

**BUSINESS LICENSING BY-LAW
By-law (X)**

**A by-law to provide for the
LICENSING AND REGULATION OF VARIOUS BUSINESSES**

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Bill No.
2018

By-law No.

A By-law to provide for the Licensing and Regulation of
Various Businesses.

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

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

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

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

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

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

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

AND WHEREAS the Council for the City of London considers it necessary and desirable for the public to exercise its licensing powers for the purposes of:

- (a) Health and safety including health and safety of service providers and consumers and patrons; and/or
- (b) Nuisance control; and/or
- (c) Consumer protection; and/or
- (d) Suppressing conditions conducive to crime;

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

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

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

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

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

PART 1 - DEFINITIONS

1.1 For the purpose of this By-law:

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

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

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

but does not include:

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

“Chief Building Official” means the Chief Building Official as appointed by Council pursuant to the *Building Code Act*;

“Chief of Police” means the Chief of the London Police Service or a person delegated by them;

“City” means The Corporation of the City of London;

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

“Council” means the Council of The Corporation of the City of London;

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

“Fire Chief” means the Chief of London Fire Services of the City or a person delegated by them;

“Hearings Officer” means a Hearings Officer appointed under the City’s Hearings Officer By-law A.-6653-121, as amended or any successor by-law;

“Licence Manager” means the City’s Chief Municipal Law Enforcement Officer or a person delegated by them;

“Licensee” means a person licensed under this By-law;

“Manager of Municipal Law Enforcement” means the Chief Municipal Law Enforcement Officer or a person delegated by them;

“Medical Officer of Health” means the Medical Officer of Health for the Middlesex-London District Health Unit or a person delegated by them;

“municipality” means the geographic area known as the City of London;

“Owner” means:

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

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

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

PART 2 - CLASSES OF LICENCES

- 2.1 The classes of licences that may be issued under this By-law in accordance with the provisions of this By-law and the corresponding Schedules are set out in the Schedules to this By-law.
- 2.2 Every Applicant and Licensee shall comply with all of the provisions of this By-law and the corresponding Schedules.

PART 3 - PROHIBITIONS

- 3.1 No person shall hold themselves out to be licensed under this By-law if they are not.
- 3.2 No person shall operate a business that requires a licence under this By-law while their licence issued under this By-law is under suspension.
- 3.3 No person shall operate a business that requires a licence under this By-law at a location other than for which a licence is issued under this By-law.
- 3.4 No person shall operate a business that requires a licence under this By-law under any name other than the name endorsed on their licence issued under this By-law.
- 3.5 No person holding a licence issued under this By-law shall fail to:
 - (a) with respect to premises, display the licence in a conspicuous place in or on the said premise; or
 - (b) with respect to a vehicle, display the licence in a conspicuous place in or on the said vehicle; or
 - (c) with respect to an individual, maintain the licence on their person while conducting the activity for which the licence was issued.
- 3.6 No person shall fail to keep any records required to be kept by them under the provisions of this By-law.
- 3.7 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.

PART 4 - EXEMPTIONS

- 4.1 Exemptions for specific classifications of businesses are listed in the Schedules pertaining to those classifications.

PART 5 - ADMINISTRATION OF BY-LAW

- 5.1 The administration of this By-law is assigned to the Licence Manager who shall generally perform all of the administrative functions conferred upon them by this By-law and without limitation may:
 - (a) receive and process all applications for all licences and renewals of licences under this By-law;
 - (b) issue licences in accordance with the provisions of this By-law;
 - (c) impose terms and conditions, including special conditions, on licences in accordance with this By-law; and
 - (d) refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

PART 6 - APPLICATION FOR LICENCES AND RENEWALS

- 6.1 Every application for a licence and renewal licence shall be made to the Licence Manager in a format provided by the Licence Manager. Without limitation, every application for a licence or a renewal shall include the following:
 - (a) the name, municipal address, email address and telephone number of each Applicant;
 - (b) if the Applicant is a partnership, the name, address, email address and telephone number of each partner;
 - (c) if the Applicant is a corporation, the address of its head office, the name, address, email address and telephone number of each director and officer;
 - (d) the municipal address of the premises in which the business is located, if applicable;
 - (e) a sworn statement by the Applicant certifying the accuracy, truthfulness and completeness of the application;

