Revocation – licence-surrendered – voluntarily

The Manager of Licensing and Enforcement may revoke a licence that is voluntarily surrendered by the holder for revocation.

3.11 Licence – property of Town – transfer-prohibited

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

Every metal plate shall be and remain the property of the Town and shall be returned to the Town whenever required by the Manager of Licensing and Enforcement.

3.12 Information – held by Manager of Licensing and Enforcement – open to inspection

(1) Any application, comment, recommendation, information, document or thing in the possession of the Manager of Licensing and Enforcement pursuant to the provisions of this by-law shall be made available by the Manager of Licensing and Enforcement for an inspection:

- (a) by any person employed in the administration or the enforcement of this by-law; and
- (b) by any other person upon the consent, satisfactory to the Manager of Licensing and Enforcement, of the person, civic department, board, commission, authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing; subject only to the limitations imposed by the Municipal Freedom of Information and Protection of Privacy Act.

3.13 Inspections – Police and other designated persons

- (1) Any act or duty to be performed by the Chief of Police under this by-law may be performed by any police officer authorized by the Chief of Police to do so.
- (2) Any member of the Town's Police Services or any person designated by the Council of the Town to enforce this by-law may, at all reasonable times and upon producing proper identification, enter and inspect any premises or any part of any premises licensed under the provisions of this by-law.
- (3) The Manager of Licensing and Enforcement, or his/her representative, is authorized to:
 - (a) inspect,
 - (i) those parts of any house, place or premises which may be used for the carrying on of any trade, calling, business or occupation;
 - (ii) goods, wares, merchandise, articles, books, records or other documents of or relating to any trade, calling, business or occupation;
 - (iii) every vehicle and other personal property used or kept for hire in carrying on the business;
 - (b) require that each vehicle and other personal property used or kept for hire in carrying on the business be submitted for inspection;
 - (c) ensure that each licensee produce his vehicle for inspection at the time and place so designated.

3.14 No person –Obstruct- person who enforces

No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.

3.15 Records –to be kept – as required

No person shall fail to keep any and all of the records required to be kept by under the provisions of any section of any Part of this by-law.

3.16 Deficiencies – specified- notice to – applicant

Where any determination is made that any premises or person named in the application does not receive the approvals required by this by-law, the reasons for the lack of the required approvals shall be specified, and the Manager of Licensing and Enforcement or designates shall notify the applicant of all such reasons.

3.17 Licence – not to be transferred or renewed –where by-law contravened

No licence shall be issued to any person in respect of any premises in which the carrying on or operation of the business for which the application is being made is in contravention of any by-law of the Town, or any applicable Provincial or Federal legislation.

3.18 Licence-Fees-term of- expiry

Every person applying for a business licence shall pay at the time of obtaining the said licence the appropriate fee provided in Schedule 1 to this by-law. A licence issued under the provisions of this by-law shall be valid only for the period of time for which it was issued in accordance with expire terms set out in section 2.1 herein and subject to fees as contained in Schedule 1 to this by-law.

3.19 Licence-administrative fee –licence refused or withdrawn

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

3.20 Licence – application deemed expired

Any business licence application that has not received approvals from all municipal or provincial departments or agencies as the Manager of Licensing and Enforcement deems necessary within 60 days from the date of the filing of the application, because of the applicant's inability to comply with the requirements to become licensed, shall be deemed to have expired unless the application is referred to the CAO under section 3.28 of this bylaw.

3.21 Licence – duplicate licence

Where an original licence has been lost or destroyed, the Manager of Licensing and Enforcement, upon receipt of a police report to that effect furnished by the original holder thereof or by some person having the authority to act on behalf of the licensee, may issue a duplicate licence to the licensee upon payment of the fee set out in Schedule 1 to this by-law.

3.22 Licence – notification of change

- (1) Every licensee shall notify the Manager of Licensing and Enforcement within seven (7) days:
 - (a) Of any change in his business or home address;
 - (b) Sale, transfer or termination of his business;

- (c) Retirement;
- (d) In the situation where the licensee obtained a licence on the basis of the employee's certificate, the termination of the employee's employment.

3.23 Issuance, Renewal – fees- terms of – expiry

Every person applying for renewal of a business licence shall procure such licence from the Licensing and Enforcement Dept. in accordance to the deadline schedule contained in Appendix "A" attached hereto, and shall, at the time of filing the application for such licence, pay the licence fee shown in Schedule 1 of this by-law, provided, however, that where a licence is renewed after the deadline, the applicant shall be liable to pay the licence fee established by this by-law together with the penalty of 50% over the base fee.

3.24 Issuance, Renewal – Conditions

- (1) Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold, and renewing a licence, all of which shall be performed and observed by the applicant, holder of the licence or by the operator of the business:
 - (a) the applicant or licence holder shall pay the applicable licence fee;
 - (b) the applicant or licence holder shall allow, at any reasonable time, the Town to inspect the places and premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying out of the business;
 - (c) the applicant or licence holder shall ensure that the places or premises used for the business are not constructed or equipped so as to hinder the enforcement of this by-law;
 - (d) the conduct of the applicant or the licence holder affords reasonable cause to believe that the applicant or license holder will not carry on or engage in the business in accordance with the law or with honesty and integrity;
 - (e) the applicant or licence holder, or an individual who is a member of a partnership that is the holder of the licence, shall be a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada or a person permitted to work in Canada as determined by Citizen and Immigration Canada;
 - (f) where the applicant or licence holder is a corporation, or a partnership of which a member is a corporation, the conduct of its officers or directors or of a shareholder who owns or controls 10 per cent or more of its issued and outstanding voting and non-voting shares shall not afford reasonable cause to believe that the applicant or licence holder will not carry on or engage in the business in accordance with the law or with honesty and integrity;
 - (g) where the applicant or licence holder is a corporation, it shall, within 15 days after the event, notify the Manager of Licensing and Enforcement in writing where there is a change in an officer or director of the corporation or where there is a change in the controlling interest;
 - (h) the premises in which the business is located shall be in accordance with the requirements of the Building Code Act and the Regulations there under, the Fire Protection and Prevention Act, and the Regulations there under, and any by-law of the Town prescribing standards for the maintenance and occupancy of property within the Town;
 - (i) where premises in which the business is located are altered and a building permit is required to carry out the alterations, the premises, as altered, shall be in accordance with the Building Code Act and the Regulations there under, the Fire Protection and Prevention Act, and the Regulations there under, the Regulations falling within the jurisdiction of the Medical Officer of Health, and any by-law of the Town prescribing standards for the maintenance and occupancy of property within the Town;
 - (j) the use of the premises for the purpose of the business is permitted or conforms with the uses of the premises permitted under the applicable zoning by-law or is a legal non-conforming use;

- (k) the owner or operator shall have a contractual or proprietary interest in the lands and premises upon which the business is to be operated which will enable the owner or operator to carry on the business;
- (l) the applicant or license holder shall not carry on activities that are in contravention of this by-law;
- (m) the applicant or license holder shall not fail to pay any part of a fine for a contravention of this bylaw after the fine becomes due and payable under section 66 of the Provincial Offences Act, including any extension of time for payment ordered under that section;
- (n) evidence that their existing photograph is satisfactory;
- (o) evidence of their residence address;
- (p) insurance requirements, pursuant to the provisions of this by-law, shall be kept in force by the licensee for the period for which his licence is in effect inclusive of any renewal thereof. The Licensing Officer shall, upon receipt of notice that a policy of insurance is to expire on a stated date, notify the licensee that unless further proof of insurance is filed on or before that day, a recommendation shall be made to the Manager of Licensing and Enforcement that the licence be suspended or revoked.
- (q) Every licensee shall be responsible for the act or acts of any of their employees or any person associated with the licensee in the carrying on of any of the trades, businesses or occupations authorized by their licence in the same manner and to the same extent as though such act or acts were done by the licensee

3.25 Licensing powers – Manager of Licensing and Enforcement – issue or renew

- (1) Upon receipt of an application in the prescribed form for a licence or renewal thereof, shall make or cause to be made all investigation required by law and if the investigation disclose any reason to believe that the applicant is not of good character or that the carrying on of the said trade, calling, business or occupation will be likely to result in a breach of the law or be in any way adverse to the public interest, the Licensing Officer shall recommend to the Manager of Licensing and Enforcement that it not issue or renew the licence or that it impose conditions on the issuance of a licence, otherwise, the Licensing Officer shall recommend to the Manager of Licensing and Enforcement that it issue or renew the licence.
- (2) Where, in the opinion of the Licensing Officer, the carrying on of a trade, calling, business or occupation by a licensee will likely result in a breach of the law or be adverse to the public interest, the Licence Officer shall recommend to the Manager of Licensing and Enforcement that it suspend, revoke or impose conditions on the licence.

3.25 (1) Licensing Powers – delegation to Licensing Committee

- (1) A licensing committee is hereby established for the Town of Amherstburg
- (2) The licensing committee shall be composed of five members.
- (3) Members of the Committee shall be appointed by resolution of the Council for a term of Council that made the appointment.
- (4) If a vacancy occurs in the membership of the Committee, the Council of the Corporation shall appoint another person for the unexpired portion of the term.
- (5) The Committee shall elect a chair and a majority of the members constitutes a quorum.
- (6) The Council of the Corporation may provide for the payment of salaries, expenses or allowances to the members of the Committee.

- (7) The Committee may licence any trade, calling, business or occupation authorized by by-law of the Council under this or any other Act.

3.26 Licensing powers – Referral.

- (1) At any time before the Manager of Licensing and Enforcement either issues or renews a licence, or recommends to refuse to issue or to refuse to renew a licence, he/she may, or he/she shall on the request of the applicant, refer the application for such issuance or renewal of a licence to the Licensing Committee.
- (2) Where there is a referral to the Licensing Committee pursuant to this section, the Licensing Committee shall hold a meeting for the purpose of directing the Manager of Licensing and Enforcement to issue or renew the licence, or not to issue or renew the licence, and the Manager of Licensing and Enforcement, when directing the Licensing Officer, may require the imposition of conditions.

3.27 Recommendation – Licensing Committee – Refuse to issue, refuse to renew, suspension, place conditions, revocation – notice – meeting request

Where the Manager of Licensing and Enforcement intends to recommend to the Licensing Committee that it refuse to issue, refuse to renew, place conditions, revoke or suspend a licence, he/she shall give notice of his intended recommendation to the applicant or licence holder, together with the reason for his intended recommendation, as well as to such other persons, civic departments, boards, commissions, authorities or agencies as appear to have an interest in the recommendation.

3.28 Suspension – interim – pending – during meeting

The Manager of Licensing and Enforcement, without holding a hearing, may suspend a licence for not more than two weeks if the licensee has been convicted of a criminal offence, provided that the suspension is made within thirty days of the conviction, and notwithstanding that an appeal has been taken from the conviction;

No suspension of a licence by the Manager of Licensing and Enforcement is effective after the expiration of two weeks from the date of suspension or after the next meeting of the Licensing Committee following the suspension, whichever occurs first.

3.29 Refusal – suspension – revocation – notice of meeting – content

- (1) Where the Manager of Licensing and Enforcement has recommended to the Licensing Committee that a licence not be issued or renewed or that a licence be suspended, revoked or conditions imposed on the licence, the Manager of Licensing and Enforcement shall refer the application and his/her reasons for his recommendation to the Licensing Committee and shall give the applicant notice, in writing, of such action, said notice to be served personally or by registered mail to the applicant at the address shown on the application. The notice of the hearing shall:
- (a) contain a reference to section 150 of the Municipal Act, under which the hearing will be held;
 - (b) contain a reason or reasons for the proposed refusal, suspension or revocation;
 - (c) specify the time, place and purpose of the meeting with the Licensing Committee at which the proposed refusal, suspension or revocation will be considered;
 - (d) inform the affected applicant or the affected holder of the licence that he is entitled to attend the meeting and make submissions regarding the proposal and that, in his absence, the Licensing Committee may proceed to consider the

proposal, and the applicant or affected holder of the licence will not be entitled to any further notice in the proceeding;

(e) afford the affected applicant or the affected holder of the licence a reasonable opportunity, before the meeting, to show or achieve compliance with all lawful requirements for the retention of the licence; and

(f) be given at least 7 days notice prior to the date of the meeting with the Licensing Committee

3.30 Refusal – suspension – revocation – Licensing Committee

(1) At a hearing, the Licensing Committee may suspend, revoke or refuse to issue any licence under this by-law:

(a) for any reason that would disentitle the holder to a licence if he/she were an applicant;

(b) where the holder of the licence or applicant is in breach of a condition of the licence or of this by-law;

(c) if there are reasonable grounds to believe that the statements on the licence application are false;

(d) if a report is filed subsequent to the date of the issuance of the licence by any department or agency which provided its approval originally to the issuance of the licence which indicates that a licensed premises no longer complies with any of the provisions of this by-law;

(e) upon such grounds as are set out in this by-law;

(f) if the applicant has outstanding fines or penalties owing to the municipality or has not paid the required licence application fee;

(g) if the conduct or character of the applicant or licensee affords reasonable cause to believe that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;

(h) if the geographic location of the business does not meet land use requirements;

(i) if, in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable cause to believe that the business will not be engaged in or carried on in accordance with the law or with honesty and integrity; or

(j) if issuing a licence is not in the public interest.

