



## THE CORPORATION OF THE TOWNSHIP OF BLACK RIVER-MATHESON

### BY-LAW NO. 2025-30

#### BEING A BY-LAW TO REGULATE AND LICENSE BUSINESSES OPERATING WITHIN THE TOWNSHIP OF BLACK RIVER-MATHESON

---

**WHEREAS** Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a municipality has the rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

**AND WHEREAS** Section 8 of the Municipal Act, 2001, c.25, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly to confer broad authority on municipality to enable the municipality to govern it's affairs as they consider appropriate and to enhance the municipality's ability to respond to municipal issues,

**AND WHEREAS** Section 11 of the Municipal Act, 2001, c. 25 as amended provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4),

**AND WHEREAS** Section 150 of the Municipal Act, 2001, c. 25 as amended provides that:

"business" means any business wholly or partly carried on within a 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,
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire. 2006, c. 32, Sched. A, s. 82

**AND WHEREAS** Section 151(1) of the Municipal Act, 2001, c. 25 as amended provides that without limiting section 9, 10 and 11, a municipality may provide for a system of licences with respect to a business and may,

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

**NOW THEREFORE**, the Council of The Corporation of the Township of Black River-Matheson enacts as follows:

## **INTERPRETATION**

1. In this by-law;

“alarm installation” - means a person who installs alarms or other warning or sounding devices which are intended to alert as to an impending danger or risk and shall include but is not limited to fire alarms, burglar alarms, home security systems, etc.

“appliance repair” - means a person engaged in the restoring or maintenance of household or domestic appliances to a state of operation or good condition and shall include but is not limited to the replacement or restoration of worn out parts;

“applicant” - means a person who is required to be licensed pursuant to this by-law or who has made application for a licence to the Issuer of Licences and shall include a Licensee;

“auctioneer” - means a person who conducts a sale by auction;

“auction” - means a public sale to persons at which bids on goods, articles, merchandise, effects, etc. are received by an auctioneer and where each bid offers more than the last previous bid, the article being put up being sold to the highest bidder. This definition shall extend to various types of auction including, but not limited to:

(a)“mock auction” - means an imitated sale by auction of goods, articles, merchandise, effects, etc. to persons;

(b)“silent auction” - means an auction conducted by means of written bids given on displayed goods wares or merchandise with the final declaration of sale being made to the last individual having submitted a bid on the specified bid sheet for that item;

(c)“Chinese auction” - means an auction conducted by means of predetermining a set price on an item, thence receiving verbal bids on such an item. The final declaration of sale shall be made to the highest bidder who shall then pay the price, based on the difference between the predetermined price and the highest bid;

“automobile” - means a motor vehicle as defined by the Highway Traffic Act, R.S.O. 1990, c. H 8, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include an off road vehicle as defined in the Off Road Vehicles Act R.S.O. 1990, as amended or a streetcar;

“automobile body repair” - means a person who restores or does maintenance to the exterior of an automobile to return it to a good condition and shall include but is not limited to the replacement or restoration of worn out parts or the restoration of such parts and includes the replacement, repair or restoration of any mechanical part of the automobile. Such operation shall include but is not limited to painting, repainting, body filling, or refinishing of an automobile;

“automobile leasing/rental” - means a person who leases or offers to lease, rents or offers to rent or for any remuneration, grants the temporary use of an automobile to any individual, firm or corporation,

notwithstanding that the leasing or rental company shall retain the registered ownership of such automobile;

“automobile sales” - means a person who sells or offers for sale any automobile by retail where such sale will result in the transfer of ownership from the licensee or a consignment partner to any other individual, firm or corporation;

“barbershop” - means a business or premise where the shaving or trimming of the beard or moustache and/or the cutting, trimming, dyeing, conditioning, streaking, shampooing, or dressing of the hair is carried on, commonly in the service of males;

“beauty salon” - means a business or premise offering facial or other skin or body treatments, cutting and/or dressing of the hair including but not limited to cutting, trimming, dyeing, bleaching, streaking, frosting, conditioning, shampooing, etc. of the hair, tanning including but not limited to tanning rooms, tanning beds and similar devices, manicures, pedicures or similar treatments, electrolysis or any other similar treatment or service, piercing of earlobes but not including the piercing of other body parts; etc.

“bed and breakfast establishment” - means a detached residence that is owner occupied and operated to provide the travelling public with sleeping accommodation and meals;

“body piercing parlour/tattoo parlour” – Means a business that specializes in cosmetic procedures that allow body jewellery to be affixed to the skin through a puncture and/or pigment (in the form of marks or designs) to be permanently marked in the skin through punctures.

“building contractor” - means a person who makes an agreement with another to do a piece of work, retaining in themselves control of the means, method and manner of producing the result to be accomplished and includes a person who alters repairs or renovates existing buildings or structures;

“business” - "Business" means any trade, occupation, profession, calling, or the conduct of any commercial or profit-seeking activity, whether or not carried on continuously or from a fixed location, and includes:

- The sale or hire of goods or services on an intermittent or one-time basis;
- The offering or display of samples, patterns, or specimens for the purpose of sale or hire;
- Transient traders, mobile vendors, and any activity carried on temporarily or seasonally;
- The operation of amusements, exhibitions, or entertainment for profit or otherwise;
- Any activity or enterprise that may be licensed, regulated, or governed under Sections 8, 10, 11, 150, or 151 of the Municipal Act, 2001.
- Any temporary, transient, home-based, or mobile variant thereof where goods or services are provided, or facilities are made available for public use or private hire, whether for profit or otherwise.

Business does not include:

- a) The manufacturing, fabrication, or processing of goods where no retail activity occurs on-site;
- b) The wholesale distribution of goods;
- c) The extraction, harvesting, renewal, or transportation of natural resources unless otherwise permitted or licensed by by-law;
- d) Any activity explicitly exempt under provincial or federal law.;

“by-law” – Any rule passed by council that pertains to the affairs of the Corporation of the Township of Black River-Matheson.

“car wash” - means a building and lot used for the washing or cleaning of motor vehicles by washing equipment and shall include an auto detailing shop but shall not include any other defined automotive use;

“carnival” - means a business operating amusement ride(s) or other device(s) and authorized games of chance intended to entertain or amuse or provide entertainment to the public;

“caterer” - means a person who prepares and supplies food or meals for social, professional or other similar events;

“catering truck/vehicle” - means a motorized vehicle or enclosed trailer as defined by the *Highway Traffic Act* designed for the purpose of preparing, selling, or dispensing food or drinks from the actual vehicle or trailer, intended for consumption by the general public. Shall include in-operational vehicles/trailers and structures which are not permanent but can be moved by trailer.

“chief fire official” - means the person who may, from time to time, be appointed by Council to the position of Chief of Black River-Matheson Fire Department or their designate;

“chief of police” - means the person who may from time to time, be appointed by the Black River-Matheson Police Services Board to the position of Chief of Police of the Black River-Matheson Police Service;

“circus” - means a performance exhibiting equestrian, animal, acrobatic and other performances and their equipage and shall include any other similar show;

“township” - means The Corporation of the Township of Black River-Matheson;

“township employee” - means an officer or other employee of the Township, but does not include:

- a) a member of Council,
- b) a Council appointee to a local board and whose remuneration from the Township results from their membership on such local board or other body,
- c) an employee of a local board or other body
- d) a municipal auditor;

“convenience store” means any retail location purposed for the accessible sale of basic items including, but not limited to, packaged food, basic pharmaceutical needs, light hardware, and necessary items.

“council” - means the Council of The Corporation of the Township of Black River-Matheson;

“councillor” - means a councillor elected in a ward of the Township of Black River-Matheson to represent the electors of that ward on the Council of the Township of Black River-Matheson;

“Door-to-Door sales/service person” - means a person who goes from place to place selling or offering for sale a service of any kind or any goods, wares, merchandise or who carries and exposes samples, patterns or specimens of any goods, wares, merchandise which is intended to be delivered in the municipality afterwards and shall also include any person who makes contact via any means (ie. telephone or email) prior to going from place-to-place;

“dry cleaner” - means the business of dry cleaning, dry dyeing, cleaning, pressing and spot or stain removal, or other similar application to clothing or fabric;

“dwelling unit” - means a building or part thereof used as a home, residence or sleeping place of an individual or family either continuously, permanently, temporarily or transiently;

“fire prevention officer” - means the person appointed as a Fire Prevention Officer under the provisions of the Township by-law that governs and regulates the Black River-Matheson Fire Department of the Township of Black River-Matheson;

“food shop” - means all premises where foodstuffs intended for human consumption are made for sale, offered for sale, stored or sold. Such premise shall include but is not limited to bakeries, delicatessens, groceries, groceteria, fish shops, butcher shops, convenience stores, etc. but does not include any restaurant, snack bar or any similar operation;

“fuel dealer” - means any person, firm or corporation carrying on the business of dealing in, or selling, or providing for delivery coal, coke, oil, wood, or any other fuel by retail;

“garage – automobile repair” - means a premise where automobiles are mechanically repaired, parts are replaced or worn out parts are restored and replaced and shall include but is not limited to premise where oils and other vehicle fluids and lubricants are drained and/or replaced, tires are replaced, balanced or otherwise repaired, gasoline tanks, radiators or other similar items are replaced or otherwise repaired and includes providing the service of a Motor Vehicle Inspection Station. Does not include automobile body repair shop, auto-detailing shops;

“gasoline station” - means a business where automobiles, recreational vehicles, boats, or any other vehicle or item is supplied with propane, natural gas, diesel, electricity or other fuelling or powering agent of any kind

“heating/air-conditioning/refrigeration installation contractor” - means a person who engages in the installation of hot air, hot water and steam heating equipment of any kind or equipment designed to regulate the humidity and temperature in a building or structure;

“home/property inspector” - means an individual who provides a client with information regarding the condition of the systems and components of a home or property as a result of a home or property inspection at the time of the inspection;

“home occupation” - means an occupation, trade, business, profession or craft carried on as an accessory use to the use of the dwelling as the private residence of the person carrying on the occupation, trade, business, profession or craft and where the public is invited to the residence for any purpose associated with the business;

“insulation installation contractor” - means a person who carries on the business of installing insulation, of any kind, in buildings;

“issuer of licences” - means the Municipal Compliance Officer, or any other person so designated by the Clerk of the Township of Black River-Matheson;

“kennel” - means a premise, location, place or confinement where purebred dogs are bred and/or raised and registered in the Register for the Canadian Kennel Club;

“boarding kennel” - means a business or location where animals are harboured received or lodged for hire and kept in cages or enclosures on a temporary basis for an individual.

“landscaping contractor” means an individual who carries on the business of beautifying and/or maintaining the exterior of a dwelling or property and includes, but is not limited to, paving/resurfacing, laying of interlock brick or other similar material, ploughing of snow, cutting of grass, gardening, fence installation, sign installation and pool installation;

“laundromat” - means any location or premise where dry cleaning machines, drying machines, washing machines including coin operated dry cleaning machines, drying machines or washing machines or any combination thereof are operated for use by the public;

“licence” - means a Township of Black River-Matheson Business Licence issued pursuant to this by-law;

“licensee” - means a person who has been issued a licence pursuant to this by-law either in the current calendar year or in a previous calendar year and shall include an Applicant;

“lodging house/rooming house” - means a house where lodging is provided for remuneration or the provision of services or both and where meals are provided for the boarders or where boarders are allowed access to the kitchen and as defined in the Township of Black River-Matheson Zoning By-law from time to time;

“maintain” - means to be in charge of, or have control of the operation of a business, and shall include the operation of a vehicle;

“medical officer of health” - means the Medical Officer of Health for the Porcupine Health Unit;

“menagerie/zoo” - means a business or premise exhibiting a collection of animals in cages or enclosures;

“month” - means calendar month;

“motor vehicle” - means a motor vehicle as defined by the *Highway Traffic Act R.S.O 1990*

“municipal law enforcement officer” - means a person appointed under the authority of the Police Services Act for the purpose of enforcing Township by-laws;

“nuisance” - means any activity or action which disturbs or is likely to disturb any individual;

“officer” - means a Municipal Law Enforcement Officer or other law enforcement officer as appointed by the Council of The Corporation of the Township of Black River-Matheson, the Black River-Matheson Board of Police Commissioners;

“operate” - means to manage, work, control, maintain, put or keep in a functional state any business;

“owner” - means the registered owner of the lands and premises or the person or their authorized agent in lawful control of the premises, building or occupancy and who permits the operation or maintenance of any business;

“person” – shall be referenced to include any individual, partnership, firm or corporation

“pet shop” - means a location or premise where animals, fish, or birds for use as pets are sold or kept for sale;

“plumbing contractor” - means a person who:

- a) is engaged in the business of contracting for the making and repairing a plumbing installation or plumbing work,
- b) is either them self a Master Plumber or employs a Master Plumber, or
- c) in any way solicits, advertises or holds them self out to the public as doing plumbing work, or as being a Plumbing Contractor;

“plumbing installation” - means a system or part of a system of plumbing installed or to be installed in or upon any building or premise. The expressions "work on a plumbing installation" or "make a plumbing installation" include the installation, maintenance, alteration, extension and repair of the plumbing and the connection of plumbing with any of the plumbing equipment or with any other part of the plumbing system;

“plumbing work” - means the work of assembling, connecting, placing, replacing, repairing, installing, maintaining or altering of any plumbing installation;

“precious metal purchasers”- means a person or organization who purchases exchanges and/or acquires by any means valuable metal which includes but is not limited to gold, silver and platinum from a person or persons. This shall not be deemed to include a person purchasing gold from a person or organization engaged in the business of selling gold (such as a jeweler or a gold distributor).