- (f) if the Applicant is a partnership, a sworn statement by each partner certifying the accuracy, truthfulness and completeness of the application;
 - (g) if the Applicant is a corporation, a sworn statement by an officer of the corporation duly authorized for that purpose certifying the accuracy, truthfulness and completeness of the application; and
 - (h) proof satisfactory to the Licence Manager that the premises in which the business is located is permitted or conforms with the uses permitted under the applicable zoning by-law or is a legal non-conforming use.
- 6.2 Every person applying for a licence or a renewal of a licence shall provide in full at the time the application is submitted all of the information requested on the application form as well as:
- (a) payment of the prescribed fee as set out in Schedule "1" of this By-law;
 - (b) proof satisfactory to the Licence Manager that the Applicant or Licensee has a contractual or proprietary interest in the lands and premises upon which the business is to be operated which will enable the Applicant or Licensee to carry on the business;
 - (c) if the Applicant or Licensee is a corporation, a copy of the incorporating documentation, a copy of the last initial notice or notice of change which has been filed with the provincial or federal government and a Certificate of Status issued by the Ministry of Government and Consumer Services dated no later than fifteen (15) days prior to the date of the application;
 - (d) if the Applicant or Licensee is a partnership, details of each partner's interest in the partnership; and
 - (e) any other documentation or information as may be required in any other part of this By-law, including any Schedule to this By-law, or by the Licence Manager.
- 6.3 The Licence Manager may require affidavits in support of an application for or a renewal of a licence.
- 6.4 Every application may be subject to investigations by and comments or recommendations from the municipal or provincial department or agencies as the Licence Manager deems necessary including but not limited to:
- (a) the Chief Building Official;
 - (b) the Manager of Municipal Law Enforcement;
 - (c) the Fire Chief;
 - (d) Chief of Police; and
 - (e) the Medical Officer of Health.

PART 7 - ISSUANCE OF LICENCES

- 7.1 Every licence issued under this By-law shall be in the form and manner as provided by the Licence Manager and without limitation shall include on its face the following information:
- (a) the licence number;
 - (b) the name of the Licensee;
 - (c) the date the licence was issued and the date it expires; and
 - (d) the municipal address of the premises in which the business is located, if applicable.
- 7.2 Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold and renewing a licence all of which shall be performed and observed by the Applicant or the Licensee:
- (a) the Applicant or Licensee shall pay all licence fees related to this By-law;
 - (b) the Applicant or Licensee shall pay all fees and fines owed by the Applicant or Licensee to the City;
 - (c) the Applicant or Licensee shall allow, at any reasonable time, the City to inspect the premises used for the business;
 - (d) the Applicant or Licensee shall ensure that the places and premises used for the business are not constructed or equipped so as to hinder the enforcement of this By-law;
 - (e) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, shall not afford reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the operation of the business in accordance with the law or with honesty or integrity;
 - (f) the premises in which the business is located shall be in accordance with the requirements of the *Building Code Act* and its Regulations, the *Fire Protection and Prevention Act, 1997* and its Regulations, and the City's Property Standards By-law CP-16, or any successor legislation or by-laws;
 - (g) where the premises in which the business is located is altered and a building permit is required to carry out the alterations, the business premises, as altered, shall be in accordance with the *Building Code Act* and its Regulations, the *Fire Protection and Prevention Act, 1997* and its Regulations, and the City's Property Standards By-law CP-16, or any successor legislation or by-laws;
 - (h) the use of the premises in which the business is located is permitted or conforms with the uses permitted under the applicable zoning by-law or is a legal non-conforming use;