3.30(1) Licensing Committee – proceedings

(1) At a hearing, the Licensing Committee:

(a) shall afford the affected applicant or the holder of the licence an opportunity to make submissions in respect of the matter that is the subject of the Committee's proceedings;

(b) shall afford any person, civic department, board, commission, authority or agency given notice under section 3.8 of this by-law and in attendance at the hearing, or any other person in the discretion of the Committee, an opportunity to make submissions in respect of the matter that is the subject of the Committee's proceedings;

- (c) the hearing shall be open to the public but the Committee may close a portion of the hearing for the purposes of receiving confidential legal information pertaining to the affected applicant or licence holder;
- (d) the hearing shall be open to the public but the Committee may close all or a portion of the hearing to the public if the Committee is of the opinion that intimate financial or personal matters may be disclosed of such a nature, having regards to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest, outweighs the desirability of adhering to the principle that the hearing be open to the public;
- (e) shall give due consideration to the submissions made to it;
- (f) shall take such action to refuse, suspend or revoke the application or licence, or not to refuse, suspend or revoke the application or licence, as the Licensing Committee considers proper in the circumstances; and
- (g) shall give notice of its decision to the Manager of Licensing and Enforcement, to the applicant or to the licence holder, and to any person, civic department, board, commission, authority or agency in attendance at the hearing, together with the reasons for its decision.

3.30 (2) Licensing Committee – equality of votes – results

Any motion made at the hearing respecting the refusal, suspension or revocation of an application or licence on which there is an equality of votes shall be deemed to be decided by the Licensing Committee against the refusal, suspension or revocation of the application or licence.

3.30 (3) Votes – equal – deemed in favour of issuance

Any motion made at the Licensing Committee hearing respecting the issuance or renewal of the licence on which there is an equality of votes shall be deemed to be decided by the Committee in favour of the issuance or renewal of the licence.

3.30 (4) Licensing Committee – Decision – immediate effect – notice of decision

- (1) A decision of the Licensing Committee refusing, suspending or revoking an application or licence takes effect upon the rendering of such decision by the Licensing Committee. No licensee shall operate or carry on the activity for which the licence was issued while his licence is under suspension.
- (2) The Licensing Committee shall give its decision to the Manager of Licensing and Enforcement within seven (7) days of the hearing.
- (3) The Manager of Licensing and Enforcement shall forthwith notify the applicant in writing of such decision by serving a copy personally or by registered mail to the applicant at his/her address as shown on his application. Where a notice is sent by registered mail, the date of service upon the person to whom it is sent will be deemed to be the day next following the date of mailing.
- (4) The proceedings of the Licensing Committee shall, at the request of the applicant and upon payment of a fee determined by the Manager of Licensing and Enforcement, be transcribed in writing and a copy of the transcript shall be made available to the applicant on payment of such additional fees as may be determined by the Manager of Licensing and Enforcement.
- (5) Upon receipt of a notice of the decision of the Licensing Committee suspending or revoking a licence, the licensee shall, within twenty-four (24) hours of service of notice by certified mail or immediately if the notice is personally served, return the licence to the Manager of Licensing and Enforcement and any plates issued with a reference to the licence and the Manager of Licensing and Enforcement

shall have access to any premises, vehicles or other property of the licensee for the purpose of receiving or taking the same. All plates not returned within 24 hours of service of notice will automatically be deemed invalid.

- (6) No person shall refuse to deliver the licence and any plates relative to a suspended or revoked licence to the Manager of Licensing or designate or shall in any way prevent or hinder the Manager of Licensing and Enforcement or designate from receiving or taking the same.
- (7) Where a licence is revoked, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted, such refund to be prorated on a monthly basis.

3.31 Licensing Committee – decision – complete licensing

Where the Licensing Committee renders a decision granting the applicant the licence applied for, the licence shall be issued upon the applicant complying with the terms of this by-law and the conditions of the licence, if any, and the applicant shall, within fourteen (14) days of the service upon him/her of a copy of the decision of the Licensing Committee complete his application.

3.32 Standards – maintained

No person licensed under the provisions of this by-law shall fail to maintain, on a continuous basis, the standards and requirements that were necessary to obtain the original approval of the licence application, or have been imposed since the issuance of the licence.

3.33 Offences – convictions and fines

- (1) Every person who contravenes any of the provisions of this by-law, other than those provisions dealing with adult entertainment parlours, and every director or officer of a corporation who concurs in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.
- (2) Where a corporation is convicted of an offence under subsection (1) or (2), the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided in those subsections.
- (3) Pursuant to Section 440 of the Municipal Act, if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, including any extension of time for payment ordered under that section, the Town Treasurer or his or her designate may give the person against whom the fine was imposed written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. The notice shall be sent by registered mail to be delivered to that person at the person's residence or place of business.
- (4) If the fine referred to in subsection (4) herein remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of Section 351 of the Municipal Act.

3.34 Other

- (1) In this by-law where the time for doing any act or taking any proceeding expires on a Saturday, Sunday or holiday, the act or proceeding may be done or taken on the day next following that is a business day.
- (2) If a Court of competent jurisdiction should declare any section or a part of a section of this by-law to be invalid, such section or part of a section shall not be construed as

having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

(3) This by-law includes the Schedules hereto annexed and Appendix A – Deadline Dates that are hereby declared to form a part of this by-law.

(4) For the purpose of licensing businesses, trades, callings and occupations in the Town of Amherstburg this by-law replaces by-law 2023-066, as amended which is hereby repealed on the XXXXX.

(5) This by-law shall come into force and take effect on XXXXX.

Michael Prue – Mayor

Kevin Fox – Clerk

First Reading –
Second Reading –
Third Reading –

Appendix “A”

List of Deadline Dates for Licence Categories

Deadline	Licence Category
January 31 st	Mobile Vendor of Food
January 31 st	Bed & Breakfast
February 28 th	Lunch Counter
February 28 th	Hospitality Food Service
February 28 th	Hospitality Food Service/Ancillary Liquor Service
February 28 th	Hospitality Liquor Service/Ancillary Food Service
February 28 th	Hospitality Mixed Use (Food/Liquor) Service
February 28 th	Food Store
April 30 th	Hawker or Pedlar
April 30 th	Campgrounds/Trailer Park
May 31 st	Caterers
October 31 st	Automobile Service Station
October 31 st	Old Gold Dealers
October 31 st	Public Hall
October 31 st	Retail/Resale Shop/Pawnbroker
October 31 st	Lodging House
November 30 th	Salvage Yard
November 30 th	Body Modification



The Corporation of the Town of Amherstburg
Licensing & Enforcement Dept.
Business Licence Fees

Initial Licence	Administration	Zoning Inspection	Building Inspection	Fire Inspection	Total Fee
Auctioneer	117.00	50			167
Auto Service Station – Repair/Paint and/or Upholstery	117.00	50		100	267
Bed & Breakfast	117.00	50	85	100	352
Body Modification	117.00	50		100	267
Campgrounds/Trailer Parks	117.00	50		100	267
Caterers	117.00			100	217
Door-to-Door Salesperson	117.00				117
Food Store	117.00	50		100	267
Hawker/Pedlar	117.00	50			167
Hospitality - Food	117.00	50		100	267
Hospitality - Food/Liquor	117.00	50		100	267
Hospitality - Liquor/Food	117.00	50		100	267
Lodging House	117.00	50	85	100	352
Mobile Vendor Of Food - Class 1	117.00			100	217
Mobile Vendor Of Food - Class 2	117.00			100	217
Mobile Vendor Of Food - Class 3	117.00			100	217
Mobile Vendor Of Food - Class 4	117.00			100	217
Mobile Vendor Of Food - Class 5	117.00			100	217
Old Gold Dealer	117.00	50			167
Public Hall	117.00	50	85	100	352
Retail/Resale/Pawnbrokers	117.00	50			167
Salvage Yard	117.00	50		100	267

Renewal Licence	Administration	Zoning Inspection	Building Inspection	Fire Inspection	Total Fee
Auctioneer	117.00				117
Auto Service Station – Repair/Paint and/or Upholstery	117.00			100	217
Bed & Breakfast	117.00		85	100	302
Body Modification	117.00			100	217
Campgrounds/Trailer Parks	117.00			100	217
Caterers	117.00			100	217
Door-to-Door Salesperson	117.00				117
Food Store	117.00			100	217
Hawker/Pedlar	117.00				117
Hospitality - Food	117.00			100	217
Hospitality - Food/Liquor	117.00			100	217
Hospitality - Liquor/Food	117.00			100	217
Lodging House	117.00		85	100	302
Mobile Vendor Of Food - Class 1	117.00			100	217
Mobile Vendor Of Food - Class 2	117.00			100	217
Mobile Vendor Of Food - Class 3	117.00			100	217
Mobile Vendor Of Food - Class 4	117.00			100	217
Mobile Vendor Of Food - Class 5	117.00			100	217
Old Gold Dealer	117.00				117
Public Hall	117.00		85	100	302
Retail/Resale/Pawnbrokers	117.00				117
Salvage Yard	117.00			100	217

Auctioneers – Schedule A1

1.0 Application and Definitions

1.1 This Schedule governs the licensing of auctioneers.

1.2 In this Schedule:

- (a) “Auctioneer” means a person conducting an auction;
 - (b) “Auction” means a publicly-held sale where goods are sold to the highest bidder;
 - (c) “Estate Sale Auction” means a publicly-held sale used to dispose of the majority of goods owned by a person who recently just died, or who must dispose of his/her property to facilitate a move, where the aforementioned goods are sold to the highest bidder.
- 1.3 This Schedule does not apply to:
- (a) a sheriff or bailiff offering for sale any goods or chattels seized under an execution or distrained for rent;
 - (b) an auction of unclaimed property held by or on behalf of Windsor Police Services; or,
 - (c) a municipal tax sale held pursuant to the Municipal Act, 2001 or any successor legislation thereto; or,
 - (d) any person engaging in the business of operating community sales of livestock pursuant to a licence issued under the Livestock and Community Sales Act, R.S.O. 1990 c. L.22.

2.0 Licenses and Applicants

2.1 An applicant for a licence under this Schedule must be an individual, and must be at least eighteen (18) years of age.

2.2 An applicant for a licence under this Schedule shall be required to complete any and all documentation required by the Manager of Licensing and Enforcement, provide identification as required, and pay any fees prescribed by this Bylaw.

2.3 No licence will be issued unless the premises upon which the applicant proposes to conduct the auction(s) within the Town comply in all respects with the Town’s zoning, building and property standards by-laws.

2.4 Any auctioneer licensed under this Schedule shall keep his or her licence on his person while conducting any auction within the Town and shall produce same for inspection upon request by the Manager of Licensing and Enforcement or designate or any other person charged with inspection or enforcement powers under this by-law.

2.5 Licenses shall not be transferable.

2.6 Licenses shall be issued in respect of a single auction, to be held at one (1) location, and shall be valid for a period not exceeding one (1) day.

2.7 Notwithstanding section 2.6 herein, any person auctioning used goods or conducting estate sale auctions shall be allowed to apply for one (1) annual licence to govern the conduct of auctions they hold within a twelve (12) month period and the fee for such licence shall be equal to the fee paid for individual non-estate sale auctions, or auctions of unused goods pursuant to this schedule.

3.0 General Terms

3.1 No person shall conduct an auction without a licence issued under this Schedule.

3.2 No auctioneer shall conduct or permit to be conducted any mock auction, or knowingly or willingly permit to be made any misrepresentations as to the quality or value of any goods offered for sale by the auctioneer.

3.3 Every auctioneer shall prominently display his or her name, business address and Town of Amherstburg Business Licence number on the premises of every auction conducted by the auctioneer and in every public advertisement of any nature of auctioneer.

3.4 No auctioneer shall:

- (a) 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 goods auctioned;
- (b) act in concert with any other person or persons with the intention or purpose to raise or stimulate bids, including those persons commonly known in the trade as “beaters”, “boosters” or “shills”;
- (c) sell or offer for sale any goods on a reserve bid basis without first having announced clearly to those in attendance at the auction of the fact of such reserve bid; or,
- (d) advertise for sale prior to the auction any goods which will not be available for sale at the time, date and location of the auction.