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

“property maintenance”- means a business which provides property maintenance services including but not limited to; trimming, mowing, fertilizing, weeding, or otherwise establishing or maintaining a lawn or other grassed or landscaped area, planning and planting of gardens and grounds by modifying or enhancing the natural scenery, ploughing, shovelling, or otherwise removing snow or ice, tree cutting and trimming.

“property manager”: every person or firm, other than a real estate agent, charged with operating and maintaining a real estate property, including, but not limited to, such activities as the collection of rent and the general upkeep of the property;

“public hall” - means a premise or building including a portable building or tent, not being a school, municipal or religious premise or building, which is offered for use or used as a place of public

assembly. Shall include but is not limited to a bingo hall, but does not include a theatre within the meaning of the Theatres Act;

“recreational establishment” – means a premise, land, building or structure that has been designed for any customer to actively participate in leisure activities. This includes, but is not limited to a bowling alley, billiard, pool or bagatelle room/hall, roller skating / skateboard/rollerblading park, rink or facility, automatic batting cages, automatic/electronic golf courses, shooting galleries and ranges, indoor or outdoor miniature golf course, arcades. Does not include a commercial fitness centre, adult entertainment parlour, entertainment establishment or use entailing the outdoor operation or racing of animals or motorized vehicles or any establishment involving gambling or gaming activities.

“recreational vehicle/watercraft repair” - means a person who restores or does maintenance to the exterior or interior of a recreational vehicle or watercraft to return it to a good condition and shall include but is not limited to the replacement or restoration of worn out parts or and shall include the replacement, repair or restoration of any mechanical part of the vehicle not being an automobile (see Garage-Automobile Repair). Such operation shall include but is not limited to painting, repainting, body filling, or refinishing or rebuilding of a vehicle;

“refreshment vehicle” - means any vehicle or enclosed unit from which food stuffs and/or refreshments are sold or offered for sale for consumption by the public, shall include but is not limited to chip stands and catering trucks;

“refreshment cart” - means any unit that is not enclosed, from which food stuffs and/or refreshments are sold or offered for sale for consumption by the public, including, but not limited to, push carts, wheeled vehicles, etc.

“restaurant” - means an establishment which is used for the preparation, service, sale or offering for sale of foodstuffs and non-alcoholic beverages to the public for immediate consumption, shall not include a Restaurant/Tavern, shall include but is not limited to restaurants, drive-thru/take out only restaurants, restaurants which serve alcoholic beverages, snack bars and concessions, etc;

“shall” - is mandatory and not directory; words in the singular include the plural; words in the plural include the singular; words in the present tense include future or past tense;

“sign company”-means a person who rents or leas or otherwise, provides, erects, locates a sign or other advertising device which shall include but is not limited to poster signs, ground signs, mobile signs, banner signs, fascia signs, billboard signs, and frame signs.

“small engine repair” - means a person who restores or does maintenance to the engine, motor or operational parts of a tool, implement, piece of equipment or other similar item to return it to a good condition and shall include but is not limited to the replacement or restoration of worn out parts;

“temporary vendor” - means a person, who on a temporary basis and for an initial period not to exceed 60 consecutive days, and upon extension a period up to a maximum of 364 consecutive days, sells or offers for sale, goods, wares, merchandise, items or service at any location or premise, but does not include a sales booth or location selling or offering second hand goods for sale

“tourist camp” - means an auto camp and any parcel of land or premise equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premise used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof and shall include but is not limited to campgrounds;

“trade”- means an occupation that involves skilled manual or mechanical work

“trailer (recreational)” - means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping, eating or accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed;

“transient” – means any person who has not continuously resided in the municipality for at least three months immediately preceding the time of commencing such business

“unrelated” - means not related by blood or marriage;

“vehicle” - includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle 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 street car;

### **ADMINISTRATION**

2. Every person carrying on, conducting, operating, maintaining, keeping or engaging in any business specifically identified in **Table 1** to this by-law, is required to obtain a Township of Black River-Matheson Business Licence from the Issuer of Licences in order to do so.
3. Every person required to obtain a licence pursuant to any section of this by-law shall apply in writing on an application form as prescribed by the Issuer of Licences. The applicant shall deposit, at the time of application, with the Issuer of Licences any applicable required business licence fees as set out in **Table 1** to this by-law for each applicable business category as well as any required approvals, inspections or documentation required by the provisions of this by-law for each classification of business or as deemed necessary by the Issuer of Licences.
4. The Issuer of Licences shall not issue a licence or renew a license until:
  - (a) all required approvals and inspections have been obtained by the applicant;
  - (b) required documentation has been provided;
  - (c) business licence fee(s) have been paid in full; and,
  - (d) all taxes are paid up to the Township of Black River-Matheson where required as a condition of licensing.
5. There shall be a separate application for each premise to be used or person to be licensed.
6. There shall be a separate application for each classification or category of business operated and to be licensed.
7. The applicant shall comply with any and all requirements as set out in this by-law as well as any other legislation which may govern the business, place or premise used in the carrying on of the business and/or the persons carrying on the business or engaged in it and to which the application pertains.

8. The Issuer of Licences, upon receipt of the application for a licence may make, cause to be made, or request, any additional documents, investigations or inspections in respect of such application for a licence as the Issuer of Licences deems appropriate or in the interest of the general public. Any costs incurred for such inspection or documents shall be at the applicant's expense.
  - (a) Notwithstanding section 8, where a Criminal Record Check reveals that an applicant's record is not clear a Vulnerable Sector Search shall be required prior to consideration for a business licence under this by-law
9. The applicant shall be responsible for obtaining all necessary inspections, documents and approvals as set out in **Table 1** to this by-law, as set out on the application form and/or as deemed necessary by the Issuer of Licences.
10. Upon receipt of a completed application for a licence and where the appropriate fees for a licence have been paid; the Issuer of Licences may, before the issuance of any such licence:
  - (a) make any inquiries to any municipal official or employee, who has carried out inspections relative to the business under application,
  - (b) receive reports from such municipal officials and employees as may be deemed necessary; and,
  - (c) inquire into all relevant matters in order to ascertain if the applicant is entitled to a licence under the provisions of this by-law.
11. Except as may otherwise be specified within this by-law or specified as a Special Condition as authorized by this by-law, every licence shall expire on the 31<sup>st</sup> day of December each year. Renewal of licenses shall, thereafter, begin on the 1<sup>st</sup> day of January in the subsequent year and expire on the 31<sup>st</sup> day of December of said year. Applications received throughout the year, as the case may be, will be prorated to expire on the 31<sup>st</sup> of December in the year that the application is made.
  - (a) Unless authorized by the Township Clerk or his designate due to extenuating circumstances no refund of fees associated with this by-law shall be granted.
12. Upon renewal, the Issuer of Licences may require submission of any documentation previously required under this by-law including, but not limited to an application form, any inspections or approvals which may have been required for a new licence and/or any other documentation deemed necessary by the Issuer of Licences.
  - (a) It is the responsibility of the applicant to notify the Issuer of Licences with respect to any changes that may affect the issuance of their business licence renewal.
13. When the Issuer of Licences is satisfied that the applicant is entitled to obtain a licence under the provisions of this by-law, the Issuer of Licences shall prepare and issue a licence to the said applicant.
14. Every licence shall show therein:
  - (a) the operating name of the business or person to whom the licence is issued;

- (b) the operating address of the premise or location for which the licence is issued;
- (c) the type of licence granted;
- (d) the date of issue;
- (e) the effective date of the licence;
- (f) the date of expiration; and
- (g) shall be signed by the Issuer of Licences or their designate.

15. An administration fee of FIFTY DOLLARS (\$50.00) will apply to the following:

- (1) Duplicate Licenses; in the event that a licence issued under this by-law is lost or destroyed, the Issuer of Licences upon satisfactory proof of such loss or destruction, and upon payment of a replacement fee, the Issuer of Licences shall issue a duplicate of the original licence, upon which shall be stamped or marked the word "DUPLICATE".
- (2) Change of Name; where ownership of a business is not changed or affected but such the operating name of a business changes, the licensee shall immediately notify the Issuer of Licences and upon payment of a fee and being satisfied that there have been no other changes in the circumstances of the licensed business, the Issuer of Licences may issue a replacement of the original licence. The licensee shall return and surrender their licence in order to affect such a change.
- (3) Certification of Inspection; where a business owner requests a letter certifying that an inspection of the business was completed and no infractions were found the Issuer of Licences shall provide one as soon as practicable upon payment of the fee. Such letter will be issued at the discretion of the Issuer of Licences.

16. Change of Ownership; every licensee shall, upon change of ownership of the licensed business, return and surrender their current licence to the Issuer of Licences. The new owner shall make application for a new licence as set out in this by-law.

17. Change of Premise or Location; where a currently licensed business changes location or premise, such new location or premise shall not be deemed to be licensed. The applicant must immediately make application for a new licence under the provisions of this by-law and shall surrender to the Issuer of Licences the licence issued in respect of their previous location or premise.

18. No person shall enjoy a vested or property right in any licence or the continuance of any licence and such licence and such rights shall remain the property of the Township.

19. Licences are not transferable.

20. Every person who acquires a licence that is issued under this by-law is responsible for the due performance and observance of all the provisions of this by-law by themselves and by their employees and all other persons in or upon the premise that is licensed under the provisions of this by-law.

## **INSPECTION**

21. A Municipal Law Enforcement Officer, Police Officer or other duly appointed individual may at all reasonable times, inspect or cause to be inspected the premise, facilities, equipment, vehicles, and other property used or kept for hire in connection with the carrying on of a business that is licensed or that is required to be licensed pursuant to this by-law.
22. The Issuer of Licences may waive the requirement for any inspection, approval or documentation as may be required pursuant to this by-law where such inspection, approval or documentation is not applicable to the carrying on of the business that is licensed or required to be licensed under this by-law.

## **POSTING OF LICENCE**

23. The person to whom a licence is issued shall post the current licence on the premise or that part thereof to which the licence pertains in such a position that may be readily seen and read by persons entering the premise. All licences issued under this by-law shall be prominently and conspicuously posted on the licensed premise at all times.
24. Where a licence is issued to a person who goes place to place or a particular place with goods, wares, or merchandise for sale, the licensee shall keep the licence with them at all times while carrying out their business and shall exhibit it to any municipal law enforcement officer, police officer or other duly appointed person who so requests.

## **REFUSAL TO GRANT A LICENCE**

25. The Issuer of Licences may refuse to issue or renew a licence to any applicant who:
  - (a) has past breaches of this by-law or its predecessor; or
  - (b) the Issuer of Licences determines that it is not in the public's interest to grant such a licence to the applicant; or
  - (c) has failed to comply with the requirements of this by-law or other applicable by-laws of the Township or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licence activity; or
  - (d) has outstanding taxes owing to the Township of Black River-Matheson; or
  - (e) has a tenant with outstanding taxes owing to the Township of Black River-Matheson; or
  - (f) has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this by-law or any other municipal by-law or Provincial statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business.

(g) where it has been determined that the applicant has falsified any information or attempted, in any way, to mislead the Issuer of Licences or any person whose approval may have been required in conjunction with the application.

### **SUSPENSION/REVOCATION**

26. The Issuer of Licences may suspend or revoke a licence issued to any licensee who:

- (a) has past breaches of this by-law or its predecessor; or
- (b) the Issuer of Licences determines that it is not in the public's interest to grant such a licence to the applicant; or
- (c) has failed to comply with the requirements of this by-law or other applicable by-laws of the Township or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licence activity; or
- (d) has outstanding taxes owing to the Township of Black River-Matheson; or
- (e) has a tenant with outstanding taxes owing to the Township of Black River-Matheson; or
- (f) has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this by-law or any other municipal by-law or Provincial statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business.
- (g) where it has been determined that the applicant has falsified any information or attempted, in any way, to mislead the Issuer of Licences or any person whose approval may have been required in conjunction with the application.

27. Any suspension of a licence may be subject to such terms and conditions as the Issuer of Licences may prescribe.

28. No person shall operate any business or premise contrary to any licence suspension or terms and conditions thereto or where such licence has been revoked.