- (i) the operation of the business licensed under this By-law shall comply with all federal and provincial laws and City by-laws;
 - (j) the Applicant or Licensee shall have a contractual or proprietary interest in the lands and premises upon which the business is to be operated which will enable the Applicant or Licensee to carry on the business;
 - (k) the Applicant or Licensee shall meet all of the requirements of this By-law.
- 7.3 A licence issued under this By-law shall be valid only for the period of time for which it is issued. Unless expressly stated on the face of the licence, all licences issued under this By-law shall expire annually on January 31 at 11:59 pm. An Application for a renewal shall be delivered to the Licence Manager on or before the expiry date of the licence being renewed.
- 7.4 The issuance of a licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the City for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any by-law of the City.
- 7.5 Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and the premises or of the person named on it and for the business stated on it. A separate licence shall be required for each business location.
- 7.6 No licence issued under this By-law may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with.
- 7.7 The Licensee shall notify the Licence Manager of any change in their name, business or home address or any other information relating to their licence within fifteen (15) days after such change and if necessary, as determined by the Licence Manager, shall immediately return their Licence to the Licence Manager for amendment.
- 7.8 Where the Licensee is a corporation, the Licensee shall notify the Licence Manager of any changes in the names or addresses of officers or directors, the location of the corporate head office, in the ownership of shares or any other information relating to the corporation's licence within fifteen (15) days after such change and if necessary, as determined by the Licence Manager, shall immediately return their licence to the Licence Manager for amendment.
- 7.9 Where the Licensee is a partnership, the Licensee shall notify the Licence Manager of any changes in the names or addresses of the partners, the composition of the partnership, the address for the partnership or any other information relating the partnership's licence within fifteen days after such change and if necessary, as determined by the Licence Manager, shall immediately return their Licence to the Licence Manager for amendment.

PART 8 - POWERS OF THE LICENCE MANAGER

- 8.1 The power and authority to issue or renew a licence, refuse to issue or refuse to renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions, on a licence, are delegated to the Licence Manager.
- 8.2 The Licence Manager shall issue a licence or renew a licence where the requirements or conditions of this By-law have been met.
- 8.3 The Licence Manager may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds:
- (a) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the operation of the business in accordance with the law or with honesty or integrity;
 - (b) an Applicant or Licensee is carrying on activities that are in contravention of this By-law;
 - (c) there are reasonable grounds to believe that an application or other documents provided to the Licence Manager by or on behalf of the Applicant or a Licensee contains a false statement;
 - (d) any information contained in the original application form or any other information provided to the Licence Manager, has ceased to be accurate and the Licensee has not provided up-to-date accurate information to allow the Licence Manager to conclude that the licence should continue;
 - (e) an Applicant does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a licence;
 - (f) an Applicant or Licensee is not in compliance with any federal, provincial law or City by-law, including this By-law; or
 - (g) the Applicant or Licensee has been convicted of a criminal offence for which, in the opinion of the Licence Manager, it would not be in the interest of public safety to issue or maintain such a licence.

- 8.4 Notwithstanding any other provision of this By-law, the Licence Manager may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the Licence Manager to give effect to this By-law.
- 8.5 Where the Licence Manager is of the opinion that:
- (a) an application for a licence or renewal of a licence should be refused;
 - (b) a reinstatement should not be made;
 - (c) a licence should be revoked;
 - (d) a licence should be suspended, or,
 - (e) a term or condition of a licence should be imposed;
- the Licence Manager shall make that decision.
- 8.6 Where the Licence Manager has made a decision under section 8.5 of this By-law, the Licence Manager's written notice of that decision shall be given to the Applicant or the Licensee by regular mail to the last known address of that person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the address of the corporation's registered head office.
- 8.7 The written notice to be given under section 8.6 shall:
- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Licence Manager; and,
 - (d) state that the Applicant or Licensee is entitled to a hearing by the Hearings Officer if the Applicant or Licensee delivers a notice of appeal to the City Clerk, within twenty (20) days after the notice in section 8.6 is served, and the appeal fee as set out in Schedule 1 of this By-law.
- 8.8 Where no appeal is registered within the required time period, the decision of the Licence Manager shall be final.
- 8.9 Despite section 8.6 where a licence is voluntarily surrendered by the Licensee for revocation, the Licence Manager may revoke the licence without notice to the Licensee.
- 8.10 In addition to any other power, duty or function prescribed in this By-law or any Schedule to this By-law, the Licence Manager may make regulations under this By-law including:
- (a) prescribing the format and content of any forms or other documents required under this By-law;
 - (b) prescribing the form of and minimum requirements for criminal record checks and insurance policies as applicable; and
 - (c) prescribing criteria for any requirements or approvals not otherwise specified.
- 8.11 The City Clerk shall maintain a record of all regulations prescribed by the Licence Manager under this By-law and any Schedule under this By-law. The record of all regulations shall be available for public inspection at the office of the Licence Manager and the office of the City Clerk during normal business hours.