4.0 Records

4.1 Every auctioneer shall keep proper books of account of the business transacted by him or her as an auctioneer, which books shall include:

- (a) the name(s) and address(es) of the owner(s) of the goods to be sold;
- (b) a description of the goods to be sold sufficient to allow the goods to be identified;
- (c) the price for which the goods may be sold; and,
- (d) the name(s) and address(es) of the purchaser(s) of any goods sold.

4.2 Upon request by the Manager of Licensing and Enforcement or anyone else charged with inspection or enforcement powers by this By-law, the auctioneer shall present the required records for inspection

4.3 After the sale of any good, the auctioneer shall forthwith, account for the proceeds of the sale, and shall pay the proceeds to the person or persons entitled to them less the auctioneer's legal commissions and charges, and in the event that no sale is made of any of the goods offered for sale, upon payment of the auctioneer's legal commission and charges, the auctioneer shall return such goods to the person or persons entitled to receive them on demand, provided that this section shall not in any way affect or invalidate the claim of any auctioneer for goods warehoused with him or her, and on which he or she had made advances.

Automobile Service Station – Schedule A2

1. No licensee shall store or park or allow to be stored or parked thereat, any trailer used for human habitation while so stored or parked.
2. No licensee shall use or permit their premises to be used, for the purpose of wrecking or storing motor vehicles that are no longer operable, except in an enclosed building for vulcanizing tires or tubes.
3. No licensee shall permit the engine of a motor vehicle to run while in any building, whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes.
4. No licence shall be issued to an applicant for a automobile service station unless and until the Manager of Licensing and Enforcement has been furnished with satisfactory proof that:
 - (1) where applicable, Technical Standards and Safety Authority has reported in writing that the premises comply with the provisions of the Technical Standards and Safety Act, 2000 for the handling of liquid fuels and propane.
 - (2) The Fire Chief has reported in writing that the premise complies with the Ontario Fire Code.
5. Every owner or operator shall erect, maintain and repair at their own expense, screening fences to visually separate areas and to block off views of storage areas, and to provide that the screening fence be continuous except at driveway entrances or where lines of sight are required for traffic safety purposes.
6. No licensee shall use or permit to be used as a waiting lane any area or any public right-of-way which would hinder the flow of traffic on the public highway.
7. Every owner or operator must keep the service station and any sidewalk or street upon which the premises abut, in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other foreign substances derived from the licensed premises or resulting from the use of the licensed premises.
8. Every owner or operator must keep and maintain all washroom facilities in a clean and sanitary condition.
9. Every owner or operator must park all motor vehicles on the licensed premises and in a neat and orderly manner.
10. Every owner or operator must ensure that lighting fixtures used are of a type and are arranged so that they do not cause nuisance or distraction to passing traffic or adjoining properties.

Bed and Breakfast and Guest House Establishments Schedule B1

1.0 Application and Definitions:

1.1 This Schedule governs the licensing of:

- (a) Bed and Breakfast establishments; and,
- (b) Guest House establishments.

1.2 In this Schedule:

(a) “Bed and Breakfast” or “Guest House” means a home-based business for the temporary accommodation of the traveling public located within a single detached dwelling which is occupied on a full-time basis by the owner of such single detached dwelling or the principal shareholder (or one of them if more than one shareholder holds the greatest number of shares) of the corporation registered as the legal owner of the building, including during the time the Bed and Breakfast or Guest House is in operation, and shall contain at least one (1) bedroom for the exclusive use of the owner and at least two (2) accessory guest rooms for use in the Bed and Breakfast or Guest House operation, and shall mean and include any Bed and Breakfast or Guest House legally established under any predecessor by-law, but shall not include a Lodging House or a Hotel;

(b) “Hotel” shall mean a building or part of a building or group of buildings used for the purpose of providing sleeping accommodation for the traveling public, and shall include a motel or motor hotel, but shall not include a Lodging House, Bed and Breakfast or Guest House; and, (c) “Keeper” shall mean the person who has day-to-day responsibility for the operation, upkeep and maintenance of the Bed and Breakfast or Guest House on behalf of the owner, and the owner and Keeper may be one and the same person.

2.0 General Terms

2.1 No person shall own, operate, permit to be operated nor act as Keeper of a Bed and Breakfast or Guest House establishment in his or her dwelling without a licence issued under this Schedule.

2.2 Where a licence has been issued under this Schedule, the Keeper shall abide by all terms and conditions attached to the license as well as all requirements under this Schedule or this By-law with application to the Bed and Breakfast of Guest House establishment at all times.

3.0 Application for a Licence or Renewal of a Licence Governed by this Schedule

3.1 In this section, “Bed and Breakfast or Guest House” shall be deemed to include proposed Bed and Breakfast or Guest House establishments, in the case of an applicant in the first instance. Applicants for Bed and Breakfast or Guest House licenses or renewals shall provide the following to the Manager of Licensing and Enforcement:

- (a) name and address of the applicant;
- (b) address of the Bed and Breakfast or Guest House;
- (c) maximum number of occupants and number of rooms available for the purposes of the Bed and Breakfast or Guest House;
- (d) particulars of parking to be provided for the guests of the Bed and Breakfast or Guest House;
- (e) number of separate showers, bathtubs (with or without showers), wash basins, water closets and sinks in the Bed and Breakfast or Guest House;

- (f) two (2) copies of a floor plan of the Bed and Breakfast or Guest House showing measurements of each room proposed to be used for lodging in the Bed and Breakfast or Guest House establishment, including a means of identifying or designating the said rooms either by name, number or physical description, provided that an applicant for renewal shall not be required to submit a floor plan if the specifications remain unchanged from the last submission of a floor plan and provided that the applicant for renewal shall make a written statement that no changes in the floor plan have been made;
- (g) the original results of a criminal record check from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days that is satisfactory in form and content to the Manager of Licensing and Enforcement. The criminal record check must be dated no more than thirty (30) days prior to the application for a licence;
- (h) a true copy of the record under the Business Names Act of any business names used for the Bed and Breakfast or Guest House establishment as well as a true copy of the Articles of Incorporation issued in respect of any corporate owner - new applicants only, provided that no change of name or corporate structure have been made by an applicant for renewal since the original licensing or the most recent renewal;
- (i) proof of general liability insurance for the duration of the license period which insurance shall have a limit of liability of not less than two million dollars (\$2,000,000.00) per occurrence for property liability and bodily injury, including death, and further the policy shall contain a provision that the Town shall be notified of any intended cancellation of the policy by the insurer no less than fifteen (15) days prior to such cancellation;
- (j) a statement from the Medical Officer of Health for Windsor/Essex County, or his or her designate, that the Bed and Breakfast or Guest House establishment and the property on which it stands comply in all respects with the requirements of the Health Protection and Promotion Act and any regulations thereunder, and that the Building, the property and the Bed and Breakfast or Guest House establishment meets the minimum standards for public health and does not pose a health hazard;
- (k) in the case of an application in the first instance or in the case of a renewal application where a structural or change in location for the Bed and Breakfast or Guest House has been made since the original licensing or most recent renewal, a letter from the Town's Chief Building Official, or his or her designate, stating that the proposed Bed and Breakfast or Guest House establishment is in compliance with the Building Code Act (Ontario) and with all applicable zoning by-laws
- (l) in the case of an application in the first instance, a letter from the Town's Chief Fire Official, or his or her designate, stating that the Bed and Breakfast or Guest House establishment comply with the Fire Protection and Prevention Act, any regulations thereunder and any other applicable laws, orders, regulations or ordinances;
- (m) in the case of an application in the first instance, a letter from the Electrical Safety Authority stating that the condition of the electrical wiring and fixtures in the Bed and Breakfast or Guest House are satisfactory and setting out any recommendations or requirements in connection therewith; and,
- (n) all fees required by this By-law.
- 3.2 All licenses must be renewed no later than the 31st day of xxxx of every year.
- 3.3 Upon renewal the licensee shall be required to complete a declaration provided by the Manager of Licensing and Enforcement.
- 3.4 A licence or renewal can be withheld by reason of the existence of any outstanding orders or unpaid municipal accounts in respect of the property or the operation of the Bed and Breakfast or Guest House.

4.0 Inspections

4.1 Every applicant in the first instance shall be subject to an inspection of the Bed and Breakfast or Guest House by the Manager of Licensing and Enforcement or his or her designate to determine compliance with this Schedule and By-law. Every applicant for renewal may be subject to an inspection of the Bed and Breakfast or Guest House by the Manager of Licensing and Enforcement or his or her designate to determine compliance with this Schedule and By-law in the discretion of the Manager of Licensing and Enforcement.

4.2 Every Bed and Breakfast or Guest House may be subject to inspections by the Windsor-Essex County Health Unit, Amherstburg Fire and Rescue Services, or any other body having jurisdiction over the Bed and Breakfast or Guest House.

4.3 A Provincial Offences Officer or By-law Enforcement Officer may, at any reasonable time and upon the production of proper identification, enter into a Bed and Breakfast or Guest House without a warrant to inspect for compliance with the provisions of this By-law and this Schedule.

4.4 No person may obstruct or attempt to obstruct anyone carrying out a lawful inspection under this Section.

5.0 Licence

5.1 Every licence issued hereunder shall contain:

- (a) the name and address of the owner of the Bed and Breakfast or Guest House;
- (b) the name (if applicable) and address of the Bed and Breakfast or Guest House;
- (c) the maximum number of rooms for hire, and the maximum number of occupants permitted in the Bed and Breakfast or Guest House.

5.2 Every Keeper shall display the license issued hereunder in a conspicuous place in the common area of the Bed and Breakfast or Guest House and the licence shall be produced for inspection upon request by the Manager of Licensing and Enforcement or anyone else given inspection powers under this By-law or Schedule.

5.3 If at any time after the issuance of a licence, the owner ceases to operate a Bed and Breakfast or Guest House, the owner shall within seven (7) days file notice with the Manager of Licensing and Enforcement, who shall then cause the municipal records to be amended.

5.4 Every Keeper shall ensure that a schedule of rates for the Bed and Breakfast or Guest House be posted in each room to be rented, and such schedule shall also be available upon request to the public, the Manager of Licensing and Enforcement or his or her designate, or anyone given inspection powers under this By-law or Schedule.

6.0 Records

6.1 Every Keeper shall maintain a current guest register in the form of either sequentially-numbered sheets or a day journal, which register shall contain the following information in respect of each guest staying at the Bed and Breakfast or Guest House:

- (a) guest name;
- (b) assigned room;
- (c) home address;
- (d) telephone number;
- (e) arrival date;
- (f) departure date; and,
- (g) make, model and licence plate origin and number of any guest vehicles.

6.2 Upon request by the Manager of Licensing and Enforcement or anyone else charged with inspection powers under this By-law or Schedule, the Keeper shall present the required records for inspection.

Body Modification – Schedule B2

1.0 Application and Definitions

1.1 This Schedule governs the licensing of Body Modification.

1.2 In this Schedule:

- (a) “Body Modification” means a premises, building or part of a building in which persons are engaged or employed in furnishing services and otherwise administering to the individual the personal needs of a person and includes, a tattoo parlour, body piercing establishments, or body scarification establishments.
- (b) “Body Piercing” means the practice of inserting ornaments or other items not required for medical purposes into human tissue, not including the ear, with a needle or other implement.
- (c) “Scarification” means the practice of cutting or abrading human skin to bring about permanent scarring and includes the placement of implants not required for medical purposes beneath the skin.
- (d) “Tattoo” means the practice of permanently depositing pigments not required for medical purposes into human skin by the use of a needle or other implement.

2.0 Licences and Applicants

2.1 No person shall operate a body modification business without holding a current valid licence under the provisions of this by-law for each premises or part of a premises.

2.2 Every person operating a body modification business shall complete a separate application for a licence under the provisions of this by-law for each premises or part of a premises.

2.3 Every person operating a body modification business shall comply at all times with any Government of Canada or Government of Ontario regulations and any guidelines or protocols enforced under Government of Canada or Government of Ontario statutes or regulations that pertain to his/her/its business.

2.4 No holder of a body modification business licence shall employ any person or permit any person to do any body piercing or tattoo/scarification who has a communicable disease, which, in the opinion of the Medical Officer of Health, is injurious, or likely to be injurious, to the health of any person.

2.5 No holder of a body modification business licence shall permit his/her/its employee or any person to do any body modification for a customer or any person who has a communicable disease, which, in the opinion of the Medical Officer of Health, is injurious, or likely to be injurious, to the health of any person.