### **NOTICE AND APPEAL**

29. When the Issuer of Licences refuses to issue, suspends, or revokes a licence the said Issuer of Licences shall notify the applicant in writing of such decision. The said notice shall set out the grounds upon which the issue of the said licence is refused, suspended or revoked and shall state that the Applicant or Licensee may appeal such decision by filing an appeal with the Clerk of the municipality within fifteen (15) days from the decision of the Issuer of Licenses.

30. Upon receipt of an appeal from the applicant the Clerk shall arrange for the appeal to be heard by the Property Standards and By-Law Appeals Committee who will follow the procedure set out in this by-law.

31. The Property Standards and By-Law Appeals Committee may, after the appropriate hearing is conducted grant a licence, refuse to grant a licence, revoke a licence or suspend a licence and may make any suspension of licence subject to such terms or conditions as the Property Standards and By-Law Appeals Committee may prescribe and a decision made pursuant to the exercise of these powers is final and binding upon the applicant or any licensee.
32. The Property Standards and By-Law Appeals Committee, in considering whether to grant a licence, refuse to grant a licence, or to revoke or suspend a licence shall have regard to the following:
- (a) whether or not the Applicant or Licensee and the premise, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of a business that is licensed or that is required to be licensed, pursuant to this by-law, complies with all requirements of this by-law or its predecessor;
  - (b) whether or not the Applicant or Licensee has failed to promptly remedy any reasonable concern with regard to those matters set out in this by-law or has committed past breaches of this by-law or its predecessor;
  - (c) whether or not the Applicant or Licensee has failed to comply with any requirements of any other applicable by-law of the Township or any Local Board thereof or of any statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board or Commission thereof, in, upon or in connection with the licensed activity or the premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity;
  - (d) whether or not the Applicant or Licensee has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this by-law;
  - (e) whether or not the applicant/licensee or their tenant has any outstanding taxes owing to the Township of Black River-Matheson in respect of the business or premise in question.
33. The Property Standards and By-Law Appeals Committee shall comply with the following procedure in granting a licence, refusing to grant a licence, revoking or suspending any licence issued under this by-law:
- (a) When the Property Standards and By-Law Appeals Committee wishes to consider whether or not to issue a licence or to refuse to grant a licence or to suspend or revoke a licence issued under this by-law, the Clerk shall fix a date and time for such matter to be considered by the Property Standards and By-Law Appeals Committee and shall mail a Notice of Hearing to the Licensee (at their last address as shown in the records of the Issuer of Licences or the current year's Assessment Roll) and to any other person who has applied to be heard with regard to the matter;
  - (b) such Notice shall be mailed at least (15) fifteen days prior to the date and time fixed for such hearing;
  - (c) at such hearing the Property Standards and By-Law Appeals Committee shall receive a report, either verbally, or in writing, from the Issuer of Licences and from such other officers or employees of the Corporation who may be involved in the matter being considered by the committee;

(d) at the hearing before the Property Standards and By-Law Appeals Committee, the Licensee, either personally or through their agent or solicitor, shall be afforded an opportunity to present such material and evidence relevant to the issue before the committee as they may deem expedient and they may ask questions of any person presenting evidence or a report to the committee relevant to the said issue.

(e) the Property Standards and By-Law Appeals Committee may, in its sole discretion, afford any other person who applied to be heard and who appears to have an interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before the committee and to ask questions of any person presenting evidence or a report to the committee relevant to the said issues,

34. The decision of the Property Standards and By-Law Appeals Committee to keep a licence, refuse to issue a licence, revoke a licence or suspend a licence may be subject to such terms as the committee shall impose and shall be final.

35. No person shall engage in, or continue to conduct, or permit any person to engage in or continue to conduct, a business for which a licence is required under the by-law while such licence is suspended or revoked under the provisions of this by-law.

36. Every person engaging in any business, for which they are required to be licensed by the provisions of this by-law, shall be responsible that all the provisions of this by-law with respect to the same are complied with.

### **CHARITABLE ORGANIZATION**

37. Notwithstanding any other section of this by-law, no charitable or non-profit organization approved by the Township Clerk to sell items, for raising funds for such charitable organization shall be required to obtain a licence under the provisions of this by-law.

### **ENFORCEMENT**

38. A Municipal Law Enforcement Officer, Police Officer, or other duly appointed individual may enforce the provisions of this by-law.

39. No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

### **REGISTRY**

40. The Issuer of Licences shall keep a licence register in which shall be recorded the full operating name and address of each licensee, the address of the place or premise in which the licensee carries on, conducts, operates, maintains, keeps, or engages in the business, trade, occupation or calling, object or amusement for which the licence was issued. The number of the licence, the date of issue, the amount of the licence fee paid, the date of expiry of the licence, the type of licence issued, and any other particulars or observations pertaining to the same that are useful or necessary.

### **INSURANCE**

41. Minimum \$2,000,000 liability insurance per claim shall be required for any business licenced under this by-law unless otherwise stated in any section of this by-law. Proof of such insurance shall be provided at the time of application in a form acceptable to the Township unless otherwise approved or required by Council. All certificates of insurance shall contain an endorsement specifying that the municipality will be given thirty (30) days written notice of any cancellation, expiration or change in the policy.

(a) Where applicable and as determined by the Issuer of Licences, Certificates of Insurance shall name The Corporation of the Township of Black River-Matheson as an additional insured.

42. If for any reason such liability insurance is cancelled, expires or for any other reason does not remain in effect, the licence for which the insurance was required shall become void on the final date for which the insurance was valid.

### **IDENTIFICATION OF LICENSEE, EMPLOYEES AND AGENTS**

43. Every person to whom a license has been issued under the provisions of this by-law shall ensure that any person employed by or acting on behalf of such licensee who is required to enter a dwelling unit for the purpose of carrying out duties in respect to that license, carries at all times while working, photographic identification which shall clearly identify:

(a) the full legal name of the employee or agent;

### **FEES AND INSPECTIONS**

44. Table 1 hereunder sets out the inspections, approvals and documentation required to accompany any application and further establishes the licence fee required to be paid by the applicant at the time of application.

45. Notwithstanding any licence fee to be paid by any applicant as set out under Table 1 hereunder, a LATE APPLICATION FEE of \$30.00 shall apply to any application received by the Township after the due date established for obtaining such licence. Incomplete applications shall be considered not to have been received and may be returned to the applicant or held pending further information. In any case, When the application remains incomplete after the date established for obtaining such licence, the LATE APPLICATION FEE shall apply.

46. Despite the actual date of any application for renewal of licence, the fee for such renewal shall be as set out in Table 1.

### **SCOPE AND AUTHORITY**

47. Where a matter is subject to provincial regulation, any provision of this by-law is without effect to the extent that it prohibits or regulates the matter in substantially the same way as or in a more restrictive way than the provincial regulation.

48. Notwithstanding Section 11 and at the full rate prescribed in Table 1:

(a) every business license issued for a Carnival shall expire 90 days from the date of issue,

(b) every business license issued for a Circus or similar show shall expire 90 days from the date of issue.

(c) every business license issued to a Temporary Vendor shall expire 60 days from the date of issue.

(d) every business license issued to a Door-To-Door Salesperson shall expire 60 days from the date of issue.

### **SEVERABILITY**

49. Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

### **EXEMPTIONS**

50. The Clerk of The Corporation of the Township of Black River-Matheson or their designate may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

### **PENALTIES**

51. Every person who contravenes the provisions of any section of this By-law is guilty of an offence. (Municipal Act, S.O. 2001, c.25, s 425(1))

52. Every Director or Officer of a Corporation, who concurs in the contravention by the Corporation of any section of this By-law, is guilty of an offence. (Municipal Act, S.O. 2001, c.25, s 425(3),

53. Every Person who is convicted of an offence is liable to a fine of not less than \$250 and not more than \$5,000.00 for the first offence and to a fine of not more than \$10,000.00 for each subsequent offence. (Municipal Act, S.O. 2001, c.25, s 429, as amended)

54. Every Person who is convicted of a continuing offence, for each day or part of a day that the offence continues, is liable to a fine of not less than \$100.00 per day and to fine of not more than \$10,000.00 per day for every day the offence continues. (Municipal Act S.O. 2001, c. 25, s. 429, as amended)

### **TRANSITION**

55. For the purpose of business licenses issued under the provisions of By-law 2016-25, the date of expiry shall be as specified on the licence and notwithstanding the provisions of this by-law, the provisions of By-law 2016-25 shall continue to apply until the expiration of any such license.

### **LICENSE CATEGORIES**

56. **ALARM INSTALLATION CONTRACTOR**

#### **OPERATING CRITERIA**

- (1) Ensure all technicians are adequately trained and provide reliable installations and dependable service.
- (2) No person shall install an alarm system that is not Underwriters Laboratories of Canada (ULC) certified and ensure that the system has been evaluated and tested for compliance under the ULC Canadian standards.
- (3) No person shall perform any work without first having obtained all necessary permits.
- (4) The licensee shall ensure that he carries with him and displays on their person photographic identification and has readily available a copy of the business licence.
- (5) Every individual at the time of application shall produce to the Issuer of Licences a Criminal Record Check obtained from a Police enforcement agency and dated within 30 days of the date of receipt.

## **57. APPLIANCE REPAIR**

### **OPERATING CRITERIA**

- (1) No person operating as an Appliance Repair shall store any new or used appliances or any part thereof out of doors, all appliances and parts thereof shall be stored inside an enclosed structure.
- (2) No person shall:
  - (a) permit the licensed premise to be used for the storage of used appliances, unless licensed to do so under the provisions of this by-law or any other By-Law of the Township of Black River-Matheson;
  - (b) store any appliance or part thereof on any sidewalk, boulevard, highway or road;
  - (c) remove or cause to be removed any snow from the premise to any public sidewalk, street or roadway.
  - (d) fail to keep the premise free from rubbish and in a clean and neat condition; and,
  - (e) fail to keep any sidewalk or street upon which the premise abuts free from any dirt or other foreign substance derived from or resulting from the use thereof.

## **58. AUCTIONEER**

### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

- (2) Upon receipt of the application the Issuer of Licences may make inquiries to the Chief of Police, regarding the application and the Chief of Police shall certify the results of their inquiries.
- (3) No auctioneer shall:
  - (a) permit any disorder in their auction room or offices;
  - (b) conduct or permit to be conducted any mock auction;
  - (c) knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale by them;
  - (d) give away articles or sell them for nominal amounts for the purpose of stimulating bidding;
  - (e) do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he pays for any article(s);
  - (f) by deceit, falsehood, or other fraudulent means stimulate or raise bids or cause to stimulate or raise bids affecting the selling price of any item offered for sale to the public by public auction;
  - (g) sell or put up for sale by auction any goods, wares, merchandise or effects held on a reserve bid basis without first announcing to those in attendance at the auction the fact that such item is held on a reserve bid.
- (4) Every auctioneer shall advise the Issuer of Licences a minimum of seven (7) days in advance, the time, date and location of every auction scheduled by such auctioneer.
- (5) Nothing herein contained shall apply to a Sheriff or Bailiff Sale.
- (6) Every auctioneer shall keep proper books of account of the business transacted by them as an auctioneer. Such books shall give the names and addresses of the owners of the goods, wares, merchandise or effects to be sold. The description of the same, the price for which the same may be sold, the names and addresses of the persons purchasing such goods, wares, merchandise or effects or any portion thereof. The price for which the same was sold and the auctioneer shall forthwith, after the sale of same, or any portion thereof, account for the proceeds and pay the same to the person(s) entitled to such proceeds, less the auctioneer's legal and proper commissions and charges. They shall, in case no sale is made of such goods, on payment of their proper costs and charges, return such goods to the person(s) entitled to receive such goods on proper demand being made for such goods.
- (7) Nothing in this section shall in any way affect or invalidate the claim of any auctioneer for goods warehoused with them, and on which they have made advances.
- (8) Service clubs and registered charitable organizations conducting Silent Auctions and Chinese Auctions, and as approved by the Issuer of Licences shall be exempt from the provisions of this by-law.

## 59. **AUTOMOBILE BODY REPAIR**

### **OPERATING CRITERIA**

- (1) No person shall operate the business of Automobile Body Repair so as to create noise or any disturbance contrary to the provisions of Township of Black River-Matheson Noise By-Law, as amended.
- (2) The licensee shall ensure that every premises used for automobile body repair is adequately ventilated in accordance with the provisions of the Ontario Fire Code, as amended.
- (3) No person shall:
  - (a) permit the licensed premises to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law;
  - (b) park or store any motor vehicle on any sidewalk, boulevard, highway or road;
  - (c) permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes; and,
  - (d) remove or cause to be removed any snow from the premises to any public sidewalk, street or roadway.
- (4) Every person shall:
  - (a) keep the premises free from rubbish and in a clean and neat condition; and,
  - (b) keep any sidewalk or street upon which the premises abut free from any dirt or other foreign substance derived from or resulting from the use thereof.