PART 9 - HEARINGS BEFORE THE HEARINGS OFFICER

- 9.1 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Hearings Officer.
- 9.2 The provisions of the City's Hearings Officer By-law A.-6653-121, as amended and any successor by-law, apply to all hearings conducted by the Hearings Officer.
- 9.3 The Hearings Officer may uphold or vary the decision of the Licence Manager or make any decision that the Licence Manager was entitled to make in the first instance.
- 9.4 The decision of the Hearings Officer is final.

PART 10 - FEES

- 10.1 All licence fees related to this By-law shall be in accordance with Schedule 1 of this By-law and shall be paid as required by this By-law.
- 10.2 Despite section 10.1, the Licence Manager may reduce a licence fee set out in Schedule 1 by an amount up to 50 percent where the Applicant or Licensee is a charitable organization that is registered as such under the *Income Tax Act*, R.S.C. as amended.
- 10.3 All inspection fees related to this By-law shall be paid in accordance with the applicable fees and charges by-law, as may be passed and amended by the Council from time to time.

10.4 All fees related to this By-law and inspection fees related to this By-law shall be non-refundable.

PART 11 - ENFORCEMENT

11.1 This By-law may be enforced by an Enforcement Officer.

PART 12 - PENALTIES

12.1 Any person who contravenes any provision of this By-law is guilty of an offence.

12.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.

12.3 A person convicted under this By-law is liable to a minimum fine of \$500.00 and a maximum fine of \$25,000.00 upon a first conviction and a maximum fine of \$50,000.00 for any subsequent conviction.

12.4 Despite subsection 12.3, where the person convicted is a corporation, the corporation is liable to a minimum fine of \$500.00 and a maximum fine of \$50,000.00 upon a first conviction and a maximum fine of \$100,000.00 for any subsequent conviction.

12.5 In addition to the fine amounts set out in subsections 12.3 and 12.4 above, for each day or part of a day that an offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all daily fines for the offence is not limited to \$100,000.00.

12.6 If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,

- (a) prohibiting the continuation or repetition of the offence by the person convicted; and,
- (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

PART 13 - GENERAL

13.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

13.2 If there is a conflict between a provision of this By-law and a provision of any other City by-law, then the more restrictive provision shall apply.

PART 14 - MISCELLANEOUS

14.1 The Business Licensing By-law L-6 and all of its amendments are hereby repealed.

14.2 The Mobile Sign Business Licensing By-law L.-128-117 and all of its amendments are hereby repealed.

14.3 Any new licence issued during the period from January 1, 2018 to April 2, 2018 for the 2018 licence year under the provisions of the Business Licensing By-law L-6 shall be deemed to have been issued under this By-law and will be valid until such licence is revoked, surrendered or until it expires on January 31, 2019.

14.4 Any new licence issued during the period from January 1, 2018 to April 2, 2018 for the 2018 licence year under the provisions of the Mobile Sign Business Licensing By-law L.-128-117 shall be deemed to have been issued under this By-law and will be valid until such Licence is revoked, surrendered or until it expires on January 31, 2019.

14.5 Any by-law number of the predecessor by-laws to this By-law that appears on an existing sign that was required to be posted in accordance with the provisions of the said predecessor by-laws is to be read and construed as having the same force, effect and validity as does the by-law number assigned to this By-law.

14.6 This By-law shall come into force and effect on April 3, 2018.

14.7 This By-law may be referred to as the Business Licensing By-law.

Passed in Open Council on [date]

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading:
Second reading:
Third reading:

**SCHEDULE 1
BUSINESS LICENCE FEES**

| CATEGORY | FEE* |
|---|---------------------------------------|
| ADULT ENTERTAINMENT BODY-RUB PARLOUR OWNER | \$ 3,174.00 |
| ADULT ENTERTAINMENT BODY-RUB PARLOUR OPERATOR | \$ 130.00 |
| ADULT LIVE ENTERTAINMENT PARLOUR OWNER | \$ 4,071.00 |
| ADULT LIVE ENTERTAINMENT PARLOUR OPERATOR | \$ 130.00 |
| AUTOMOTIVE SERVICE BUSINESS | \$ 211.00 |
| COMMERCIAL PARKING FACILITY | \$ 233.00 |
| CONTRACTOR BUSINESS | \$ 158.00 |
| DONATION BIN BUSINESS | \$ 70.00 PLUS STICKER FEE \$ 25.00 |
| DOOR TO DOOR SALES | \$ 180.00 |
| ELECTRONIC CIGARETTE RETAIL BUSINESS | \$ 277.00 |
| FOOD PREMISE | \$ 211.00 |
| LODGING HOUSE | \$ 519.00 |
| MOTOR VEHICLE STORAGE BUSINESS | \$ 321.00 |
| PAYDAY LOAN BUSINESS | \$ 400.00 |
| PERSONAL SERVICES BUSINESS | \$ 189.00 |
| PET SHOP | \$ 189.00 |
| PUBLIC HALL | \$ 101.00 |
| REFRESHMENT VEHICLE CLASS 1 | \$ 180.00 |
| REFRESHMENT VEHICLE CLASS 2 | \$ 180.00 |
| REFRESHMENT VEHICLE CLASS 3 | \$ 510.00 |
| SALVAGE YARD | \$ 321.00 |
| SEASONAL SALES BUSINESS 1-3 MONTHS | \$ 445.00 |
| SEASONAL SALES BUSINESS 7 DAYS | \$ 555.00 |
| SECOND-HAND GOODS BUSINESS | \$ 321.00 |
| TOBACCO RETAIL BUSINESS | \$ 277.00 |
| TOWING BUSINESS | \$ 321.00 |
| APPEAL TO HEARINGS OFFICER | \$ 100.00 |

**SCHEDULE 2
ADULT ENTERTAINMENT BODY-RUB PARLOUR**

1.0 Definitions

1.1 In this Schedule:

“Adult Entertainment Body-Rub Parlour” means any premises or part thereof in which, in pursuance of a business, a Body-Rub designed to appeal to erotic or sexual appetites or inclinations is Provided, or solicited; but does not include any premises or part thereof where a Body-Rub is Provided for the purpose of medical or therapeutic treatment and is Provided by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;

“Attendant” means a person who Provides a Body-Rub;

“Body-Rub” includes the kneading, manipulating, rubbing, massaging, or touching by any means, of a person’s body or part of a person’s body;

“Body-Rub designed to appeal to erotic or sexual appetites or inclinations” includes but is not limited to:

- (a) a Body-Rub of which a principal feature or characteristic is the nudity or partial nudity of an Attendant; or
- (b) a Body-Rub advertised by any means as “sensual”, “sexy” or by any other word or any depiction having like meaning or implication;

“Operator” means a person who, alone or with others, operates, manages, supervises, runs or controls an Adult Entertainment Body-Rub Parlour, and “operates” has a corresponding meaning;

“Owner” means a person who, alone or with others, has the right to possess or occupy or actually does possess or occupy an Adult Entertainment Body-Rub Parlour and includes a lessee of an Adult Entertainment Body-Rub Parlour or of premises in which an Adult Entertainment Body-Rub Parlour is located; and

“Provide” when used in relation to services in an Adult Entertainment Body-Rub Parlour, includes to furnish, perform, give or offer such services, and “providing” and “provision” have corresponding meanings.

2.0 LICENCE CATEGORIES:

2.1 The following categories of licences are established:

- (a) Adult Entertainment Body-Rub Parlour Operator; and
- (b) Adult Entertainment Body-Rub Parlour Owner.

2.2 Every individual who is both the Owner and the Operator of an Adult Entertainment Body-Rub Parlour:

- (a) is required to be licensed as both an Owner and an Operator;
- (b) shall pay the fee in respect of each licence respectively;
- (c) shall be subject to the requirements and other provisions of this By-law in respect of their status as both an Owner and an Operator, and shall comply with all of the requirements of this By-law applicable to each.

2.3 No person other than an individual person may operate, or be licensed as an Operator of an Adult Entertainment Body-Rub Parlour.

2.4 Where a person owns more than one Adult Entertainment Body-Rub Parlour, a separate Owner licence is required for each Adult Entertainment Body-Rub Parlour. Every Owner licence for an Adult Entertainment Body-Rub Parlour shall have endorsed on its face by the Licence Manager the location of the premises to which it applies. The endorsement shall be for one location only and such licence shall be valid only for the location endorsed on it.

2.5 Where a person operates more than one Adult Entertainment Body-Rub Parlour, a separate Operator licence is not required for each location operated by them.

3.0 LIMITATION ON LOCATIONS

3.1 No person shall own or operate an Adult Entertainment Body-Rub Parlour except in a defined area or location shown on Schedule 2A of this By-law.