2.6 Every holder of a body modification licence shall keep the body modification business in a clean and sanitary condition to the satisfaction of the Medical Officer of Health.

2.7 Applicants for Body Modification licences or renewals shall provide a statement from the Medical Officer of Health for Windsor/Essex County, or his or her designate, that the Body Modification establishment and the property on which it stands comply in all respects with the requirements of the Health Protection and Promotion Act and any regulations there under, and that the Building, the property and the Body Modification establishment meets the minimum standards for public health and does not pose a health hazard.

(b) Applicants applying for Body Modification licences shall attend a mandatory Health course outlining the potential risks with regards to communicable diseases. Following

the course, a test will be conducted and subsequently a certificate issued upon successful completion of said course.

2.8 Applicants for Body Modification licences or renewals shall provide a letter from the Town's Chief Building Official, or his or her designate, stating that the proposed Body Modification establishment is in compliance with the Building Code Act (Ontario) and with all applicable zoning by-laws.

2.9 Applicants for Body Modification licences or renewals shall provide a letter from the Town's Chief Fire Official, or his or her designate, stating that the Body Modification establishment comply with the Fire Protection and Prevention Act, any regulations there under and any other applicable laws, orders, regulations or ordinances.

3.0 Inspections

3.1 By the submission of an application, the applicant shall authorize the Manager of Licensing and Enforcement or his or her designate shall cause an inspection of the Body Modification establishment or proposed Body Modification establishment to be made at a reasonable time to determine compliance with this Schedule and By-law. This inspection shall be required for the initial application only provided the applicant has made no changes, or as required by the Manager of Licensing and Enforcement.

3.2 Every Body Modification establishment shall be subject to spot checks by Amherstburg Fire and Rescue Services and the Windsor Essex County Health Unit, and further, that all licensees be subject to take an Educational Workshop offered through the Windsor Essex County Health Unit and then every 5 years thereafter.

3.3 A Provincial Offences Officer or By-law Enforcement Officer may, at any reasonable time and upon the production of proper identification, enter into a Body Modification establishment without a warrant to inspect for compliance with the provisions of this By-law and this Schedule.

3.4 No person shall obstruct or attempt to obstruct anyone carrying out a lawful inspection under this Section.

3.5 All licences must be renewed on or before xxxx

Campground/Trailer Park – Schedule C2

1. Each camping space within a campground shall:
 - (a) have a minimum area of 84 m² and be clearly identified by a number or similar designation;
 - (b) accommodate only one trailer or tent;
 - (c) be no closer than 3 m to a roadway; and
 - (d) have one conveniently located parking space adjacent to the roadway, all or part of which may be within the setback required under clause (c).
2. A campground shall have immediately within its boundaries a buffer area of 7.6 m within which no parking, garbage disposal areas, privies or recreational areas, except for waterfront recreation, shall be permitted.
3. Subject to the Highway Act, an identification sign to a maximum height of 2 m above ground and to a maximum area of 3 m² may be located at the principal entrance to the campground.
4. Roadways in a campground shall be well drained, and maintained in such a manner as to render them free from dust at all times.
5. Roadways giving access to and from camping spaces shall have a minimum roadway width of 6.7 m and a minimum hard surfaced or gravel led width of 4.3 m.
6. Dead end roadways and cul-de-sacs shall have a turning circle at the end with a radius of at least 12 m.
7. The owner of a campground shall provide a water supply system to furnish a constant supply of safe water in compliance with the Health Act.
8. The owner of a campground shall dispose or arrange for disposal of garbage or refuse.
9. The owner of a campground shall:
 - (a) provide one container for each five campsites; locate each container a maximum distance of 30 m from each campsite; and ensure that each container is durable, water tight and rodent proof for the disposal of all garbage;
 - (b) maintain the containers so that they shall not become foul smelling, unsightly, or a breeding place for flies; and
 - (c) be responsible for ensuring that no person shall dispose of garbage, waste, or refuse except in accordance with the arrangements made for the campground.

Food Store – Schedule F1

1. No licence will be issued to an operator of a Food Store until the Manager of Licensing and Enforcement has been furnished with satisfactory proof of the following:

(1) The Medical Officer of Health has reported in writing that the premises are suitable for the purposes on the licence application and meet all sanitary conditions.

2. Every applicant shall comply fully with the requirements of the Health Promotion and Protection Act and any other Provincial or Federal statute governing the storage, processing, display and sale of food.

3. Every operator of a food store shall ensure that the food store is constructed and maintained in a state of repair and cleanliness satisfactory to inspectors, and maintained free from every condition which may be dangerous to health, may injuriously affect the sanitary operation of the establishment or may injuriously affect the wholesomeness of the food prepared, stored or sold.

4. Every operator of a food store shall comply fully with the Milk Act regulating the storage, handling and sale of milk and other dairy products.

(1) The licensee must post their “Safe Food Counts” rating, issued by the Windsor-Essex County Health Unit, in a conspicuous place, clearly visible to the members of the public prior to entering.

5. Every operator of a food store shall ensure that refuse from the operation of the food store is placed in a proper container for disposal which meets the requirements of the Property Standards By-law and Collection of Refuse By-law or any specific requirement of Building & Development Department or approved site plan.

6. Every operator of a food store shall provide sufficient on-site trash receptacles for the use of customers to contain all refuse and shall take steps necessary to ensure that the containers are emptied on a regular basis and disposed of in accordance with Clause 5 of this Schedule.

7. Every operator of a food store shall take all steps necessary to ensure that all parking, pedestrian and landscaped areas are kept free of any refuse, litter or debris originating from the business, and to clean up any such refuse, litter or debris promptly from both the property controlled by the business and surrounding public and private property and the public right-of-way.

8. (a) Every operator of a food store where meals or meal portions, including ice cream other frozen confectionaries, are prepared and sold over a counter for consumption within the building or structure or off the premises shall obtain a hospitality services Lunch Counter licence as outlined in Schedule H4 to this bylaw.

(b) If the operator of a Food Store prepares and sells only hot dogs heated on a roller-type grill, the operator shall be exempt from obtaining a Lunch Counter licence.

Hawker/Peddler – Schedule H1

1. The following classes of “Hawker” or “Pedlar” are hereby established:

Class 1 “Temporary Vending Site Operator” shall include:

- (1) the sale of goods such as, but not limited to, flowers, and fresh produce, for a one to seven day period from one specific location such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot where the use is permitted in accordance with the Town’s Zoning By-law.
- (2) the sale of fireworks for a one to seven business day period from one specific location such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot where the use is permitted in the Zoning By-law. All sales shall comply with the provisions set forth in the Fireworks By-law.

Class 2 “Seasonal Sales” shall include temporary businesses such as, but not limited to, gardening product sales and Christmas tree sales for one period of up to three months from one specific location such as, but not limited to, a parking lot or a vacant commercial lot and may include the use of a temporary structure such as a greenhouse or sales office where the use is permitted in accordance with the Town of Amherstburg’s Zoning By-law.

Class 3 “Door to Door Sales” shall include any business, person or organization that has sales conducted on his/her or its behalf by door-to-door solicitation.

Class 4 “Door to Door Salesperson” shall include any person involved with the sale of goods or services on a door-to-door basis including sales persons or agents and any person supervising or managing the sale or sales persons.

Class 5 “General” shall include any “hawker” or “Pedlar” excluding classes 1 to 4 as defined in this section.

2. Notwithstanding section 3.11 of General Provisions to this by-law, the licence of an employee of a Hawker or Pedlar requiring their own licence is transferable to another employee upon the return of the original licence issued by the Licensing Officer and upon the completion of an application form by the new employee.
3. Notwithstanding any other section of this by-law, a person is not required to be licensed under this Schedule for the purposes of offering for sale or selling goods, wares or merchandise to the public at such flea market, craft show, antique or collectible show, or trade show.
4. No person shall carry on hawking and peddling except during the times between 8:00 o’clock a.m. and sunset.
5. Every person issued a photo identification card must wear the card so that it is visible to the consumer.
6. Every person applying for a Class 3, 4, or 5 hawker licence shall submit the original results of a criminal record check from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days that is satisfactory in form and content to the Manager of Licensing and Enforcement. In the case of a renewal, the criminal record check must be dated no more than one (1) year prior to the date of the application for a licence renewal. For new applications, the criminal record check must be dated no more than thirty (30) days prior to the application for a licence.
7. No person shall obstruct or permit to be obstructed, any highway, lane, or public place with their vehicle, or permit any such vehicle to stop, rest, or remain upon any highway, lane, or public place.

8. No person shall erect or place any booth, stand, stall or other like contrivance on any highway, lane, or public place for the purpose of hawking and peddling.
9. Notwithstanding section 2 of this schedule, a Hawkers and Pedlars Licence shall not be required for hawking, peddling or selling goods, wares or merchandise:
 - (i) local retailers are exempt from obtaining a Hawker or Pedlar's licence and paying a licence fee for "day sales" or "seasonal sales" if the temporary selling activity is an extension of the existing business at that location; or
 - (ii) local farm growers are exempt from obtaining a hawker or Pedlar's and paying a licence fee for "day sales" or "seasonal sales" if the produce they are selling is being sold from their own property and has been grown and harvested by them.
10. Every applicant for a Class 1 – Temporary Vending Site Operator and Class 2 – Seasonal Sale Licence must provide at the time of application:
 - (i) a letter, approved by the Manager of Licensing and Enforcement, signed by the property owner authorizing them to sell from the proposed location and acknowledging that the property owner's general liability insurance covers the temporary vending site activities; OR
 - (ii) a copy of and maintained public liability and property damage insurance in a form (containing endorsements naming the property owner as an additional named insured and providing a cross-liability clause), in the amount of TWO MILLION (\$2,000,000.00) DOLLARS and satisfactory to the Town Clerk, and file a certified copy of the insurance policy with the Town Clerk of the Corporation prior to the commencement of operations.

Hospitality – Schedule H2

Establishments providing Hospitality Services

1. This Schedule shall apply to all Restaurants, Take-out Restaurants and Lunch Counters including restaurants licensed to sell liquor under the Liquor Licence Act of Ontario of the classes of hospitality defined in this by-law.
2. This Schedule does not include a public hall, hospitality services establishment, adult entertainment parlour, casino or other establishments that use mechanical or electronic game machines to be used for the purpose of gambling.
3. No person shall operate an establishment in any of the following classes without first obtaining a licence:
 - (i) Hospitality Food Service
 - (ii) Hospitality Food Service/Ancillary Liquor Service
 - (iii) Hospitality Liquor Service/Ancillary Food Service
4. The provisions of this Schedule shall not apply to Lodging Houses licensed under the provisions of this by-law.
5. Every licensee under this schedule shall keep the premises in a sanitary condition and conduct the business in a sanitary manner in accordance with the provisions of the Health Protection and Promotion Act and/or any other regulations of the Windsor-Essex County Health Unit.
 - (1) The licensee must post their “Safe Food Counts” rating, issued by the Windsor-Essex County Health Unit, in a conspicuous place, clearly visible to the members of the public prior to entering.
6. All restaurants and other food handling establishments shall use durable, hard-sided and animal-proof garbage containers for food and other waste materials.
7. Every licensee will operate the premise in a manner that complies with Noise By-law #2001-43, as amended.
8. Applicants for a licence under this Schedule shall be required to file an Inspection Report as required by the Medical Officer of Health of the Windsor-Essex County Health Unit and such application shall be accompanied by plans showing the location and extent of the premises, the use to be made of each floor, apartment and room and of adjoining rooms or connecting floors and the position of equipment, water supply, toilet conveniences and means of disposal of waste. The Inspection Report must have been completed and approved within the last 12 months.
9. The application for a licence under this schedule shall be accompanied by the proper fee for the category of hospitality licence appropriate to the premises.
10. No person licensed under this schedule shall knowingly allow an employee to be engaged in the business if the person knows that such employee suffers from any communicable or contagious disease.
11. Every holder of a licence issued under this Schedule who serves food or beverages for consumption on the premises in other than an enclosed building, or who provides a parking area for his customers shall:
 - (1) erect and maintain a fence or wall or separation, approved by the Chief Building Official, around the area in which such food or beverages are served and around such customer parking area, of sufficient construction and design to prevent the escape of litter onto the public street and onto other premises. Such fence or wall shall comply with all municipal by-laws applicable thereto, and shall

allow openings for necessary ingress and egress to and from the premises and such parking area; provided that the Manager of Licensing and Enforcement may, in special circumstances, relieve the licence-holder from the necessity of fencing all that portion of his premises and such parking area not required for the said openings, which face on the public street, where a satisfactory method of preventing otherwise the escape of litter is employed, provided, however, that a fence wall or barrier constructed around a sidewalk cafe need not comply with the Fence By-law.