## 60. **AUTOMOBILE LEASING/RENTAL/SALES**

### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences at the time of application, a valid Motor Vehicle Dealers Certificate issued by the Ministry of Transportation.
- (2) The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- (3) The licensee shall ensure that the make, model, vehicle identification number and licence plate number is recorded for each automobile leased or rented.
- (4) No person shall:
  - (a) permit the licensed premises to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law;

- (b) park or store any motor vehicle on any sidewalk, boulevard, highway or road;
- (c) permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes;
- (d) remove or cause to be removed any snow from the premises to any public sidewalk, street, roadway or municipal property.
- (e) fail to keep the premises free from rubbish and in a clean and neat condition; and,
- (f) fail to keep any sidewalk or street upon which the premises abut free from any dirt or other foreign substance derived from or resulting from the use thereof.

## 61. **BARBERSHOP**

### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Porcupine Health Unit.
- (2) No person shall employ any individual as a barber in such a shop or establishment, or permit any person to engage in the trade of a barber therein, unless such person employed or engaged in such trade is:
  - (a) a holder of a current Certificate of Qualification as a Barber, issued pursuant to Regulations made under the Apprenticeship and Certification Act
- (3) No person licensed to operate or maintain a barbershop shall actively engage in the trade of barber unless he is the holder of a current Certificate of Qualification or is registered with the Director of Apprenticeship as an Apprentice Barber.
- (4) The licensee shall ensure that the Personal Services Settings Protocol as established by the Porcupine Health Unit is adhered to at all times.
- (5) The licensee shall ensure that no room in any premises licensed hereunder in which barbering is done, is used as living, eating, food preparing, bathing or sleeping quarters.

## 62. **BEAUTY SALON**

### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Porcupine Health Unit.
- (2) The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

- (3) No licensee under this section shall employ as a Hairdresser in any establishment or permit any person to engage in the trade of hairdressing therein, unless such person employed or engaged in such trade is:
  - (a) a holder of a current Certificate of Qualification as a Hairdresser or Hairstylist, issued pursuant to regulations made under the Apprenticeship and Certification Act; or,
  - (b) registered with the Director of Apprenticeship as an Apprentice Hairdresser under the Apprenticeship and Certification Act.
- (4) The licensee shall ensure that the Personal Services Settings Protocol as established by the Porcupine Health Unit is adhered to at all times.
- (5) The licensee shall ensure that no room in any premises licensed hereunder is used as living, eating, food preparing, bathing or sleeping quarters.

## **63. BED AND BREAKFAST, HOTEL & MOTEL**

### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Porcupine Health Unit.
- (2) Every individual, at the time of application shall produce to the Issuer of Licences a Criminal Record Check obtained from a Police enforcement agency and dated within 30 days of the date of receipt of the application.
- (3) Every person shall ensure that:
  - (a) an electrical inspection certificate is provided at the time of application, or as otherwise requested, to the Issuer of Licences, verifying the building is in compliance with the Electrical Safety Authority and/or Black River-Matheson Hydro and that such electrical system has been inspected within five years of the date of application; and,
  - (b) an inspection certificate has been provided at the time of application, or as otherwise requested, to the Issuer of Licences, from a certified technician that the heating system is in a safe working order and that such heating system has been inspected within five years of the date of application.
- (4) The applicant shall provide at the time of application to the Issuer of Licences, a list detailing the number of guestrooms and facilities offered by the establishment.
- (5) Every person shall ensure that each guestroom is provided with clean linens, including towels, any other customary toilet supplies for each registered individual on a daily basis
- (6) Every person shall keep a register of all patrons showing their name, address, the vehicle make and licence plate number including Province or State from which such plate was issued. The date of admission and departure and shall provide such register upon request of the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual.

- (7) The licensee shall also comply with the provisions as set out under Section 72. Lodging/Rooming House, as may be applicable.

#### **64. BODY PIERCING PARLOUR/TATTOO PARLOUR**

##### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Porcupine Health Unit.
- (2) No person shall dispose of any needle or other similar piercing instrument, item or tool in an unsafe manner.
- (3) The licensee shall ensure that the Personal Services Settings Protocol as established by the Porcupine Health Unit is adhered to at all times.
- (4) The licensee shall ensure that no food or beverages are offered for sale or sold on the premises.
- (5) The licensee shall ensure that no room in the premises is being used as living, eating, food preparing, bathing or sleeping quarters.
- (6) The licensee shall ensure that all patrons of the establishment are at least 18 years of age or be accompanied by a parent or legal guardian.

#### **65. BUILDING CONTRACTOR**

##### **OPERATING CRITERIA**

- (1) No building contractor shall make application for a building permit unless such building contractor has obtained a Township licence to carry on business as a building contractor.
- (2) Every building contractor shall ensure that all necessary permits are obtained prior to commencement of any work and shall ensure that any and all inspections of completed work are obtained, as may be necessary.
- (3) Every person licensed under this By-Law shall:
  - (a) have printed or otherwise impressed on all business stationary, forms, invoices, statements and advertising materials, the Building Contractors name, business address and telephone number;
  - (b) prepare a written contract which shall be signed by the licensee and the person for whom the work is being done before commencing any work, such contract to contain:
    - i) the name and address of the Licensee and the person for whom the work is being done
    - ii) the address where the work is to be done;

- iii) a description of the materials and services to be supplied sufficient to identify them with certainty
  - iv) the itemized price for the materials and services to be supplied and a detailed statement of the terms of payment
  - v) warranties or guaranties, if any;
  - vi) the estimated date of completion
- (c) Give a copy of the contract referred to in subsection 3(b) to the person for whom the work is being done
- (d) Every person shall take reasonable precautions so as to ensure that any product, chemical or substance used by him is confined to that property for which the contract applies.
- (e) No person shall deposit or cause to be deposited debris, or other materials on any other property, including municipal property without the express written permission of the Township property owner.

## 66. **CAMPGROUND**

### **OPERATING CRITERIA**

- (1) The licensee shall ensure that, where the camp is designed to accommodate more than two trailers:
- (a) every camp is located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools of water;
  - (b) each roadway within the camp has a minimum clear width of 5 feet for traffic;
  - (c) where sites are not serviced with individual sewer hook-ups, the camp is provided with washroom facilities housed in permanent structures. The licensee shall ensure that such facilities provide wash basins, flush toilets, urinals and showers which shall meet the requirements of the Porcupine Health Unit and/or the Ministry of the Environment and all such washroom facilities shall have an adequate supply of hot and cold running water to supply the needs of the camp clientele;
  - (d) any tap which does not supply potable water is clearly marked as such;
  - (e) where washroom facilities for men and women are in the same building, such facilities are separated by a solid wall. The licensee shall ensure that if such facilities are in separate buildings, such buildings are a minimum of 30 feet apart;
  - (f) washrooms have privacy partitions at the entrance for the purpose of preventing people who may be standing or passing by outside from seeing inside them;

- (g) every flush toilet is enclosed in a private compartment with a door that can be latched from the inside;
- (h) showers and dressing areas are situated in private compartments with doors that can be latched from the inside;
- (i) sewage disposal facilities meet the requirements of the Porcupine Health Unit and/or Ministry of the Environment and/or the Township of Black River-Matheson;
- (j) every camp provides, as part of its sewage disposal system, facilities into which the contents of camp vehicle holding tanks may be discharged. The licensee shall ensure that each facility for discharge of waste has a pipe or inlet set in the centre of a concrete pad being not less than 5 feet x 5 feet, the surface of which shall be sloped to the centre to ensure that any spillage will flow to the inlet. The licensee shall provide a tap and pressure hose for the washing down of the facility, and the facility shall be disinfected at regular intervals;
- (k) every camp has at least one drinking fountain and one cold water tap from which water can be drawn;
- (l) every service building is a permanent structure meeting the requirements of the Ontario Building Code. The licensee shall ensure that service buildings are adequately lighted and heated at all times and are maintained in a clean and sanitary condition and properly ventilated; and,
- (m) fire extinguishing equipment is provided and maintained within the camp as required by the Chief Fire Official. Every mobile home owner shall provide their own fire extinguisher;
- (2) No person shall have or permit an open fire at any place that would endanger life or property.
- (3) No person shall leave a fire unattended at any place or at any time.
- (4) The licensee shall ensure that every camp has a sturdy receptacle at each site to be used for the temporary storage of garbage and trash. The licensee shall ensure that such receptacles are made of a material which cannot be penetrated by rodents, are non-porous, non-absorbent, and capable of being washed, and disinfected. The licensee shall ensure that such receptacles are equipped with fly-tight covers and lids.
- (5) The licensee shall ensure that all garbage/trash receptacles are emptied when such receptacles become full or at intervals not less than once every 48 hours.
- (6) The licensee shall ensure that a responsible adult, who is familiar with the camp, is on duty at all times when the camp is open for business.
- (7) The licensee shall ensure that an occupancy register is maintained. The licensee shall ensure that such register contains a record of all owners and occupants of the camp vehicles/trailers located within the camp. The licensee shall record:
- (a) the name and address of each occupant;

- (b) the make, model, year, licence number including Province or State, of every vehicle;
  - (c) the arrival and departure date of each camping vehicle/trailer; and,
  - (d) identification number of the campsite(s) occupied by each registered guest.
- (8) The licensee shall maintain all grounds, service buildings, and facilities in a tidy, clean and sanitary condition at all times.
- (9) The licensee shall be responsible for establishing periods of quiet hours that will serve the majority of occupants of the camp, with a Notice of such "Quiet Hours" being posted in a conspicuous place within the camp office. The licensee shall reasonably ensure that such Quiet Hours are respected by occupants of the camp.
- (10) No owner or person in charge of any dog, cat or other pet shall permit it to run at large, create any nuisance within the limits of the camp and such person shall ensure that any excrement left by any animal in their control is immediately removed and disposed of in a sanitary manner.

## **67. CAR WASH**

### **OPERATING CRITERIA**

- (1) This section shall not apply to a bay contained within any premises where car washing is performed as a courtesy operation to any other primary purpose of such premises.
- (2) No person shall permit the engine of a motor vehicle to run in any building, unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes.
- (3) No person shall use or permit to be used, any portion of the premises for washing of motor vehicles unless:
- (a) the waiting line is unobstructed at all times by parked cars;
  - (b) one-way driveways are clearly designated by a sign at the street line;
  - (c) during hours of business, adequate illumination is provided to the service bays, such lighting to be so arranged as to deflect light into the service bays and away from adjoining properties or streets.

## **68. CARNIVAL**

### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$5,000,000 and where the carnival is to take place on municipal property, such insurance shall name The Corporation of the Township of Black River-Matheson as an additional insured.

- (2) When on Township of Black River- Matheson property, a location review application on form as prescribed by the Issuer of Licences approved by the Director of Public Works and Engineering. Such approval shall be deemed to be effective for the term of the license and shall be subject to review upon each license renewal.
- (3) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, an Ontario Amusement Device Permit and TSSA Certificate issued within 12 months of the date of application.
- (4) The applicant shall provide to the Issuer of Licences at the time of application, the name and address of the person having control and charge of the operation of the Carnival.
- (5) No person having control or charge of such an operation shall commence to assemble or erect any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus, or mechanical device or ride or any other structure or erection until a licence has been obtained.
- (6) The licensee shall ensure that the electrical system, equipment, fuses and switches are inaccessible to the public and cables in the ground in areas used by the public are placed in trenches or suitably protected as required by the Ontario Hydro.
- (7) The licensee shall ensure that all electrical systems are operated and maintained in a safe manner.

## 69. CATERER

### OPERATING CRITERIA

- (1) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Porcupine Health Unit.
- (2) No person shall operate or provide any service as a caterer in any unsanitary condition or in any premises which, because of the situation, construction or condition thereof, exposes any food to the risk of contamination.
- (3) Every person shall ensure that suitable sanitary conveniences are provided for every premise where a caterer prepares or serves food and shall ensure that such premises are:
  - (a) kept in a clean and efficient order;
  - (b) suitable for the preparation, keeping and storage of food so as to prevent any offensive odours from penetrating into such area or room where such food is being prepared, kept or stored; and,
  - (c) Suitably and sufficiently lighted and ventilated.
- (4) No person shall use any room used for the preparation, keeping or storage of any food by the caterer, as a place for sleeping.

- (5) Every person operating as a caterer shall take necessary precautions to prevent the infestation by rodents, insects and other vermin of any premises used by them in the preparation, keeping or storage of food.
- (6) Every person who engages in the preparation or handling of food in relation to the services provided by a caterer licensed or required to be licensed under this section shall, while so engaged, take all reasonable steps as may be necessary to protect the foodstuffs being prepared or handled from dirt, dust, mud, filth, dirty water, animals, birds, rodents, flies, insects and other sources of contamination, including contamination by other persons and shall cause such foodstuffs to be placed so as to prevent the risk of contamination from such sources.
- (7) Every person shall ensure that food, which is susceptible to spoilage and the action of toxin producing organisms, shall be kept under refrigeration in accordance with the recommendations of the Porcupine Health Unit.
- (8) No person shall permit any dog, cat or other animal to be in or on any premises or place where the caterer is preparing food.
- (9) The licensee shall ensure that refuse containers are emptied at least once every 24-hour period.