3.2 Not more than one Adult Entertainment Body-Rub Parlour licence shall be issued for any separate area or location shown on Schedule 2A of this By-law.

4.0 LIMITATION ON NUMBER OF LICENCES

- 4.1 Subject to section 4.2 the total number of Adult Entertainment Body-Rub Parlour Owner licences authorized under this By-law is limited to six (6), and not more than one (1) licence shall be issued with respect to each defined area or location shown on Schedule 2A of this By-law.
- 4.2 The total number of Adult Entertainment Body-Rub Parlour Owner licences shall be reduced as licences expire without renewal or as the Owner licences are otherwise surrendered or revoked until there are five (5) Adult Entertainment Body-Rub Parlour Owner licences.
- 4.3 Where the total number of Adult Entertainment Body-Rub Parlour Owner licences falls below the number five (5) by reason of the surrender or revocation of a licence, a licence may be issued to the first Applicant who makes application after the surrender or revocation and whose application complies with this By-law.
- 4.4 No person shall hold all of the Adult Entertainment Body-Rub Parlour Owner licences issued under this By-law.

5.0 APPLICATION FOR LICENCES AND RENEWALS

- 5.1 In addition to all of the requirements of Part 6 of this By-law, every application for an Adult Entertainment Body-Rub Parlour licence and renewal licence shall include the following:
- (a) in the case of an Owner licence, whether the Applicant is a sole proprietorship, partnership or corporation;
 - (b) where the Applicant is a sole proprietorship or partnership, the full name, street address, mailing address, occupation, date of birth and citizenship or immigration status of the individual comprising the sole proprietorship or of each individual who is a member of the partnership;
 - (c) in the case of an Owner licence, where the Applicant is a corporation or a partnership of which a member is a corporation, the date and jurisdiction of incorporation, and the full name, street address, mailing address, occupation, date of birth and citizenship or immigration status of each officer, director and shareholder of record, the total number of shares held by each shareholder, and the number of voting shares held by each shareholder;
 - (d) particulars of the nature of business or employment during the previous three (3) years of the individual who is the sole proprietor or of each member of the partnership or of each officer, director and shareholder of the corporation;
 - (e) the full name and address of any individual or corporation whose name is not otherwise disclosed and who has any financial interest beneficially in or otherwise exercises control or direction over the Applicant;
 - (f) the name under which the Adult Entertainment Body-Rub Parlour is to be operated;
 - (g) the street address at which the Adult Entertainment Body-Rub Parlour is to be operated;
 - (h) a Police Record Check for the Applicant, any partner if the Applicant is a partnership, or any officer, director or shareholder of the corporation if the Applicant is a corporation; dated within sixty (60) days of the application for a licence; and
 - (i) in the case of an Owner licence, a floor plan, drawn to scale, of the Adult Entertainment Body-Rub Parlour, confirmed by inspection by the Manager of Municipal Law Enforcement and approved by the Licence Manager, that clearly shows that the Adult Entertainment Body-Rub Parlour, including any common areas, is not more than 225m² in size.

6.0 POWERS OF THE LICENCE MANAGER

- 6.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:
- (a) prescribing operational standards for Adult Entertainment Body-Rub Parlours and holders of Adult Entertainment Body-Rub Parlour licences;
 - (b) prescribing hours of operation for Adult Entertainment Body-Rub Parlours;
 - (c) prescribing signage and advertising standards for Adult Entertainment Body-Rub Parlours required under subsection 8.1(e) of this Schedule including, without limitation, the manner, form, size, media and content; and
 - (d) prescribing the manner, form and content of records to be kept by Adult Entertainment Body-Rub Parlour Owners under subsection 8.1(f) of this Schedule.

7.0 PROHIBITIONS

- 7.1 No person shall own or operate an Adult Entertainment Body-Rub Parlour without a current valid licence issued under this By-law.
- 7.2 No Owner shall permit any person other than a licensed Operator to operate their Adult Entertainment Body-Rub Parlour.
- 7.3 No person shall operate an Adult Entertainment Body-Rub Parlour without the Owner holding an Adult Entertainment Body-Rub Parlour licence issued under this By-law.