(2) provide adequate supervision of the premises and parking areas at all times to curb, control and prevent littering, rowdyism, and unnecessary noise; and

(3) be responsible for picking up daily and disposing properly of litter which has escaped from his premises or such parking area to the public street or alley, or unto private property, unless prohibited by the owners thereof.

12. A hospitality licence issued under this Schedule will only be extended to patios on municipal property where licence holder is in compliance with all provisions of their temporary patio extension.

13. All licensees must ensure that all staff that prepare and handle food must possess a Food Handlers Certificate issued by the Medical Officer of Health.

14. No licence shall be issued to an applicant until the Manager of Licensing and Enforcement has been furnished with a report from the Director of the Environmental Services Department showing that the premises are suitable for the purposes on the licence application with respect to compliance with Sewer Use By-Law.

Lodging House – Schedule L1

Licensing

1. In this schedule,

(1) “Operator” shall mean the person to whom a licence is issued under this Schedule and a licence may be issued to a person who alone or with others, operates, manages, supervises, runs or controls a lodging house;

2. A lodging house licence may be issued by the Manager of Licensing and Enforcement for one or both of the following classifications:

(1) CLASS 1 - Where the operator provides no assistance to the resident in caring for their health and for their personal needs, including washing, dressing or eating.

(2) CLASS 2 - Where the operator provides assistance to the resident in caring for their health and for their personal needs including washing, dressing or eating.

3. (1) No operator of a lodging house shall admit, re-admit or transfer into that lodging house any person who is or should be deemed eligible for placement in a Long-Term Care Facility as an insured person under the Health Insurance Act.

(2) Where a person is a resident of a lodging house and subsequently is deemed eligible for placement in a Long-Term Care Facility, such person may remain until a place is available in a Long-Term Care Facility provided that the services of a licensed, registered nurse is made available to such person as directed by the person's attending physician.

(3) Each lodging house operator shall as they become aware of lodging home clientele being in need of placement in a Long-Term Care Facility, make sure the resident is referred for assessment by Placement Co-ordination Services.

(4) The operator shall ensure that an assessment of the functional ability of each resident be done by a direct care giver on an approved form at least every six (6) months. A record of such assessments shall be kept in the resident's personal file and be brought to the attention of the attending physician.

(5) The operator shall ensure that all residents of lodging houses have an annual review by a physician which includes an examination of physical and mental status and assessment of functional ability in order to determine appropriate placement, and if as a result of the medical review, a person is found to require a higher level of care than can be provided in the lodging house but is not eligible for placement in a Long-Term Care Facility (e.g. transients and visitors), or the client (or family) refuses appropriate placement recommended by the physician or Placement Co-ordination Services, then such person may remain in the lodging house, provided that:

(a) the services of a licence registered nurse is made available to such persons if directed by the person's attending physician, and

(b) the resident's status is reviewed by the physician monthly to determine the level of care needed and being received, and to make further recommendations regarding placement.

4. No person dependent on a wheelchair shall reside in a lodging house unless such accommodation is wheelchair accessible in respect to entrance/exist, bedroom, bathroom, and dining room.

Part 1

Relating to Operators of all Lodging Houses

5. Every applicant for a licence to operate a Lodging House shall include in their application a statement setting forth:
 - (a) name and address of the applicant and the owners;
 - (b) address of lodging house for which licence is sought;
 - (c) in the event the applicant does not intend to reside in the Town of Amherstburg, the shall file a "Consent of Agent" (Form 2)
 - (d) maximum number of occupants and number of rooms available for purposes of the lodging house;
 - (e) number of separate showers, bathtubs (with or without showers), washbasins, water closets and sinks in the premises;
 - (f) number of meals to be served each day to each occupant and location and capacity of premises to be used for dining purposes;
 - (g) a floor plan in duplicate of such premises showing measurements and designation of each room, provided that it shall not be necessary to submit such floor plan if the application is for a renewal of a licence held in the previous year for the same premises, and if such application states that there has been no change in the number, location, size and use of the rooms in such premises since the time of issue of the former licence.
6. No licence shall be issued to an operator of a lodging house until the Manager of Licensing and Enforcement has been furnished with the following:
 - (a) a letter from the Chief Building Official or their representative stating that the building and structure is in compliance with the requirements of the Building Code Act, and the lands intended to be used by the applicant as an operator comply with the relevant Zoning By-law of the Town of Amherstburg;
 - (b) verification from the Chief Fire Official that the building and structures intended for use by the applicant as an operator comply with the Fire Protection and Prevention Act, and any other applicable regulations; and
 - (c) a letter from the Medical Officer of Health stating that the facilities in the building to be used as a lodging house comply with the provisions of the Health Protection and Promotion Act, and regulations passed there under as amended from time to time; and
 - (d) a letter from Electrical Safety Authority stating that the condition of the electric wiring and electrical fixtures in such building are satisfactory, and setting out any recommendations in connection therewith; and
 - (e) the original results of a criminal record check for the applicant and agent of the lodging house, from each jurisdiction in Canada in which the applicant and agent have been resident during the prior 365 days that is satisfactory in form and content to the Manager of Licensing and Enforcement. The criminal record check must be dated no more than thirty (30) days prior to the application for a licence.
7. Every licence issued hereunder shall set out:
 - (a) name and address of the operator;
 - (b) name of the operator's agent and their address, who will reside permanently in the Town of Amherstburg, where the operator does not reside in the Town of Amherstburg;
 - (c) address of licensed premise

(d) maximum number of occupants and number of rooms

8. If, at any time after the issuance of a licence the operator, or their agent as the case may be, cease to reside in the Town of Amherstburg, the operator shall within seven (7) days of such cessation file with the Manager of Licensing and Enforcement the signed consent on the form attached hereto as Appendices "A" and "B" of some other person who is a permanent resident of the Town of Amherstburg, as agent of the operator. Upon receipt of such consent the Manager of Licensing and Enforcement shall issue a certificate indicating the change aforesaid. The operator and the agent shall forthwith notify the Manager of Licensing and Enforcement in writing of a change of the residence address or telephone number of the operator and agent.
9. Every owner shall ensure that the licence and certificate issued hereunder shall be displayed in a prominent place in the main entrance way of the premises for which they are issued and such licence shall not be transferable.
10. Where the operator has appointed some person as agent and the signed consent of such person has been submitted to the Manager of Licensing and Enforcement as aforesaid, such person shall for the purposes of this by-law be deemed to have full authority to act as agent of the operator in the operation of the licensed premises, and shall be equally responsible with the operator for any violation of the regulations contained herein.
11. No person licensed to operate a lodging house under this Schedule shall permit a person to occupy for sleeping purposes, any cellar or any space used as a lobby, hallway, closet, bathroom, laundry, stairway or kitchen in compliance of the Property Standards By-law as amended.
12. No person licensed to operate a lodging house under this Schedule shall permit a room used for sleeping purposes to have less than 64.5 square feet per person for single occupancy and 43 square feet for multiple occupancy. The minimum height of the room shall be 7'-7" over at least 50% of the required area or 6'-11" over all of the required area. Any part of the floor having a clear height of less than 4'-7" shall not be considered in computing the required floor area.
13. No person licensed to operate a lodging house under this Schedule shall permit a room to be used for sleeping purposes unless it contains a window or window openings directly to the outside air, having an area equal to or not less than 5% of the floor area of the room and having an unobstructed openable ventilation area to the outdoors of 1.5 square feet per occupant, unless such room is otherwise ventilated by mechanical means in accordance with the regulations made under the Building Code Act 1992, and any regulations passed there under.
14. No person licensed to operate a lodging house under this Schedule shall permit any cooking appliances of any kind and no gas or oil-fire heating appliances other than those specifically designed and authorized by the regulations made under The Building Code Act 1992, to be installed or maintained in any room used for sleeping purposes save and except decorative appliances.
15. No person licensed to operate a lodging house under this Schedule shall permit the use of physical restraints upon any person who is a resident in the lodging house.
16. No person licensed to operate a lodging house under this Schedule shall permit the use of physical restraints upon any person who is a resident in the lodging house.
17. The operator shall maintain the lodging house in a clean, safe and sanitary condition at all times, and without limiting the generality of the foregoing, shall:
 - (a) keep the cellar or basement of the building well drained and ventilated;

- (b) keep the lodging house weatherproof and free from dampness;
 - (c) keep all heating equipment in good repair;
 - (d) remove all rubbish, garbage, ashes, any flammable material and other debris and shall ensure that the premises are kept free of vermin, insects, and other pests;
 - (e) not permit the use of any bathroom for laundry purposes; and
 - (f) maintain heat in the premises in compliance with the provisions of the Property Standards By-law of the Corporation of the Town of Amherstburg as may be amended from time to time.
18. A bedroom for a resident in a lodging house shall be furnished so that;
- (a) all beds are at least 0.91m apart;
 - (b) no part of any bed overlaps an unprotected source of heat, a window or a door;
 - (c) each bed is sheltered from draft; and
 - (d) each bed is provided with an individual light that is suitable for reading.
19. A secure area in the lodging house shall be provided for the personal belongings of the resident if necessary.
20. Food preparation areas must comply with the Food Premises regulations made under the Health Protection and Promotion Act.
21. The Chief Building Official, the Medical Officer of Health, the Chief of Police the Manager of Licensing and Enforcement and/or designates, shall be permitted to enter any lodging house at any reasonable time for the purpose of inspecting the premises and/or records referenced in this by-law, and no person shall prevent or obstruct any of such officials from so entering the premises and shall notify the Manager of Licensing and Enforcement of any major deficiencies.
22. All new applications for a lodging house shall be of barrier free design in accordance with the Building Code Act, and the regulations passed there under.

Fire Safety:

23. The operator shall ensure that a fire safety plan is prepared, approved and implemented in accordance with Section 2.8 Emergency Planning of the Ontario Fire Code.
24. The operator shall ensure that an annual inspection is conducted to:
- (a) ensure compliance with the Ontario Fire Code and any other applicable regulations;
 - (b) review the fire safety plan for updating and compliance.
25. The operator shall have the heating equipment and chimneys inspected at least once every twelve (12) months between June and September to ensure that they are safe and in good repair.
26. All vertical shafts, dumb waiters, laundry chutes, rubbish chute and every other shaft shall be enclosed with material having a fire-resistance rating in accordance with the Building Code Act 1992.

Part II

Relating to Operators of Class Two Lodging Houses

Admission and Operating Procedures

27. On admission of a person to the lodging house, the operator shall arrange for the preparation of a personal record, which shall contain the following:
 - (a) Resident's name, age and date of birth;
 - (b) Date of admission;
 - (c) Immediate previous place of residence;
 - (d) Name, address and telephone of a relative or close friend who can be contacted in the event of sickness or an emergency.
28. The operator shall establish a procedure and practice satisfactory to the Manager of Licensing and Enforcement for the safe administration and application of medication to the residents for whom the medication is prescribed. The following procedures must be included:
 - (a) Any medication prescribed by the physician must remain in the original container bearing the resident's name;
 - (b) An operator will ensure that medications are taken by the correct person from the individually labelled containers;
 - (c) A daily record shall be prepared for each resident taking medication and shall specify the name of the medication, the dosage and the times it is to be given. The staff person giving the medication shall sign or initial on this record in the appropriate time slot each time the medication is given.
 - (d) Medication required to be given by intramuscular or intravenous injection shall only be given by a registered nurse or duly qualified physician with a current Ontario licence;
 - (e) All medication shall be kept in a securely locked cabinet unless such medication is in the sole possession of the resident.
29. Every owner shall ensure that occurrence of fire, assault and injury, or communicable disease which in the opinion of the attending physician requires medical treatment, shall be reported to the Manager of Licensing and Enforcement within 24 hours of the occurrence or where the occurrence takes place on a Saturday, Sunday or holiday on the next business day.
30. When a resident is suspected of suffering from an illness which is not under medical care, the operator or staff member shall contact a physician within 24 hours.
31. With the consent of the attending physician, the operator shall ensure that the services of a Licensed Registered Nurse is engaged, where there is no Registered Nurse on staff, whenever a resident is confined to bed for more than forty-eight hours.
32. The operator shall post or cause to be posted, in a place readily accessible and conspicuous to residents, menus for one whole week. Menus shall be posted seven days in advance of the date on which the meals are to be served and any changes shall be marked on the posted menus before the preparation of the meal is started.
33. The operator shall provide or cause to be provided to the resident, food having adequate nutritional value in accordance with the daily requirements as outlined

in the current Canada's Food Guide, and having energy value which is adequate to maintain the average weight of each resident.