## **70. CIRCUSES & SIMILAR SHOWS**

### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$5,000,000 and where the carnival is to take place on municipal property, such insurance shall name The Corporation of the Township of Black River-Matheson as an additional insured.
- (2) No person owning, operating or having control or charge of a circus, travelling show or other similar show shall locate within the Township or commence to assemble or erect within the Township, any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus or mechanical device or ride or other structure or erection. No licensee of a public hall within the Township who has rented or leased such public hall or authorized the same to be used by a circus or similar show, shall permit or allow such circus or show to assemble or erect in such assembly hall, any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus or mechanical device or ride or any other structure or erection until a licence has been obtained for the operation and conduct of such circus, travelling or similar show.
- (3) Every licensee shall ensure that the electrical systems, equipment, fuses and switches are inaccessible to the public and cables in the ground in areas used by the Public are placed in trenches or suitably protected as required by Electrical Safety Authority.
- (4) Every licensee shall ensure that all electrical systems are operated and maintained in a safe and conscientious manner that meets the requirements of the Electrical Safety Authority.

## **71. DOOR-TO-DOOR SALES PERSON**

## **OPERATING CRITERIA**

- (1) No person under the age of 18 shall engage in the business of door-to-door sales.
- (2) Every Door-to-Door Sales Person shall produce to the Issuer of Licences at the time of application, two pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current residential address.
- (3) Every individual, at the time of application shall produce to the Issuer of Licences a Criminal Record Check obtained from a Police enforcement agency and dated within 30 days of the date of receipt of the application.
- (4) No person shall engage in, or carry on their business by passing door-to-door within the Township before 9:00 a.m. any day or after 9:00 p.m. any day.
- (5) Notwithstanding the provisions of Section 59, a person shall be permitted to engage in, or carry on their respective trade, calling, business or occupation by passing door-to-door at any time of any day but only to premises carrying out an actual commercial use within a commercial zone.
- (6) Every person carrying on the business of door-to-door sales shall keep themselves and their wearing apparel in a clean and sanitary condition.
- (7) Every person carrying on the business of door-to-door sales shall refrain from making derogatory and/or misleading comments regarding the municipality and any services which may be provided by the Township of Black River-Matheson
- (8) Every person who is not a resident of the Township of Black River-Matheson at the time of application for a door-to-door business licence shall be deemed as a Transient Door-to-Door Sales Person and the applicable fees for the same under Table 1 shall apply.

## **72. DRY CLEANER**

### **OPERATING CRITERIA**

- (1) The applicant shall provide to the issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Porcupine Health Unit.
- (2) Every licensee shall cause the premises, in respect of such licence, together with any offices, appurtenances, and any vehicles, wagons or trucks used by them in their business, to be kept in a clean and sanitary condition.
- (3) The licensee shall not allow any workroom used for the carrying on of business to be used for sleeping.
- (4) Every person employed in such premises licensed under this section shall keep themselves and their wearing apparel in a clean and sanitary condition.
- (5) The licensee shall ensure that the premise complies with the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended, at all times.

## 73. FOOD SHOP

### OPERATING CRITERIA

- (1) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Porcupine Health Unit.
- (2) No person shall operate or maintain any food shop in any unsanitary condition, or in any premise the use of which, because of the situation, construction or condition thereof, exposes any food to the risk of contamination.
- (3) The licensee shall ensure that suitable sanitary conveniences are provided for every food shop and every sanitary convenience situated in or upon any such premise:
  - (a) shall be kept in a clean and efficient order;
  - (b) shall be so situated that no offensive odours there from can penetrate into any room where food is prepared, kept, stored or offered for sale;
  - (c) shall be suitably and sufficiently lighted and ventilated; and,
  - (d) shall meet all conditions as required by the Porcupine Health Unit.
- (4) Except in the case of humidity controlled or temperature controlled chambers, the licensee shall ensure that a suitable and sufficient means of ventilation is provided and maintained in every food room.
- (5) Every person licensed hereunder shall provide a proper environment for the storage and preparation of fresh meat and fish and shall keep such premise in a clean and proper condition, and in compliance with all requirements of the Porcupine Health Unit.
- (6) No person licensed hereunder shall purchase, use, sell, offer for sale or have in their possession any meat unless such meat has been inspected and bears on the carcass, the inspection legend of the Department of Agriculture, or of Agriculture Canada.
- (7) The licensee shall ensure that all fresh meat and fish offered for sale shall be clearly identified.
- (8) No person shall use any food room for a sleeping place.
- (9) Every person operating a food shop shall take necessary precaution to prevent the infestation of the premise by rodents, insects and other vermin.
- (10) Every person who engages in the handling of food shall, while so engaged, take all reasonable steps as may be reasonably necessary to protect the foodstuffs from dirt, dust, mud, filth, dirty water, animals, birds, rodents, flies, insects and other sources of contamination, including contamination by other persons, and shall cause such foodstuffs to be so placed as to prevent the risk of contamination from such sources.

- (11) The licensee shall ensure that no refuse or filth whether solid or liquid is deposited or permitted to accumulate in any food area except as may be unavoidable for the proper carrying on of the business.
- (12) The licensee shall ensure that food which is susceptible to spoilage and the action of toxin producing organisms is kept under refrigeration in accordance with the requirements of the Porcupine Health Unit.
- (13) No person shall allow or permit any dogs, cats or other animals on or in any premise or place where food is kept, stored, cooked, prepared or served.
- (14) Notwithstanding Section 61(13), no person shall, in respect of any blind person being guided or led by a dog:
  - (a) refuse to serve such person;
  - (b) refuse to permit such person to enter with such dog onto or upon any place or premise to which this licence relates; or,
  - (c) refuse to permit such person and such dog to remain in or upon such place or premise by reason only of the presence of the said dog.
- (15) The licensee shall ensure that all premises are equipped with suitable outdoor garbage disposal containers with proper covers for retaining and keeping all garbage and waste in a sanitary condition. The licensee shall ensure that all such outdoor garbage disposal containers is emptied at least once every 48 hours.
- (16) The licensee shall ensure that all premises are equipped with suitable cans with proper covers for retaining and keeping all garbage and waste in a sanitary condition.
- (17) The licensee shall ensure that the Personal Services Settings Protocol as established by the Porcupine Health Unit is adhered to at all times.
- (18) This section shall not apply to premise which contain only automatic dispensers for bottled or canned beverages and/or automatic dispensers for pre-packaged confectionery items.

## **74. FUEL DEALER**

### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$5,000,000.
- (2) Every person shall ensure that each delivery person employed to deliver fuel within the limits of the Township holds the appropriate valid Province of Ontario Driver's Licence.
- (3) Every person shall ensure that all fuel products are adequately stored and maintained in a safe manner.
- (4) No person shall:

- (a) permit the licensed premise to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law;
- (b) park or store any motor vehicle on any sidewalk, boulevard, highway or road;
- (c) permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes; or,
- (d) remove or cause to be removed any snow from the premise to any public sidewalk, boulevard, street, roadway or other municipal property.
- (e) fail to keep the premise free from rubbish and in a clean and neat condition;
- (f) fail to keep any sidewalk or street upon which the premise abuts free from any dirt or other foreign substance derived from or resulting from the use thereof; and,
- (g) fail to display in a conspicuous place at or upon the licensed premise a sign or signs bearing, in readily legible letters, the hours during which the licensed premise are open for business and clearly identifying the business name and address, as well as the name, address and telephone number of an authorized contact person.

## **75. GARAGE - AUTOMOBILE REPAIR**

### **OPERATING CRITERIA**

- (1) **\*\*REMOVED\*\***
- (2) The applicant shall provide to the Issuer of Licences at the time of application a Certificate of Qualification.
- (3) No person shall operate an Automobile Repair Garage contrary to the Automobile Repair Act R.S.O. 1990, CHAPTER M. 43.
- (4) No person shall:
  - (a) permit the licensed premise to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law or any other by-law of the Corporation of the Township of Black River-Matheson;
  - (b) park or store any motor vehicle on any sidewalk, boulevard, highway or road;
  - (c) permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes;
  - (d) remove or cause to be removed any snow from the premise to any public sidewalk, boulevard, street, roadway or other municipal property; or,
  - (e) fail to keep the premise free from rubbish and in a clean and neat condition;

(f) fail to keep any sidewalk or street upon which the premise abuts free from any dirt or other foreign substance derived from or resulting from the use thereof;

## **76. GASOLINE STATION/FUELLING STATION**

### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$5,000,000.
- (2) No person shall:
  - (a) permit the licensed premise to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law;
  - (b) park or store any motor vehicle on any sidewalk, boulevard, highway or road;
  - (c) permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes; or,
  - (d) remove or cause to be removed any snow from the premise to any public sidewalk, boulevard, street, roadway or other municipal property.
  - (e) fail to keep the premise free from rubbish and in a clean and neat condition;
  - (f) fail to keep any sidewalk or street upon which the premise abuts free from any dirt or other foreign substance derived from or resulting from the use thereof; and,
  - (g) fail to display in a conspicuous place at or upon the licensed premise a sign or signs bearing, in readily legible letters, the hours during which the licensed premise are open for business and clearly identifying the business name and address, as well as the name, address and telephone number of an authorized contact person.

## **77. HEATING, AIR CONDITIONING, REFRIGERATION INSTALLATION CONTRACTOR**

### **OPERATING CRITERIA**

- (1) No person shall perform any heating installation without first having obtained all necessary permits to do so.
- (2) No person shall perform any plumbing in conjunction with any business licensed under this section unless such work is performed by a qualified plumber holding a valid licence under the provisions of this by-law.
- (3) Every person shall ensure that any work performed is inspected in accordance with any permit issued for such work.
- (4) Every person licensed under this By-Law shall:

- (a) have printed or otherwise impressed on all business stationary, forms, invoices, statements and advertising materials, the Contractors name, business address and telephone number;
- (b) prepare a written contract which shall be signed by the licensee and the person for whom the work is being done before commencing any work, such contract to contain:
  - i) the name and address of the Licensee and the person for whom the work is being done
  - ii) the address where the work is to be done;
  - iii) a description of the materials and services to be supplied sufficient to identify them with certainty
  - iv) the itemized price for the materials and services to be supplied and a detailed statement of the terms of payment
  - v) warranties or guaranties, if any;
  - vi) the estimated date of completion
- (c) give a copy of the contract referred to in subsection 4(b) to the person for whom the work is being done
- (5) Every person shall take reasonable precautions so as to ensure that any product, chemical or substance used by him is confined to that property for which the contract applies.
- (6) No person shall deposit or cause to be deposited debris, or other materials on any other property, including municipal property without the express written permission of the Township property owner.

## **78. HOME OCCUPATION**

### **OPERATING CRITERIA**

- (1) Unless specifically allowed by the zoning By-Law for a given property, no person shall conduct a home occupation for that property except in accordance with the following provisions:
  - (a) A home occupation shall be conducted as an indoor accessory use within a permitted dwelling, other than a seasonal dwelling, without changing the primary residential character thereof;
  - (b) No person who does not reside in the dwelling unit to which a home occupation is accessory shall be employed on the premises in conjunction therewith;

- (c) No home occupation shall create or become a public nuisance, particularly with regard to noise, odors, traffic, parking, emissions or radio or television interference;
  - (d) The home occupation shall not involve the use of the premises as a base of operations for persons who are employed by or associated with the home occupation, nor shall the premises be used to assemble or rally such persons for transportation to a work site; and
  - (e) No automotive use shall be permitted as a home occupation.
- (2) Where a Home Based Business is required to be licensed under another section of this by-law only the Home Based Business Fee, per Table 1, shall be applicable.

## **79. HOME/PROPERTY INSPECTOR**

### **OPERATING CRITERIA**

- (1) Every individual, at the time of application shall produce to the Issuer of Licences a Criminal Record Check obtained from a Police enforcement agency and dated within 30 days of the date of receipt of the application.
- (2) Every individual at the time of application shall produce to the Issuer of Licences at the time of application, two pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current residential address.
- (3) Every individual at the time of application shall produce to the Issuer of Licences proof of successful completion of an educational program in the field of home inspection based on the standards of Practice from an OAHI (Ontario Association of Home Inspectors) recognized community college which is in conformance with the National Occupational Standard.
- (4) The licensee shall ensure that he carries with them and displays on their person the photographic identification as provided by the Township of Black River-Matheson.