34. The operator shall provide or cause to be provided to the resident, not less than three meals daily comprised of breakfast, lunch and dinner which are well-balanced in accordance with Canada's Food Guide.
35. The operator shall provide or cause to be provided to the resident healthful snacks and fluids each day and evening. Healthful snacks and fluids are foods and fluids from one of Canada's Food Guide food groups.
36. The operator shall provide or cause to be provided an adequate supply of:
 - (a) perishable foods to meet the needs of the resident for at least a twenty-four hour period, and
 - (b) non-perishable foods to meet the needs of residents for at least a three (3) day period.
37. The operator shall provide or cause to be provided special diets or nutritional supplements to a resident when these special diets or supplements are ordered in writing by a physician or a registered professional dietician.
38. The operator of a lodging home shall, at least once a year, employ the services of a registered professional dietician consultant, with expertise in food service, management, menu planning, quantity food preparation, and preparation of special diets, to review menus and assist lodging home staff with the management of their food service system.
39. The operator shall make provision for regular visiting hours for friends and relatives of the residents, at any reasonable time.
40. Every operator will make every attempt to see that a resident is reminded of and assisted in attending;
 - (a) scheduled outpatient clinics for injectable psychotropic medications;
 - (b) other scheduled medical rehabilitation appointments;
 - (c) other therapeutically beneficial programs.
41. Every operator shall ensure that the staff interact in a manner consistent with the principles of psychiatric rehabilitation and that ongoing education, training and consultation is available to members of the staff.
42. Every operator shall maintain a register in which is recorded the time and date of departure from and return to the licensed premises, of each resident provided that no person shall be forced to sign said register on entering or leaving the premises.
43. The operator of every lodging house shall make every effort to ensure that transportation is available and shall, by appropriate means, provide the following services for chronically disabled residents:
 - (a) Freedom of movement from, and access to the lodging house during all reasonable hours as provided to all other residents in the home;
 - (b) The operator of a lodging house shall make every effort to ensure that transportation as necessary is available to all residents in order that they may come to and from private social activities and also to participate in recreational and therapeutic programs;
 - (c) Counselling by a registered or public health nurse, or other appropriate health official, in behavioural attitudes upon the recommendation of the Medical Officer of Health;

- (d) Referral and transportation to an appropriate mental health professional for counselling where, in the opinion of a physician or the Medical Officer of Health, a resident requires such counselling;
 - (e) When counselling is required, a private location shall be provided for the counselling.
44. That the Code of Ethics attached to this schedule as Appendix "C" be adopted by all operators of a lodging house.

Type of Licence(s):
Lodging House – Class 1

Date:

Town of Amherstburg – Application Form
Appendix “A”

Name of Applicant:	
Residential Address:	
Address of Lodging House:	

IF THE APPLICANT DOES NOT RESIDE IN AMHERSTBURG, COMPLETE BELOW.

A PERSON OVER 21 YEARS WHO WILL RESIDE PERMANENTLY IN THE TOWN OF AMHERSTBURG AS AN AGENT OF THE APPLICANT.

NAME:	
ADDRESS:	
POSTAL CODE:	
PHONE NO:	

MAXIMUM NUMBER OF OCCUPANTS:	
NUMBER OF ROOMS AVAILABLE FOR OCCUPANCY:	
SEPARATE SHOWERS:	
BATHTUBS:	
WASHBASIN:	
WATERCLOSETS:	
SINKS:	

I am attaching a floor plan in duplicate showing measurements and designation of each room, or if the application is for renewal of licence, I hereby confirm that there has been no change in the number, location, size and use of the rooms in the above premises since the issue of licence for the year_____.

APPLICANT'S SIGNATURE AND TITLE

PART II – CONSENT OF AGENT FO KEEPER OF LODGING HOUSE

I, _____ herby consent
to act as an agent for _____ the keeper of
a lodging house at _____
and I confirm that I reside permanently in the Town of Amherstburg at _____.

- I hereby acknowledge that as an agent for the said keeper I am responsible for the operation of the said lodging house.
- I shall forthwith notify the Manager of Licensing and Enforcement of the Town of Amherstburg in writing of any change of my residence, address or phone number.
- I am familiar with the regulations contained in By-law 2023-066 governing lodging houses and I do understand I may be prosecuted for violations thereof.

Agent's Signature: _____

Lodging House
Class II Only:

Date: _____

**Town of Amherstburg – Application Form
Appendix “B”**

Name of Applicant:	
Residential Address:	
Address of Lodging House:	

IF THE APPLICANT DOES NOT RESIDE IN AMHERSTBURG, COMPLETE BELOW.

A PERSON OVER 21 YEARS WHO WILL RESIDE PERMANENTLY IN THE TOWN OF AMHERSTBURG AS AN AGENT OF THE APPLICANT.	
NAME:	
ADDRESS:	
POSTAL CODE:	
PHONE NO:	

MAXIMUM NUMBER OF OCCUPANTS:	
NUMBER OF ROOMS AVAILABLE FOR OCCUPANCY:	
SEPARTE SHOWERS:	
BATHTUBS:	
WASHBASIN:	
WATERCLOSETS:	
SINKS:	

Seating Capacity of Rooms Used for Meals					
Room	Capacity	Room	Capacity	Room	Capacity

Please attach a floor plan in suitable form to be duplicated showing measurements and designation of each room. If the application is for renewal of the licence, please sign the certificate below.

Applicant's Title and Signature

Renewals Only

I hereby confirm that there has been no change in the number, location, size and/or use of the rooms in the above premise since the issue of licence for the year_____.

Agent's Signature

Lodging House

Class II Only:

Date: _____

Town of Amherstburg – Application Form

Appendix “B”

Part II – Consent of Agent for Keeper of Lodging House

I, _____ hereby consent
to act as an agent for _____ the keeper of
a lodging house at _____
and I confirm that I reside permanently in the Town of Amherstburg at _____.

- I hereby acknowledge that as an agent for the said keeper I am responsible for the operation of the said lodging house.
- I shall forthwith notify the Manager of Licensing and Enforcement of the Town of Amherstburg in writing of any change of my residence, address or phone number.
- I am familiar with the regulations contained in By-law 2023-066 governing lodging houses and I do understand I may be prosecuted for violations thereof.

Agent's Signature: _____

Appendix "C to Schedule L1
Of Licensing By-law 2023-066

Code of Ethics

1. We will maintain the highest standards of integrity in all of our dealings with residents, families, employees and suppliers.
2. We will deal honestly, openly and fairly with our residents and their families.
3. We will uphold the principle of appropriate and adequate compensation for the services provided.
4. We will provide adequate, safe and pleasant facilities and serve our residents to the best of our ability, having regard for the total physical, emotional and spiritual needs of our residents.
5. We respect the rights of our residents as individuals.
6. We will employ staff with good moral character and satisfactory experience, competency and compassion.
7. We will further ensure that at all times, our staff is courteous and respects the dignity of our residents, their relatives and the general public.
8. We will comply with relevant municipal and provincial regulations governing our industry and work toward improvement in regulations to ensure the best interests and well being of our residents.
9. We will avoid all conduct or practice likely to discredit the long-term residential care industry.

Mobile Vendors of Food – Schedule M1

Part 1 – General

1. No licensee may sell food from any highway, public park or other public place without prior permission from the Manager of Licensing and Enforcement.
2. A Mobile Vendor of Food may operate one of the following classes of vehicles:
 - Class 1: shall include tricycle type ice cream vehicles propelled by muscular power which only sell ice cream, ice products and/or other frozen dairy products.
 - Class 2: shall include a vehicle with dimensions not exceeding 66.04 centimeters (26 inches) in width and 152.4 centimeters (60 inches) in length.
 - Class 3: shall include any vehicle from which food is sold for consumption by the public including, but not limited to, cars, trucks and trailers.
3.
 - (1) The vehicle from which food is sold shall be of a type approved by the Manager of Licensing and Enforcement.
 - (2) The body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things.
 - (3) The floor and walls of such vehicle shall be of impervious material, free of holes, cracks or crevices, and the surface shall be readily washable and shall be kept in clean and in good condition.
 - (4) Only single-service disposable cups, plates, containers, forks, spoons, and serviettes provided in dispensers approved by the Manager of Licensing and Enforcement or individually wrapped shall be used in the sale of all foods.
4. The vehicle shall be equipped with either:
 - (1) a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or
 - (2) a disposable litter container which shall be replaced daily;
 - (3) and such containers shall be used for the disposal of all refuse.
5. No licensee shall allow an employee to be engaged in the business if there is knowledge that such person suffers from any communicable or contagious disease.
6. All milk sold shall be kept in dry storage at a temperature no higher than 5 degrees Celsius (40 Fahrenheit) and shall be sold only in individual, disposable containers.
7. All sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies and other similar foods shall be wrapped and sold in individual servings.
8. The date of preparation shall be clearly and legibly marked as such on or affixed to the wrapper of all sandwiches sold.
9. The licensee must post their “Safe Food Counts” rating, issued by the Windsor-Essex County Health Unit, in a conspicuous place, clearly visible to members of the public.

10. The licensee shall maintain foods which are intended to be served by being heated at a temperature of not less than 66 degrees Celsius (150 Fahrenheit), and such foods shall be kept at such temperature after once being so heated.
11. All foods sold shall be clean, fresh and wholesome.
12. Every licensee shall take out a separate licence for each vehicle owned by them, and the plate issued in respect of such licence shall be securely affixed to the rear of the vehicle.
13. No licensee shall operate in a prohibited area.
14. No licensee shall erect any booth, stand, stall, or other like contrivance or place the same on any highway, lane or public place for the purpose of selling any foods.
15. All applicants for a licence shall submit any vehicle utilizing propane for heating or refrigeration for testing and approval at least once per year or when requested by the Manager of Licensing and Enforcement in writing.
16. (1) All applicants for Mobile Vendors of Food Licences or renewal of a Mobile Vendors of Food Licence and all persons operating a licensed cart for hotdog sales shall complete a Food Handler Training Course provided by the Windsor-Essex County Health Unit and shall produce a Food Handler Certificate in addition to the certificate of clearance for the vehicle.
(2) Drivers/salespersons operating catering vehicles are exempt from the requirement of attending a Food Handling Course provided that all food offered for sale from a catering vehicle is pre-packaged except for beverages.
17. All licensees and persons operating licensed vehicles shall carry an identification card with a photograph to be produced upon demand by a By-law Enforcement Officer to ensure that the operator has received a Food Handler Certificate.
18. All licensees shall ensure that all vehicles are equipped with a fire extinguisher having a 2A or 3A-10BC rating affixed to the body of the vehicle.
19. All licensees shall ensure that all vehicles shall have a No Smoking Sign prominently displayed on the front of the vehicle.
20. All licensees shall ensure that no person shall smoke within a radius of 3 metres (10 feet) from a vehicle.
21. Every licensee shall ensure that all vehicles are removed from the public right-of-way or approved vending zone during all times when the vehicle is not being used for business purposes.
22. All licensees shall obtain an endorsement on the licence from the Manager of Licensing and Enforcement or designate, to identify all other ancillary equipment which may be placed on the public right-of-way and used in conjunction with the vehicle including refuse containers, beverage coolers and pay the prescribed fee for each ancillary equipment as set out in Schedule 1 of this By-law.
23. All licensees shall ensure that all vehicles visibly display the name, address, phone number and licence number of the licensee on each side of the vehicle in letters at least 10 cm (4in.) in height.
24. All applicants for vehicle licenses must present a certificate of inspection by the Windsor-Essex County Health Unit.
25. All licensees shall ensure that no prepared foods are sold nor offered for sale at a time later than 24 hours if prepared by the mobile vendor, or no later than the date code established by the manufacturer of the prepared food, whichever is greater, and all food served shall be clearly date-coded on the exterior packaging and the licensee shall maintain records regarding the supply and preparation of

the food to be made available for inspection by an Inspector or By-law Enforcement Officer upon request.

26. Every licensee operating a vehicle on the sidewalks of any area of the Town shall comply with the following conditions:
- (1) Not permit the vehicle to be operated within 4.5 metres (15 feet) of an intersection and safe crossing;
 - (2) Not permit the vehicle to be operated within 6 metres (20 feet) of a bus stop area;
 - (3) Vehicles shall be prohibited from operating on sidewalks which are less than 3 metres (10 feet) in width, measured from the curb to the face of the building;
 - (4) Vehicles shall be prohibited from operating immediately in front of any window or display window of a building.
 - (5) Vehicles shall maintain an operating distance of 30 metres (100 feet) from each vending location and at least 30 metres (100 feet) from a residence.

Part II – Relating to Class 2 Vehicles Only

The following additional requirements shall apply to Class 2 vehicles as identified in Section 2 of this schedule:

29. No licensee shall operate or permit the operation of a vehicle on any public right-of-way unless the operator has received permission for the location for the vehicle from the Manager of Licensing and Enforcement and signed a standard form of agreement with the Manager of Engineering to grant such permission in accordance with the following procedures.
- (1) The Manager of Licensing and Enforcement will accept applications from mobile vendors of food holding valid licences wishing to operate at a location on a municipal sidewalk within the boundaries of the Town of Amherstburg;
 - (2) The applicant shall provide particulars of the exact location for which the vending zone is requested;
 - (3) All vending zone applications will be subject to such approvals as the Manager of Licensing and Enforcement deems necessary;
 - (4) All decisions of the Manager of Licensing and Enforcement with respect to mobile vendor of food site approvals shall be final;
 - (5) The vending zone shall be valid only for the locations(s) for which it was approved and shall not be valid for any other location; and
 - (6) If there is more than one applicant for a vending zone outside the downtown area and seniority cannot be determined, the Manager of Licensing and Enforcement shall hold a lottery at a time and place to be set by him to assign an application to the vending zone.
30. Applications for permits for special events shall be submitted to Manager of Licensing and Enforcement at least 30 days prior to the special event. The Manager of Licensing and Enforcement shall issue permits for special events not to exceed 10 per day.
- (1) If more applications are received than the available permits by the 30 day advance date, the Manager of Licensing and Enforcement shall conduct a draw of the applications to allocate the vending zones
 - (2) Only licensed vendors in the Town of Amherstburg shall be eligible for a special occasion vending zone.

- (3) The Manager of Licensing and Enforcement shall issue an adhesive permit to be affixed by the vendor to the vehicle on the day of the special event, and the approved date or dates shall be endorsed on the permit.
- (4) The vendor shall remove the permit following the termination of the validation period:
- (5) The fee for a special occasion permit shall be established at \$50.00 per day;

Part III – Relating to Class 3 Vehicles Only

The following additional requirements shall apply to Class 3 vehicles as identified in this schedule:

- 31. All licensees shall submit a Ministry of Transportation Safety Standards Certificate in the first year of service, in the third and fifth years of service, and every year thereafter.
- 32. All licensees shall present their vehicles to the Windsor-Essex County Health Unit for a yearly physical inspection.
- 33. All licensees shall adhere to the zoning by-law if the vehicle is intended to remain stationary at one location for an extended period.
- 34. All licensees shall ensure that no attachment shall be affixed and/or attached to any vehicle such as, but not limited to, hydro poles, porches, tents, and overhangs.
- 35. All licensees shall ensure that food service openings of mobile catering vehicles are located and designed to be at the furthest point possible from the vehicle's exhaust port to minimize such possible contaminants.
- 36. All licensees shall ensure that the interior of the motor vehicle is clean, dry and in good repair.
- 37. All licensees shall ensure that the exterior of the motor vehicle is clean, in good repair, free from exterior body damage and has a well maintained exterior paint finish.
- 38. All licensees shall ensure that the storage shelves within the vehicle are clean and covered with a suitable hard and impervious and anti-corrosive material such as stainless steel, glass or food grade plastic.
- 39. All licensees shall ensure that vehicles from which soft ice cream and related products are sold shall have:
 - (1) two sinks of adequate size and of non-corrodible material equipped with hot running water;
 - (2) a tank to receive sink wastes;
 - (3) a refrigerated cabinet for storage of ice cream mix and other milk products, which cabinet shall be maintained at a temperature no higher than 5 degrees Celsius (40 Fahrenheit) and shall be equipped with an accurate, indicating thermometer;
 - (4) storage for dry products, sundae toppings, and syrups, which storage shall be easily cleanable and where necessary of a type readily dismantled for cleaning;
 - (5) all dispensing equipment, whether for dry cones, single service containers, ice cream, syrups or toppings, of sanitary design;
 - (6) mechanical air-conditioning in the vending and dispensing part of the vehicle;

- (7) adequate insulation to prevent fumes from the engine or engines from reaching the vending and dispensing section of the vehicle;
- (8) screens or other devices to ensure adequate protection against flies and dust.

Old Gold – Schedule O1

1. Upon receipt of an application for the grant of a licence pursuant to this Schedule, the Manager of Licensing and Enforcement or his/her delegate shall make or cause to be made all investigations that he/she deems necessary or which are required by the Licensing Committee relative to the application.
2. In the event of a change in the officers and directors of a corporate licensee, the licensee shall notify the Manager of Licensing and Enforcement or his/her designate within thirty days of the change of officers and directors, providing the Manager of Licensing and Enforcement with the names, addresses and birth dates of the new officers and directors.
3. Every person who has received a licence shall act in conformity with the provisions of any applicable federal or provincial Act, any regulation made there under and any applicable by-law.
4. Every person who has received a licence shall allow any By-Enforcement Officer or Police Officer or any other person duly authorized to inspect at any reasonable time:
 - (1) the premises in respect to which the licence is issued; and
 - (2) any vehicles or personal property used in connection with the business.
5. No person shall obtain any old gold from any person who is known to be or appears to be:
 - (1) under the age of eighteen years; or
 - (2) under the influence of alcohol or a drug.
6. No person shall obtain any old gold between the hours of 11 p.m. one day and 7 a.m. the following business day.
7. No person shall obtain old gold without requesting and being presented with identification containing a photograph and the name of the person selling, exchanging or disposing of the old gold.
8. No person shall alter, sell, exchange, repair, dispose of or in any way part with any old gold obtained until after the expiration of fifteen business days from the date of obtaining the old gold and during those fifteen business days such old gold shall remain on the premises in respect to which the licence is issued and shall be kept in a separate location from any other old gold. Provided that if the old gold were obtained by a licensed dealer from another dealer licensed under this by-law if the other licensed dealer had held the old gold for the requisite fifteen business days.
9. Every person licensed under this Schedule shall keep a book known as “The Old Gold Register”, provided by the Chief of Police, in which shall be entered a record of all old gold obtained.
 - (1) The entry shall:
 - (a) be in the English language written in ink in a plain, legible hand;
 - (b) be made at the time of obtainment or immediately thereafter;
 - (c) include the date and hour of the obtainment;
 - d) contain a full description of the old gold, without limiting the generality of the foregoing including materials, size and inscription;
 - (e) contain a price paid for the old gold; and

- (f) contain a description of the person from whom the old gold was obtained including the name, address, birth date on the identification presented, the signature of the person and the type of identification presented.
10. Every licensed dealer shall deliver or cause to be delivered at the office of the Chief of Police, not later than 9:00 o'clock in the morning of every week day, a transcript of the purchases of the previous day, accurately copied from the register on blank forms for that purpose.
 11. Every person licensed under this Schedule shall photograph every piece of old gold obtained. The photograph shall clearly show each piece of old gold and shall bear an identifying mark to connect it to the item in the register.
 12. No person shall act as a dealer while a licence issued under this Schedule is suspended or revoked by the Licensing Committee.

Public Hall – Schedule P2

1. No person shall offer any building or structure or any part thereof for use as a public hall unless the owner thereof is the holder of a licence issued for such purpose by the Manager of Licensing and Enforcement.
2. The owner of a building or structure to be used or offered for use as a public hall shall make application to the Manager of Licensing and Enforcement upon the approved form. Such application shall be accompanied by the appropriate fee and shall include the following documents and information:
 - (1) Full particulars of location, size and construction of the hall as may be required.
 - (2) A letter from the Chief Fire Official setting out their recommendations as to any safety precautions which should be taken by the owner with respect to such hall.
 - (3) A letter from the Chief Building Official as to the sufficiency or insufficiency of the hall, its fixtures and equipment, for the intended use thereof in accordance with the Building Code Act.
 - (4) Applicants for a licence under this Schedule shall be required to file an Inspection Report as required by the Medical Officer of Health of the and such application shall be accompanied by plans showing the location and extent of the premises, the use to be made of each floor, apartment and room and of adjoining rooms or connecting floors and the position of equipment, water supply, toilet conveniences and means of disposal of waste. The Inspection Report must have been completed within the last 12 months.
 - (5) A letter from the Electrical Safety Authority as to the condition of the electric wiring and electrical fixtures in such building and setting out any recommendations in connection therewith.
3.
 - (1) The maximum number of persons (occupant load) to be permitted within a public hall at any one time shall be determined in accordance with the Building Code Act.
 - (2) A licence shall not be issued for a public hall on any storey higher than the third floor in a building not of fire-resistive construction.
 - (3) The owner of a public hall shall display prominently at least two (2) placards indicating the maximum number of persons permitted in the hall, one of such placards to be at or near the entranceway and the other to be inside the hall in the immediate vicinity of the entranceway, and to contain the following words in letters at least two inches (2") high:

"OCCUPANCY OF THIS HALL BY MORE THAN
PERSONS IS DANGEROUS AND UNLAWFUL. MANAGER OF
LICENSING AND ENFORCEMENT FOR THE TOWN OF
AMHERSTBURG."
- (4) For the purposes of this section:
 - (a) the floor area of a public hall shall be operated and maintained as stipulated in the Building Code Act, as amended and the Ontario Fire Code as amended.

4.
 - (1) In every public hall there shall be an unobstructed aisle space in accordance with the Building Code Act, as amended.
 - (2) Aisles shall terminate at a cross aisle, foyer or exit and the width of such cross aisle, foyer or exit shall be at least the required width of the widest aisle plus 50 per cent of the total required width of the remaining aisles that it serves.
 - (3) Movable seats arranged in rows shall be fastened together in units of not less than four and not more than twelve seats; provided that a row of movable seats shall not contain more than fourteen seats between aisles nor more than seven seats between an aisle and a side wall.
 - (4) In every public hall having chairs and tables there shall be unobstructed aisle space of:
 - (a) twenty-two inches surrounding each unit of table and chairs accommodating not more than two persons;
 - (b) thirty-six inches surrounding each unit of table of chairs accommodating not more than four persons; (c) forty-four inches surrounding each unit of table and chairs accommodating more than four persons.
 - (5) Movable seats shall not be permitted in balconies nor galleries having more than one floor level.
 - (6) All aisles to exits shall be free and clear of any obstructions.
 - (7) No person shall be permitted to use or occupy any aisle space or exit route for any purpose other than for normal passage to and from.
5.
 - (1) The minimum number of exits from a public hall shall be in accordance with the Building Code Act.
 - (2) The distance along the nearest path of travel between any seat in a public hall and the nearest exit shall be in accordance with the Building Code Act.
 - (3) The Building Code Act, as amended shall be used to determine total width of all required exits.
 - (4) No revolving door or any doorway equipped with a turnstile shall be considered as an exit in calculating the exit requirements of any public hall.
 - (5) Exits from every balcony or gallery in a public hall shall be in accordance with the Building Code Act.
 - (6) Rugs, carpets or other floor coverings shall be secured and maintained so that they will not ruck and will not in any way impede egress.
 - (7) Mats located at the entrance of the public hall shall be flush with floors or have chamfered or bevelled edges.
 - (8) Articles which may create any obstruction shall not be located in or adjacent to any path of exit travel.
6.
 - (1) All exit doors equipped with locking or latching devices shall be equipped with panic-type hardware in accordance with the Building Code Act.
 - (2) Hooks, padlocks, chains, draw bolts and locks other than the panic hardware type, shall not be permitted on any exit doors.
 - (3) On each occasion before a public hall is to be used the owner shall cause all exit doors to be inspected and ensure that they open freely.
7.
 - (1) Exit signs shall be located above every exit doorway and shall be installed in accordance with the Building Code Act.