## **80. INSULATION INSTALLATION CONTRACTOR**

### **OPERATING CRITERIA**

- (1) Every person shall ensure that only insulation as certified by the National Research Council and as outlined in The Ontario Building Code Act, R.S.O. 1990, c. B.13, as amended, is used by them in the performance of their work.
- (2) Every person shall take reasonable precautions so as to ensure that any product, chemical or substance used by him is confined to that property for which the contract applies.
- (3) No person shall deposit or cause to be deposited debris, or other materials on any other property, including municipal property without the express written permission of the Township property owner.

(4) Every person licensed under this By-Law shall:

- (a) have printed or otherwise impressed on all business stationary, forms, invoices, statements and advertising materials, the Contractors name, business address and telephone number;
- (b) prepare a written contract which shall be signed by the licensee and the person for whom the work is being done before commencing any work, such contract to contain:
  - i) the name and address of the Licensee and the person for whom the work is being done
  - ii) the address where the work is to be done;
  - iii) a description of the materials and services to be supplied sufficient to identify them with certainty
  - iv) the itemized price for the materials and services to be supplied and a detailed statement of the terms of payment
  - v) warranties or guaranties, if any;
  - vi) the estimated date of completion
- (c) Give a copy of the contract referred to in subsection 4(b) to the person for whom the work is being done
- (d) Every person shall take reasonable precautions so as to ensure that any product, chemical or substance used by him is confined to that property for which the contract applies.
- (e) No person shall deposit or cause to be deposited debris, or other materials on any other property, including municipal property without the express written permission of the Township property owner.

## **81. KENNEL/BOARDING KENNEL**

### **OPERATING CRITERIA**

- (1) Every person shall, upon application to operate or maintain a Kennel, provide a Certificate of Registration with the Canadian Kennel Club Incorporated signed by the keeper of the Register or a certified extract from such Register showing that all dogs kept within such kennel are so registered.
- (2) No person shall operate or maintain a Kennel/Boarding Kennel within the Township contrary to any section of the Dog Owner's Liability Act, R.S.O. 1990, c. D16

- (3) Every person shall ensure that while such pet in their possession, the pet is kept in a sanitary, well ventilated and clean location.
- (4) Every person shall ensure that while any pet is in their possession, the pet is kept in a safe and healthy environment.
- (5) Every person shall ensure that any cage in which a pet is to be kept is appropriate for the safe harbouring of such animal and that in no case shall such cage be kept at a height greater than five feet from the floor level when a pet is being kept in or harboured in such cage.
- (6) The licensee shall ensure that all provisions under the Dog Owner's Liability Act, R.S.O 1990, c. D16 are adhered to at all times and any observation of a potential violation of the Dog Owner's Liability Act by a client shall be immediately reported by the Licensee to the Issuer of Licences and the Black River-Matheson and District Humane Society.

## **82. LANDSCAPING/PAVING/RESURFACING/POOL INSTALLATION/FENCING/SIGN INSTALLATION/PROPERTY MAINTENANCE CONTRACTOR**

### **OPERATING CRITERIA**

- (1) Every person shall take reasonable precautions so as to ensure that so as to ensure that any product, chemical or substance being used is confined to that property or surface for which the contract applies;
- (2) No person shall dispose of old pavement or resurfacing materials in an unsafe manner or in a manner contrary to any municipal, provincial or federal law;
- (3) No person shall deposit or cause to be deposited debris, or other materials on any other property, including municipal property without the express written permission of the Township or property owner.
- (4) Every person licensed under this By-Law shall:
  - (a) have printed or otherwise impressed on all business stationary, forms, invoices, statements and advertising materials, the Contractors name, business address and telephone number;
  - (b) prepare a written contract which shall be signed by the licensee and the person for whom the work is being done before commencing any work, such contract to contain:
    - i) the name and address of the Licensee and the person for whom the work is being done
    - ii) the address where the work is to be done;
    - iii) a description of the materials and services to be supplied sufficient to identify them with certainty

- iv) the itemized price for the materials and services to be supplied and a detailed statement of the terms of payment
- v) warranties or guaranties, if any;
- vi) the estimated date of completion

(5) No person shall deposit or cause to be deposited snow or ice on or over any sidewalk, boulevard, street, or other municipal property or to the contrary of the provisions of any Township By-Law.

(6) Every Licensee shall ensure that all debris, mud, garbage or stone tracked onto the roadway is removed as soon as practicable, no later than at the end of any working day.

(7) give a copy of the contract referred to in subsection 4(b) to the person for whom the work is being done

### **83. LAUNDROMAT**

#### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Porcupine Health Unit.
- (2) Every person to whom this section applies shall keep their premise and any appurtenances or equipment thereto in a clean and sanitary condition as required by the Porcupine Health Unit and shall not allow any of the rooms used in connection with the said licence to be used for sleeping quarters.
- (3) The licensee shall ensure that a sign legibly printed, stating the name, address and telephone number of the person responsible for the operation of the premise is posted in a conspicuous place in every premise or location where coin operated laundry machines are kept for the use of the general public.

### **84. LODGING/ROOMING HOUSE**

#### **OPERATING CRITERIA**

- (1) Every person shall ensure that:
  - (a) an electrical inspection certificate is provided at the time of application, or as otherwise requested, to the Issuer of Licences, verifying the building is in compliance with the Electrical Safety Authority and or Black River-Matheson Hydro and that such electrical system has been inspected within five years of the date of application; and,
  - (b) an inspection certificate has been provided at the time of application, or as otherwise requested, to the Issuer of Licences, from a certified technician that the heating system is in a safe working order and that such heating system has been inspected within five years of the date of application.

- (2) The applicant shall provide to the Issuer of Licences at the time of application:
- (a) the name, address and telephone number of the registered owner of the property;
  - (b) if the registered owner is a corporation, the name, address and telephone number of the Chief Officer and the secretary;
  - (c) if the registered owner is a partnership, the name, address and telephone number of the individual members of the partnership;
  - (d) the name, address and telephone number of the keeper, manager, superintendent or custodian of the lodging house, if not the same as the owner;
  - (e) the location of the lodging house including municipal address and legal description;
  - (f) the maximum number of lodgers proposed to be accommodated; and,
  - (g) other facilities, including common facilities, within the premises which would be available to the lodgers.
- (3) Every lodging house licensed under this section shall be liable to inspection at any reasonable time by a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and any person, who refuses to permit such inspection, after such demand is made, shall be guilty of an offence.
- (4) The licensee shall also comply with the provisions as set out under Section 51. Bed & Breakfast, Hotel/Motel, as may be applicable.

## **85. MENAGERIES/ZOO**

### **OPERATING CRITERIA**

- (1) Every applicant shall provide to the Issuer of Licences at the time of application, and maintain at all times, a current list of all animals which are kept in such menagerie or zoo.
- (2) The applicant shall indicate at the time of application and maintain with the Issuer of Licences at all times, the name and address of the person having control and charge of the menagerie or zoo.
- (3) Every person shall maintain and keep all animals within the menagerie or zoo in a clean, well-bedded, and healthy manner and shall ensure that the animals are treated in a humane manner at all times.
- (4) Every person shall ensure that all animals kept within a menagerie or zoo are kept in a secure manner so as not to endanger or impose risk to any person, whether a visitor to the menagerie or zoo or otherwise.
- (5) The licensee shall post any admission price in a conspicuous and prominent location outside the entrance.

- (6) The licensee shall post any cautions or warnings regarding any animals kept in the menagerie or zoo in a conspicuous and prominent location outside the entrance to the premise.

## **86. PET GROOMER**

### **OPERATING CRITERIA**

- (1) No person shall allow any pet being accommodated in respect of the pet groomer services, to be kept in any  
Outdoor run, compound or other area
- (2) Every person shall ensure that while such pet in their possession, the pet is kept in a sanitary, well ventilated and clean location
- (3) Every person shall ensure that while any pet is in their possession, the pet is kept in a safe and healthy environment.
- (4) Every person shall ensure that any cage in which a pet is to be kept is appropriate for the safe harbouring of such animal and that in no case shall such cage be kept at a height greater than five feet from the floor level when a pet is being kept in or harboured in such cage.
- (5) Every person shall ensure that while such pet is in their possession, the pet is kept in accordance with the Dog Owner's Liability Act, R.S.O 1990, c. D16.
- (6) The licensee shall ensure that all provisions under the Dog Owner's Liability Act, R.S.O 1990, c. D16 are adhered to at all times and any observation of a potential violation of the Dog Owner's Liability Act by a client shall be immediately reported by the Licensee to the Black River-Matheson and District Humane Society.

## **87. PET SHOP**

### **OPERATING CRITERIA**

- (1) The licensee shall ensure that all provisions under the Dog Owner's Liability Act, R.S.O 1990, c. D16 are adhered to at all times and any observation of a potential violation of the Dog Owner's Liability Act by a client shall be immediately reported by the Licensee to the Black River-Matheson and District Humane Society.
- (2) The licensee shall ensure that the pet shop is maintained in a sanitary, well ventilated and clean condition and free from offensive odours at all times
- (3) The licensee shall ensure that every animal and bird is kept in sanitary, well-bedded, well lighted clean quarters kept at a temperature appropriate for the health requirements of the type of species of animal or bird housed therein.
- (4) Where quarters used for the housing of any animal or bird form part of or are physically attached to a building used for human habitation or to which the public has access, the licensee shall ensure that such quarters have a concrete or other impermeable floor with a drain opening constructed as a plumbing fixture. The licensee shall ensure that such floor

is cleaned and sanitized a minimum of once a day or as deemed necessary to keep the floor clean.

(5) The licensee shall ensure that every cage or container used for keeping or housing of any animal or bird:

(a) is of adequate size to permit any such animal or bird to stand normally to its full height, to turn around and to lie down in a fully extended position;

(b) in the case of a cage or other container used to keep or house only birds, has a removable metal or other impermeable bottom which shall be cleaned daily;

(c) in the case of a cage containing birds is of sufficient size and dimensions to enable all birds to have sufficient perch space to permit full extension of their wings in every direction;

(d) in the case of all other cages or containers has a floor of either solid or wire mesh construction or any combination thereof provided that:

i) all spaces in the wire mesh shall be smaller than the pads of the paws of any animal confined therein;

ii) any such wire mesh shall be of a thickness design adequate to prevent injury to any such animal.

iii) such floor shall be of sufficient strength to support the weight of any animal confined therein;

(e) is equipped with receptacles for food and water so mounted or situated that they cannot be easily overturned or contaminated; and,

(f) all cages or containers are cleaned on a daily basis.

(6) The licensee shall ensure that water is provided daily to every animal or bird in sufficient quantity to maintain at all times a drinkable supply available to such bird or animal.

(7) The licensee shall ensure that all animals and birds are fed periodically each day in accordance with the particular food requirements of each type or species of animal or bird.

(8) The licensees shall ensure that all cages, tanks, containers or other enclosures in which animals or birds are kept are located in such a way so as to provide maximum comfort to satisfy the known and established needs for the particular species. That they provided with safeguards to prevent extreme environmental changes and to prevent undue direct physical contact with the public.

(9) The licensee shall ensure that all persons responsible for the care, feeding or cleaning of birds and animals are adequately instructed and supervised in the handling and care of all such animals and birds.

(10) No licensee shall:

- (a) keep, sell, offer for sale, exchange or other remuneration or consideration any exotic pets prohibited by by-law or otherwise prohibited;
- (b) keep their stock of animals or birds in crowded quarters;
- (c) sell any diseased animal or bird. The following shall deem an animal unfit for sale or release:
  - i) obvious signs of infectious disease such as distemper, hepatitis, leptospirosis, rabies or other similar diseases;
  - ii) obvious signs of nutritional deficiencies including deficiencies including rickets or emaciation;
  - iii) obvious signs of severe parasitism severe enough to influence the general health of the animal; or
  - iv) obvious fractures or congenital abnormalities affecting the general health of the animal.

(11) Every licensee shall ensure that any animal or bird indicating signs of sickness or disease is examined and appropriately treated within 4 hours of the onset of the illness, by a veterinarian or other qualified person experienced in the care and treatment of the species. That such animal or bird is kept in a quarantine area, separate from all other birds and animals until such illness is cured.

(12) No licensee shall sell, permit to be sold or offer for sale, or give away, any mammal before it has reached the normal weaning age, based on known requirements of that particular species.

## **88. PLUMBING CONTRACTORS**

### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences at the time of application any qualifying documents applicable to themselves and/or anyone under their employ.
- (2) The applicant shall provide to the Issuer of Licences at the time of application, the names and addresses of all Master Plumbers employed by them to perform work in the Township.
- (3) Every Plumbing Contractor shall be or have in their employ at all times while performing work within the Township, a Master Plumber licensed under this By-law.
- (4) No person shall perform or permit to be performed any plumbing work that is not under the direct personal supervision of a Master Plumber.
- (5) Every Plumbing Contractor shall; within fourteen (14) days of any change in the Master Plumber employed by them to perform work within the Township, provide to the Issuer of Licences, the name and address of the new Master Plumber.