- (2) Every exit sign in the main auditorium of a public hall shall be clearly visible from the most distant part of the hall from which there is a clear line of sight.
 - (3) Emergency power to all exit and emergency lights shall be in accordance with the Building Code Act.
 - (4) Every door leading from the main auditorium of a public hall which does not lead to an exit shall be plainly marked with letters not less than six inches in height, designating the part of the premises to which it leads.
- 8.
- l) Exit widths at any point of any doorway, corridor, chamber, stairway or other passageway in an exit route shall not be less than the width of the exit door leading to such route from the main auditorium nor less than the cumulative width of such exit doors if more than one of such exit as determined by the Building Code Act.
 - (2) Steps in every exit stairway shall have a run of not less than 255 mm (10 inches) and shall have a rise of not more than 200mm (7 7/8 inches) in accordance with the Building Code Act.
 - (3) The surfaces of ramps, landings and treads shall have a non-slip surface and shall conform with the Building Code Act.
 - (4) Every stairway connecting two or more floors in an exit route shall be fully enclosed having no openings other than exit doors. All door openings on such stairways shall open in the direction of exit travel, shall be equipped with self-closures and constructed with material having a fire-resistance rating in accordance with the Building Code Act.
 - (5) When the distance between two floors or between ground level and the next highest floor does not exceed ten feet, an incline ramp may be permitted in lieu of a stairway, provided that such ramp shall have a maximum slope of 1 foot in 10 feet.
 - (6) All exit stairway enclosures shall provide a protected means of egress to outdoors at grade level such that it would not be necessary to leave the stairway to reach an exterior door. A lobby or foyer may not be used as an exit except in accordance with the Building Code Act.
 - (7) A stairway from the first balcony or gallery above the main floor need not be enclosed provided that it serves only the first balcony or gallery in accordance with the Building Code Act.
 - (8) Space under any stairway shall not be used for storage purposes.
 - (9) All stairways and landings of combustible material shall have their undersides protected by material having a fire-resistance rating in accordance with the Building Code Act.
9. External fire escapes in existing buildings shall be in accordance with the *Building Code Act*.
10. On each occasion before a public hall is to be used, the owner shall cause every external fire escape to be cleared of snow and ice or any obstruction.
11. Exit routes, exits, public corridors, assembly halls and exit stairway lighting shall be interconnected with exit lights referred to in Section 7.1 and shall be in accordance with the Building Code Act.
12. False doors, windows, mirrors or other type of decoration which give the appearance of a door or exit where no door or exit exists shall not be permitted.
13. Interior finishes and decorations, such as plaster, wood or tile, fabric, paint, plastic, veneer, or wallpaper, doors, windows and trim, lighting elements in ceilings and carpet material that overlies a floor that is not intended as a finish

floor shall have a flame-spread rating and smoke development classification that is in accordance with *Building Code Act*, and *Ontario Fire Code, R.S.O. 388/97*, as amended.

14. (1) The Chief Fire Official may prohibit smoking, the use of matches, fire-crackers or any other device or thing producing an open flame, in a public hall or any part thereof, and the owner shall post appropriate signs in any part of the hall on the direction of the Chief Fire Official.

(2) In any part of the hall where smoking is permitted, substantial ashtrays or stands of non-combustible material shall be placed in such number and location as may be required by the Chief Fire Official.
15. (1) Every public hall shall be kept clean and clear of rubbish and debris that might create a fire, hazard and unsafe condition.

(2) Metal containers with self-closing covers shall be provided and conveniently placed for the deposit of rubbish and debris and the rubbish and debris contained in the metal containers shall be removed from the building at least once a day.
16. (1) The operator shall have the heating equipment and chimneys inspected at least once every twelve (12) months to ensure that they are safe and in good repair.

(2) Every heating appliance in a public hall shall be protected by proper guards and insulation and shall not be located closer than twenty feet to any exit.

(3) Every mechanical room containing heating equipment shall be separated from the remainder of the building in accordance with the *Building Code Act*.
17. Every public hall shall be equipped with fire protection apparatus and shall be maintained in accordance with the *Building Code Act*, and *Ontario Fire Code, R.S.O. 388/97*, as amended.
18. Notwithstanding any other provision of this by-law, no licence fee shall be payable in respect of any hall used solely for religious purposes, but every such hall shall comply with this schedule in all other respects.
19. All new applications for a public hall licence shall be of barrier-free design in accordance with the *Building Code Act*.

Retail/Resale and Pawnbrokers – Schedule R1

1. Every licensee shall produce such licence upon demand by the Manager of Licensing and Enforcement.
2. The licensee of a retail/resale shop:
 - (1) shall display the licence therefore in a conspicuous place in the interior of the shop and shall also display the words "LICENSED RETAIL/RESALE SHOP" in large plain letters satisfactory to the Manager of Licensing and Enforcement in a conspicuous place clearly visible from the public street at the front of the shop.
 - (2) shall not purchase, take in exchange, or receive any article or thing from a person who appears to be under the age of 18 years, without the written authority of one of the parents or the guardian of such person, save and except that this subsection shall not apply to dealers in trading cards.
 - (3) shall not alter, repair, dispose of or in any way part with any goods or articles purchased or taken in exchange by him, until after the expiration of 30 clear days from the date of obtaining the said goods, and during the said period the goods or articles so obtained shall remain on the licensed premises and be kept apart from goods previously purchased, and shall be subject to an inspection at any time by a By-law Enforcement Officer or Police Officer, who may be accompanied by such other person or persons as in his judgement may be necessary for the identification of goods reported or suspected of having been stolen.
 - (4) shall post the by-law requirements including information that the goods may not be repurchased by anyone other than the former owner until the passing of a 30 day period provided the original owner has shown proper identification and the information from the identification was recorded.
3. The Manager of Licensing and Enforcement at his/her discretion, shall require licensees to submit police clearances for all employees and for new employees prior to commencing employment to insure that such employees have not been convicted of any criminal offences related to the following activities:
 - Theft;
 - Possession of stolen property;
 - Break and enter;
 - Narcotics possession; or
 - Sexual assault.
4. Every licenced dealer shall make every reasonable effort to obtain the name, address and description of any person offering him goods or articles of any kind which he has cause to suspect have been stolen, or otherwise wrongfully obtained and shall report promptly the same to the Manager of Licensing and Enforcement and the Chief of Police.
5. Every licenced dealer shall:
 - (1) keep a record of all goods purchased, taken in exchange or otherwise acquired in accordance with Appendix "A" by the Windsor Police Service. Such record shall be entered in ink in a plain legible hand on a register form provided by the Chief of Police. Each entry must be made at the time of purchase or immediately thereafter and shall include in addition to the date and hour of purchase, a full description of the article or articles, the price paid therefor, and the name, address and description of the person from whom the purchase was made. In entering bicycles and parts of motor vehicles the name of the maker

and the serial number of the bicycle or part, if it is known or can be ascertained, shall be recorded in every case. The Register aforesaid shall remain the property of the Police Department, and the licenced dealer to whom the same is issued shall be responsible to see that it is not mutilated or destroyed. It shall be open to inspection by the Manager of Licensing and Enforcement and Police Officers at all times and may be removed at any time by any police officer to Police Headquarters for inspection or for use in the courts if necessary. Every licenced dealer shall deliver or caused to be delivered at the Office of the Chief of Police, not later than 9 o'clock in the morning of every week day, a transcript of the purchases of the previous day, accurately copied from the Register on blank forms supplied for that purpose.

(2) Notwithstanding Subsection 5(1) above, the following items shall be exempted from reporting to the Windsor Police Service:

- (a) Any item purchased from another dealer, merchant, manufacturer or wholesaler;
- (b) Any item donated to a recognized non-profit organization;
- (c) Any secondhand household kitchen or laundry appliances;
- (d) Any secondhand furniture excluding audio, video and other electronic devices;
- (e) Any secondhand cookware, glassware and eating utensils that do not contain precious metals;
- (f) Any secondhand clothing or shoes;
- (g) Any secondhand infant's toddler's or children's clothing, appliances, furniture, or safety devices;
- (h) Any item received on consignment;
- (i) Any item for which payment in full is made with a credit or voucher redeemable for merchandise from the dealer.

6.

Notwithstanding anything herein contained,

(1) this by-law shall not apply to persons dealing in used motor vehicles nor to any person who, in the course of operation of a retail business, accepts second-hand goods as part payment on the purchase price of similar, new goods, but who does not otherwise deal in second-hand goods.

(2) Section 2, subsections (3) and (4), Section 6, subsections (1) and (2) and Section 10 of this schedule shall not apply to any person whose principal business is the processing or refining of scrap metal or other salvaged material purchased or acquired in bulk.

7.

Every licensee shall install a video camera/recording system satisfactory to the Manager of Licensing and Enforcement to retain the videotapes for a 30-day period except for resale shops dealing only in clothing.

8.

The provisions of the *Pawnbroker's Act*, shall apply to all Pawnbrokers.

9.

Every person who is licensed as a Pawnbroker who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to penalty as provided in the *Pawnbrokers Act*.

Appendix "A"

Schedule R1:

The following are requirements for reporting to the Windsor Police Service for Licenses;

Price Paid	Transactions Requiring a Police Report
Regardless of price paid or intended selling price	Unique identifier/serial number Precious metals Precious gems Firearms Bicycles Golf Clubs Snow skis Snow boards
Paid \$25 or more or intend to sell for \$50 or more	Electronic audio equipment Electronic video equipment Musical instruments Photographic/optical equipment Computers/printers/etc. Cellular phones Outboard motors Inboard drives Powered yard/garden equipment Powered construction equipment
Paid \$100 or more or intend to sell for \$200 or more	Sporting goods
Paid \$150 or more or intend to sell for \$300 or more	Architectural elements, lighting fixtures or lamps that are, or contain, stained, etched, leaded, beveled or art glass
Paid \$250 or more or intend to sell for \$500 or more	Artist signed or artist attributed works of art, other than architectural elements, lighting fixtures or lamps

Salvage Yards – Schedule S1

1. In the case of an application for a licence for a salvage yard, the Manager of Licensing and Enforcement or designate shall:
 - (1) cause notice to be mailed by regular mail to the owners of all lands lying within three hundred feet (300') of the salvage yard, inviting their comments at least 15 days prior to the date the Manager of Licensing and Enforcement considers the application.
 - (2) If an objection is received from persons entitled to notice, the Manager of Licensing and Enforcement shall refer the application to the Licensing Committee, provided that such notice shall not be necessary where the application is for renewal of a licence held for the previous year.
2. Every licensee shall produce such licence upon demand of any authorized person.
3. The following shall apply to every salvage yard:
 - (1) The premises shall be kept in a clean and neat condition and all buildings and other structures shall be kept in good repair.
 - (2) Salvage material shall be sorted for separate storage as soon as possible after acquisition.
 - (3) Piles or stacks of salvage material shall be adequately separated to prevent spread of fire and shall neither exceed 10 feet in height nor be placed within 10 feet of the boundary of the premises.
 - (4) Notwithstanding the provisions of any other by-law, no person shall leave salvage material outside of the area of the salvage yard, and no salvage material shall be stored outside an enclosed building unless the premises are surrounded by a rigid fence, which provides a complete visual barrier and shall,
 - (a) have a minimum height of 8 feet (above grade) and a maximum height of 10 feet;
 - (b) be constructed of masonry, wood, metal or plastic or any combination thereof and if metal or wood shall be painted a uniform colour;
 - (c) consist of new materials only and be kept in good repair.
 - (5) The licensee shall make all reasonable efforts to control rodents and other vermin and to eliminate odours.
4. The licensee shall store all salvage material in a manner that does not permit standing water in accordance with the Yard Maintenance By-law, as amended from time to time.
5. Any authorized representative of the Manager of Licensing and Enforcement, Development Services, Fire and Rescue Services or the Police Service shall be permitted to enter and inspect the premises at any time during regular business hours, and no person shall hinder or obstruct such entry or inspection in any way.
6. Every licensee shall make every reasonable effort to obtain the name, address and description of any person offering him goods or articles of any kind which he has cause to suspect have been stolen, or otherwise wrongfully obtained and shall report promptly the same to the Manager of Licensing and Enforcement and the Chief of Police.
7. No licensee shall permit the wrecking of motor vehicles on the licensed premises unless such licence so specifically authorizes permission to do.

8. Every licensee shall be responsible for the cleaning and removal of any dirt, material, or debris tracked onto public or private property abutting the salvage yard.

9. Every licensee shall:

(1) Keep a record of all goods purchased, taken in exchange or otherwise acquired. Such record shall be entered in ink in a plain legible hand on a register form provided by the Chief of Police. Each entry must be made at the time of purchase or immediately thereafter and shall include in addition to the date and hour of purchase, a full description of the article or articles, the price paid therefore, and the name, address and description of the person from whom the purchase was made. In entering bicycles and parts of motor vehicles the name of the maker and the serial number of the bicycle or part, if it is known or can be ascertained, shall be recorded in every case. Every licensee shall maintain the register aforesaid for a one-year period and shall ensure that it is not mutilated or destroyed. It shall be open to inspection by the Manager of Licensing and Enforcement or his/her designate or Police officers. Further, the Manager of Licensing and Enforcement or his/her designate or any Police officer for investigation purposes may remove the aforesaid record(s).

(2) Notwithstanding Section 9.(1) above, any part, piece or component of a whole unit or whole item that does not have a serial number, vehicle identification number, or any other unique marking or number, shall be exempt from the requirement of being included in the register, provided however, that the said whole unit or whole item has been previously registered with the Chief of Police.

10. Notwithstanding anything herein contained, this by-law shall not apply to persons dealing in used motor vehicles nor to any person who, in the course of operation of a retail business, accepts second-hand goods as part payment on the purchase price of similar, new goods, but who does not otherwise deal in second-hand goods.