- (6) Every Plumbing Contractor shall ensure all necessary permits are obtained prior to commencement of any work
- (7) Every person licensed under this By-Law shall:
- (a) have printed or otherwise impressed on all business stationary, forms, invoices, statements and advertising materials, the Contractors name, business address and telephone number;
  - (b) prepare a written contract which shall be signed by the licensee and the person for whom the work is being done before commencing any work, such contract to contain:
    - i) the name and address of the Licensee and the person for whom the work is being done
    - ii) the address where the work is to be done;
    - iii) a description of the materials and services to be supplied sufficient to identify them with certainty
    - iv) the itemized price for the materials and services to be supplied and a detailed statement of the terms of payment
    - v) warranties or guaranties, if any;
    - vi) the estimated date of completion
- (8) Give a copy of the contract referred to in subsection 7(b) to the person for whom the work is being done
- (9) Every person shall take reasonable precautions so as to ensure that any product, chemical or substance used by him is confined to that property for which the contract applies.
- (10) No person shall deposit or cause to be deposited debris, or other materials on any other property, including municipal property without the express written permission of the Township property owner.

## **89. PRECIOUS METAL PURCHASER**

### **OPERATING CRITERIA**

- (1) Every individual, at the time of application shall produce to the Issuer of Licences a Criminal Record Check obtained from a Police enforcement agency and dated within 30 days of the date of receipt of the application.
- (2) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, two pieces of identification, one of which shall be photographic identification.

Such identification shall clearly state the applicant's name and current residential address.

- (3) No person shall obtain any Precious Metals from any person who is known to be or appears to be;
  - (a) under the age of eighteen years; or
  - (b) under the influence of alcohol or drugs.
- (4) No person shall hold, sponsor, advertise or promote a Precious Metals Purchase Event unless such a Person holds a License issued under this By-Law for such purpose and in accordance with the terms of the License and this By-Law.
- (5) The Issuer of Licences may revoke a licence issued to a Precious Metal Purchaser if the licensee refuses to permit the Issuer of the Licences to inspect any premises or inspect or test any measuring or weighing or other device used in the purchase of the precious metals.
- (6) Where an Applicant for a License wishes to hold a Purchase Event at more than one site, a separate License shall be required for each site. A business License Fee shall be payable for each such additional License.
- (7) The License for the Purchase Event shall be displayed in a clearly visible location on the Premises where the Purchase Event is held.
- (8) Applicants for a License shall ensure all advertising material distributed, displayed or published to promote a Purchase Event, including any radio or television broadcast, or Internet promotion, contains a statement that the Purchase Event is held under the authority of this By-Law and shall state the number and expiry date of the License issued for such Purchase Event under this By-Law, and that the Seller of the Precious Metals is over the age of 18 years with no exceptions.

## 90. PUBLIC HALL

### OPERATING CRITERIA

- (1) Every applicant shall provide:
  - (a) an electrical inspection certificate is provided at the time of application, or as otherwise requested, to the Issuer of Licences, verifying the building is in compliance with the Electrical Safety Authority and or Black River-Matheson Hydro and that such electrical system has been inspected within five years of the date of application; and,
  - (b) an inspection certificate has been provided at the time of application, or as otherwise requested, to the Issuer of Licences, from a certified technician that the heating system is

in a safe working order and that such heating system has been inspected within five years of the date of application.

(c) the occupant load for the premise as set out by the Chief Fire Official.

- (2) No licence shall be required by any religious organization in respect of a hall used for entertainment given or held by it; however, every such hall shall in all other respects comply with this by-law.
- (3) A Municipal Law Enforcement Officer, Police Officer, Fire Prevention Officer or any other municipal employee so authorized by Council, may enter the Public hall at all reasonable times in order to inspect such Public hall and to enforce the provisions of this By-law.
- (4) The Chief Fire Official or any assistant to the Fire Marshal may, at any time, order the evacuation of a Public hall when the occupants of the Public Hall are, in their opinion, endangered by a hazardous condition. The Chief Fire Official or any assistant to the Fire Marshal may enter the hall at any time in order to ascertain such condition.
- (5) The licensee shall display in a prominent place within the licensed premise placards displaying the maximum occupant load, as determined by the Chief Fire Official or their designate. No person shall permit a greater number of persons to enter or be in the hall at any one time than the stated maximum capacity on the occupant load notice.
- (6) The licensee shall post in a prominent place within the premise a Notice stating the telephone number of the Black River-Matheson Fire and Emergency Services and the location of the nearest fire alarm box or fire hall.
- (7) The licensee of a Public hall shall ensure that all obstructions, including accumulations of ice and snow, are removed from all exit ways and fire escapes prior to admitting members of the public.
- (8) The licensee shall ensure that rugs, carpets or other floor coverings are secured and maintained so that they will not ruck or in any way impede egress.
- (9) The licensee shall ensure that mats located at the entrance of the Public hall are flush with the floor or have chamfered or bevelled edges.
- (10) The licensee shall ensure that no obstruction is located in or adjacent to the path of exit travel.
- (11) The licensee shall ensure that curtains or drapes are not being hung over any exit door.
- (12) Whenever a Public hall is used, the licensee shall take all necessary steps to ensure that the doors open freely.
- (13) The licensee shall ensure that decorations, curtains, and stage properties made of cloth, paper, or other flammable material are not permitted in a Public hall unless treated with a flame-retardant, and re-treated at least once in every year.

- (14) The licensee shall ensure that flammable decorations, notwithstanding they are flame-retardant treated, are not be placed on an electric fixture or within three feet of an electric bulb, stove or heating appliance or the pipes or any wiring in connection therewith.
- (15) The licensee shall ensure that flammable liquids, explosives or other substances dangerous to human life are not be kept or stored in a Public hall or in any part of the building in which the Public hall is located.
- (16) No person shall smoke in a Public hall contrary to any Township By-law or Provincial legislation.
  - (a) Where smoking is prohibited, the licensee shall ensure that "NO SMOKING" signs are posted in the hall where smoking is prohibited.
- (17) The licensee shall ensure that smoking, matches, open flames, fire crackers or devices producing an exposed spark or flame are not be used on any platform or stage in any Public hall unless in conjunction with a performance and unless authorized by the Chief Fire Official to do so.
- (18) The licensee shall ensure that the Public hall is kept clean and clear of rubbish.
- (19) The licensee shall ensure that metal containers with self-closing covers are provided and conveniently placed for the deposit of used paper towels and rubbish and the contents of every such container shall be emptied and disposed of immediately following the use of the hall.
- (20) Every year before using the heating equipment, the licensee shall cause the furnace or stove, the pipes there from and the chimney to be examined cleaned and put in a proper state of repair.
- (21) The licensee shall ensure that the Public hall is equipped with fire extinguishers or automatic sprinkler system as required by the Chief Fire Official.
- (22) The licensee shall also ensure that any portable electrical systems are inspected by the Electrical Safety Authority, and defects corrected before any tent is occupied by the public.
- (23) The licensee shall:
  - (a) ensure that ushers and other staff have received instruction in the use of the firefighting equipment provided in the Public hall;
  - (b) prepare a fire safety plan for the Public hall which shall include the procedures for sounding the fire alarm, notifying Black River-Matheson Fire and Emergency Services, the evacuation of the occupants and confining, controlling and extinguishing the fire; and,
  - (c) provide instruction to the staff outlining their responsibilities under the fire safety plan as established according to Section 78(23)(b).

## 91. RECREATIONAL ESTABLISHMENT

### OPERATING CRITERIA

- (1) The licensee shall display in a prominent place within the licensed premise, Occupant Load Notices, as may be applicable, displaying the maximum occupant load as determined by the Chief Fire Official, or their designate.
- (2) No person shall permit a greater number of people to enter or be in the recreational establishment at any one time than stated as the maximum capacity on the occupant load notice.
- (3) The licensee shall also comply with the provisions as set out under Section 78. Public Hall, as may be applicable.
- (4) The licensee shall maintain, keep and operate the premise in an orderly and respectable manner at all times.
- (5) The licensee shall ensure that there are no payoffs, betting or offering of any article or thing as a prize in contravention of the Criminal Code of Canada within the licensed premise.
- (6) The licensee shall ensure that the forming of queues for the purpose of gaining entrance to the premise does not obstruct any other business, sidewalk, boulevard, highway, ingress or egress to or from private property and that an attendant is present whenever a queue is formed for the purpose of regulating such queue.
- (7) The licensee shall comply with all requirements and provisions of the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended or such conditions or regulations as otherwise may apply to the operation of such premise.

## **92. RECREATIONAL VEHICLE/WATERCRAFT- REPAIRS, SALES, LEASING**

### **OPERATING CRITERIA**

- (1) No person shall:
  - (a) permit the licensed premise to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law;
  - (b) park or store any motor vehicle on any sidewalk, boulevard, highway or road;
  - (c) permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes; or
  - (d) remove or cause to be removed any snow from the premise to any public sidewalk, boulevard, street, roadway, or other municipal property.
  - (e) fail to keep the premise free from rubbish and in a clean and neat condition; and,
  - (f) fail to keep any sidewalk or street upon which the premise abuts free from any dirt or other foreign substance derived from or resulting from the use thereof.

## 93. REFRESHMENT CART

### OPERATING CRITERIA

- (1) The applicant shall provide to the Issuer of Licences, in addition to any other documents/inspections which may be required;
  - (a) When on Township of Black River-Matheson property, a location review application on form as prescribed by the Issuer of Licences approved by the Director of Public Works and Engineering. Such approval shall be deemed to be effective for the term of the license and shall be subject to review upon each license renewal. Not more than two (2) such approvals shall be valid for any one (1) Refreshment Cart at any given time.
  - (b) Notwithstanding section 81(1)(a) location approval may be withdrawn at any time by the Director of Public Works and Engineering for any reason and 10 day notice shall be provided to the business owner.
- (2) No licensee shall fail to ensure that:
  - (a) every refreshment cart is equipped with a metal refuse container with a self closing lid, and such container shall be kept in a clean and sanitary condition and emptied at least once daily; or
    - i) a disposable litter container which shall be replaced at least once daily; and
    - ii) such containers shall be used for the disposal of all refuse.
  - (b) every refuse container is located in such a position on the vehicle so as to be easily accessible by persons making purchases while the vehicle is stopped;
  - (c) the vehicle and all parts and equipment for use in the dispensing of refreshments are maintained in a clean and sanitary condition and at all times in good repair;
  - (d) hard ice cream and related products are maintained in a hard condition in the vehicle at all times;
  - (e) no thawed or partially thawed products are refrozen, stored or sold from the vehicle;
  - (f) soft ice cream and related products are stored in a refrigerated cabinet suitable for the storage of soft ice cream and related products, as approved by the Medical Officer of Health;
  - (g) all dispensing equipment is of a sanitary design and cleaned on a daily basis;
  - (h) adequate refrigeration, as approved by the Medical Officer of Health, is provided for perishable foodstuffs which shall be kept so refrigerated;
  - (i) the date of expiration is clearly and legibly marked on or affixed to the wrapper of all pre-packaged food stuffs sold from the vehicle;

- (j) beverages, which shall include but shall not be limited to, milk, juices, and soft drinks are only sold in individual disposable containers;
- (k) where the cart is powered by propane, or as otherwise may be required by the Chief Fire Official or the Issuer of Licences, a minimum five pound ABC dry chemical fire extinguisher shall be mounted on the cart and the operator of such cart shall be knowledgeable in the proper use of such fire extinguisher;
- (l) cart from which hot, prepared foods are sold are so equipped as to maintain such foods so heated at a temperature as approved by the Medical Officer of Health;
- (m) the cart is free from holes, crevices or cracks and the surface is readily washable and is kept clean and in good condition;
- (n) only single service condiments, milk, cream and sugar are used;
- (o) only single service disposable cups, plates, forks, spoons, knives and containers are used and serviettes shall be provided from a dispenser.
- (3) No Refreshment Cart shall operate within one hundred (50) feet of any licensed restaurant unless such refreshment vehicle is under the same ownership as said restaurant.
- (4) Every person selling or handling refreshments and foodstuffs shall be clean and neat in appearance and shall maintain clean hands at all times.
- (5) The licensee shall ensure that the Personal Services Settings Protocol as established by the Porcupine Health Unit is adhered to at all times.
- (6) No licensee shall permit any individual other than a bona fide employee to operate the refreshment cart.
- (7) Every owner shall take out a separate licence for each refreshment cart owned or operated by them and the plate issued in respect of such licence shall be securely affixed to the rear of the vehicle and be visible at all times.
- (8) Every licensee shall at their own expense, whenever required to do so by the Issuer of Licences, bring such cart to any person designated by the Issuer of Licences for inspection.
- (9) No person shall operate a refreshment cart on adequately zoned private property without the express written permission of the owner of the property or their authorized agent, proof of which has been filed with the Issuer of Licences.
- (10) Every licensee shall ensure that each operator or employee is made familiar with the contents of this section and shall not permit any operator or employee under their control, management, supervision or direction to breach any of the provisions of this Section.
- (11) No person shall operate a refreshment cart equipped with a deep fat fryer or similar equipment unless such refreshment vehicle is equipped with a fire extinguishing system as set out under N.F.P.A. 96 and to the satisfaction of the Black River-Matheson Fire and Emergency Services.

- (12) No person shall sound a horn or other signaling device in connection with the conduct of business from the refreshment vehicle between the hours of 9:00 p.m. of one day and 9:00 a.m. of the next day.
- (13) Where a person holds a valid Township of Black River-Matheson Business Licence under this section for the current year and where such person certifies that the refreshment cart licensed under this section has been removed from service and is being replaced by another vehicle to be operated as a refreshment vehicle, and upon submission of:
- (a) a duly completed application form;
  - (b) any other required inspections, approvals or documents as required by the Issuer of Licences; and,
  - (c) payment of a \$100.00 administrative fee for a new Licence may be reissued by the Issuer of Licences for the replacement vehicle.

#### **94. REFRESHMENT VEHICLE/CATERING TRUCK**

##### **OPERATING CRITERIA**

- (1) The applicant shall provide to the Issuer of Licences, in addition to any other documents/inspections which may be required;
- (a) The vehicle identification number and Ontario license plate number as issued by the Ministry of Transportation
  - (b) Where the vehicle is transported from place to place by its own power (other than by muscular power), a valid Safety Standards Certificate issued pursuant to the provisions of the Highway Traffic Act, R.S.O 1990, c.H.8., as amended
  - (c) When on Township of Black River-Matheson property, a location review application on form as prescribed by the Issuer of Licences approved by the Director of Public Works and Engineering. Such approval shall be deemed to be effective for the term of the license and shall be subject to review upon each license renewal. Not more than two (2) such approvals shall be valid for any one (1) Refreshment Vehicle at any given time.
  - (d) Notwithstanding section 82(1)(c) location approval may be withdrawn at any time by the Director of Public Works and Engineering for any reason and 10 day notice shall be provided to the business owner.
- (2) No licensee shall fail to ensure that:
- (a) every refreshment vehicle is equipped with a metal refuse container with a self closing lid, and such container shall be kept in a clean and sanitary condition and emptied at least once daily; or
    - i) a disposable litter container which shall be replaced at least once daily; and
    - ii) such containers shall be used for the disposal of all refuse.

- (b) every refuse container is located in such a position on the vehicle so as to be easily accessible by persons making purchases while the vehicle is stopped;
- (c) the vehicle and all parts and equipment for use in the dispensing of refreshments are maintained in a clean and sanitary condition and at all times in good repair;
- (d) hard ice cream and related products are maintained in a hard condition in the vehicle at all times;
- (e) no thawed or partially thawed products are refrozen, stored or sold from the vehicle;
- (f) soft ice cream and related products are stored in a refrigerated cabinet suitable for the storage of soft ice cream and related products, as approved by the Medical Officer of Health;
- (g) all dispensing equipment is of a sanitary design and cleaned on a daily basis;
- (h) all foodstuffs are wrapped or sold in individual packages;
- (i) adequate refrigeration, as approved by the Medical Officer of Health, is provided for perishable foodstuffs which shall be kept so refrigerated;
- (j) the date of expiration is clearly and legibly marked on or affixed to the wrapper of all sandwiches or pre-packaged food stuffs sold from the vehicle;
- (k) beverages, which shall include but shall not be limited to, milk, juices, and soft drinks are only sold in individual disposable containers;
- (l) where a vehicle is powered by propane, the vehicle is inspected and certified at the time of application and on an annual basis by an authorized inspector and such certification shall be filed with the Issuer of Licences annually, or at the time of application, or as may be required;
- (m) where the vehicle is powered by propane, or as otherwise may be required by the Chief Fire Official or the Issuer of Licences, a minimum five pound ABC dry chemical fire extinguisher shall be mounted on the vehicle and the operator of such vehicle shall be knowledgeable in the proper use of such fire extinguisher;
- (n) vehicles from which hot, prepared foods are sold are so equipped as to maintain such foods so heated at a temperature as approved by the Medical Officer of Health;
- (o) the vehicle is free from holes, crevices or cracks and the surface is readily washable and is kept clean and in good condition;
- (p) only single service condiments, milk, cream and sugar are used;
- (q) only single service disposable cups, plates, forks, spoons, knives and containers are used and serviettes shall be provided from a dispenser.

- (3) No Refreshment Vehicle shall operate within one hundred (100) feet of any licensed restaurant unless such refreshment vehicle is under the same ownership as said restaurant.
- (4) Every person selling or handling refreshments and foodstuffs shall be clean and neat in appearance and shall maintain clean hands at all times.
- (5) The licensee shall ensure that the Personal Services Settings Protocol as established by the Porcupine Health Unit is adhered to at all times.
- (6) No licensee shall permit any individual other than a bona fide employee to operate the refreshment vehicle.
- (7) The licensee shall ensure that every vehicle displays in a contrasting colour in clearly visible letters, on both side panels, the operating name of the business as it appears on their business licence.
- (8) Every owner shall take out a separate licence for each refreshment vehicle owned or operated by them and the plate issued in respect of such licence shall be securely affixed to the rear of the vehicle and be visible at all times.
- (9) Every licensee shall at their own expense, whenever required to do so by the Issuer of Licences, bring such vehicle to any person designated by the Issuer of Licences for inspection.
- (10) No person shall operate a refreshment vehicle on adequately zoned private property without the express written permission of the owner of the property or their authorized agent, proof of which has been filed with the Issuer of Licences.
- (11) Every licensee shall ensure that each operator or employee is made familiar with the contents of this section and shall not permit any operator or employee under their control, management, supervision or direction to breach any of the provisions of this Section.
- (12) No person shall operate a refreshment vehicle equipped with a deep fat fryer or similar equipment unless such refreshment vehicle is equipped with a fire extinguishing system as set out under N.F.P.A. 96 and to the satisfaction of the Black River-Matheson Fire and Emergency Services.
- (13) No person shall sound a horn or other signaling device in connection with the conduct of business from the refreshment vehicle between the hours of 9:00 p.m. of one day and 9:00 a.m. of the next day.
- (14) Where a person holds a valid Township of Black River-Matheson Business Licence under this section for the current year and where such person certifies that the refreshment vehicle licensed under this section has been removed from service and is being replaced by another vehicle to be operated as a refreshment vehicle, and upon submission of:
  - (a) a duly completed application form;
  - (b) an appropriate safety inspection certificate for the vehicle to be licensed as a refreshment vehicle;

(c) any other required inspections, approvals or documents as required by the Issuer of Licences; and,

(d) payment of a \$50.00 administrative fee for a licence to be reissued by the Issuer of Licences for a replacement vehicle.

## 95. RESTAURANT

### OPERATING CRITERIA

- (1) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Porcupine Health Unit.
- (2) The applicant shall provide to the Issuer of Licences at the time of application the occupant load for the premise as set out by the Chief Fire Official.
- (3) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a copy of the Liquor Licence as issued by the Alcohol and Gaming Commission.
- (4) The licensee shall ensure that all rooms where foodstuffs are kept, stored, cooked or prepared, have walls and floors so constructed as to prevent the infestation of the premise by insects, rodents and other vermin and shall ensure that all walls and floors are kept in good repair.
- (5) The licensee shall ensure that no dogs, cats or other animals are allowed in any premise or place where food is kept, stored, cooked, prepared or served.
- (6) Notwithstanding Section 83.(5), no person shall, in respect of any blind person being guided or led by a dog:
  - (a) refuse to serve such person;
  - (b) refuse to permit such person to enter with such dog into or upon any place or premise to which this licence relates; or,
  - (c) refuse to permit such person and such dog to remain in or upon such place or premise, by reason only of the presence of the said dog.
- (7) The licensee shall ensure that all premises are operated in a clean and sanitary condition.
- (8) The licensee shall ensure that no room is used for sleeping.
- (9) Every person who engages in the handling of food shall, while so engaged, take all reasonable steps as may be necessary to protect the foodstuffs from dust, dirt, mud, filth, dirty water, animals, birds, rodents, flies, insects and other sources of contamination and shall cause such foodstuffs to be so placed as to prevent the risk of contamination.
- (10) The licensee shall ensure that no refuse or filth is deposited or permitted to accumulate in any premise except as may be unavoidable for the proper carrying on of the business.

- (11) The licensee shall ensure that food which is susceptible to spoilage or the action of toxin producing organisms is kept under refrigeration in accordance with the requirements of the Porcupine Health Unit.
- (12) The licensee shall ensure that all premises where foodstuffs are stored, kept, prepared, cooked or served to customers, are fully protected from dust, dirt, flies, and vermin, by glass cases, wire screens or other such methods as may be satisfactory and necessary.
- (13) The licensee shall ensure that garbage and waste are removed from the premise at least twice weekly or as often as is necessary to maintain the premise in a sanitary condition.
- (14) The licensee shall ensure that garbage receptacles in a room or place where food is prepared, handled, processed, displayed, sold, offered for sale, served or stored:
  - (a) are cleaned and sanitized after each use; and,
  - (b) are removed from the room when full;
  - (c) except where daily collection service is provided, are placed in a separate room, place, compartment or bin, so constructed and maintained as to exclude vermin and insects and prevent odours and health hazards on the premise.
- (15) The licensee shall ensure that all liquid waste from the operation of the premise is disposed of in a sanitary manner.
- (16) The licensee shall ensure that kitchens and other similar facilities are equipped with ample facilities for washing and sterilizing eating and cooking utensils.
- (17) The licensee shall ensure that all knives, forks, spoons, dishes and other tableware are thoroughly sterilized with steam or boiling water after each using.
- (18) The licensee shall ensure that adequate sanitary toilet facilities are provided as required by the Porcupine Health Unit and the licensee shall ensure that such facilities are maintained in a clean and sanitary condition at all times.
- (19) The licensee shall ensure that the Personal Services Settings Protocol as established by the Porcupine Health Unit is adhered to at all times.
- (20) Every person employed in such premise shall keep them self and their wearing apparel in a clean and sanitary condition.
- (21) The licensee shall ensure that all premises comply with the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended.
- (22) No person shall operate a refreshment vehicle of any class as an extension of a restaurant operation without a licence to do so.
- (23) No person shall operate an outdoor patio as an extension to a restaurant operation without a licence to do so.

## 96. SMALL ENGINE REPAIR

### OPERATING CRITERIA

(1) No person shall:

- (a) permit the licensed premise to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law;
- (b) park or store any motor vehicle, or part of any motor vehicle on any sidewalk, boulevard, highway or road;
- (c) permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes; or,
- (d) remove or cause to be removed any snow from the premise to any public sidewalk, street or roadway.
- (e) fail to keep the premise free from rubbish and in a clean and neat condition; and,
- (f) fail to keep any sidewalk or street upon which the premise abuts free from any dirt or other foreign substance derived from or resulting from the use thereof.

## 97. TEMPORARY VENDOR

### OPERATING CRITERIA

- (1) No person shall operate or maintain a temporary sales booth or location on any private property within the Township without the express written permission of the property owner including the specific time for which the applicant is permitted to operate at such location. The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, such written permission and statement of time frame from the property owner.
- (2) No person shall operate or maintain a temporary sales booth or location on any Township property without first having obtained permission to do so, written confirmation of such to be provided to the Issuer of Licences at the time of application.
- (3) No person shall operate a temporary sales booth or location for a period not exceeding 60 consecutive days from the date of issue on any one occasion.
- (4) Notwithstanding Section 85(3) a person may apply for an extension to a valid business licence. The applicant for such extension shall provide to the Issuer of Licences at the time of application for extension, written permission from the property owner including the specific time frame for which the applicant is permitted to operate at such location. The Issuer of Licences may extend the expiry of the licence for a period not to exceed 364 days from the original date of issue of the licence upon payment of any applicable fees set out in Table 1.

(5) Applicants for a License shall ensure all advertising material distributed, displayed or published to promote an event, including any radio or television broadcast, or Internet promotion, contains a statement that the event is held under the authority of this By-Law and shall state the number and expiry date of the License issued for such event under this By-Law.

**98. REPEALING**

(1) Township of Black River-Matheson Licensing By-law 2016-25 shall be repealed upon the coming into effect of this by-law.

**99. ENACTMENT**

(1) This by-law comes into force and effect on the date of its final passing.

READ A FIRST AND SECOND TIME THIS 13<sup>th</sup> DAY OF MAY, 2025.

READ A THIRD TIME AND FINALLY PASSED THIS 10<sup>th</sup> DAY OF JUNE, 2025.



---

**Dave Dymant  
Mayor**



---

**Hong Ji Lei  
Clerk**