- 7.4 No Owner or Operator of an Adult Entertainment Body-Rub Parlour shall permit or allow any person under the age of eighteen (18) to enter or remain in the Adult Entertainment Body-Rub Parlour they own or operate.
- 7.5 No Owner or Operator of an Adult Entertainment Body-Rub Parlour shall permit or allow any person under the age of eighteen (18) to Provide or offer to Provide a Body-Rub in the Adult Entertainment Body-Rub Parlour they own or operate.

8.0 REGULATIONS

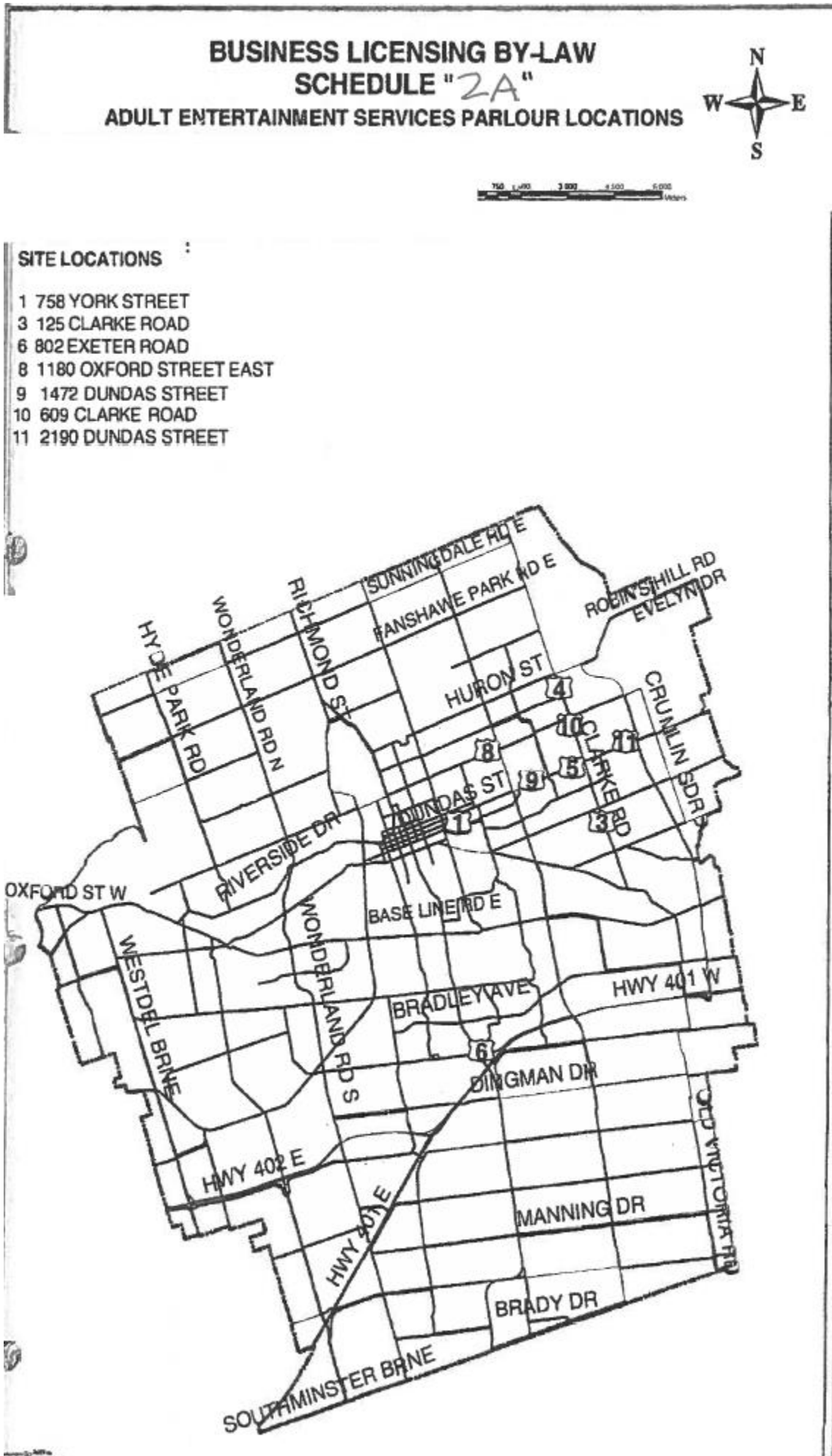
- 8.1 Every Owner of an Adult Entertainment Body-Rub Parlour shall:
- (a) ensure that at all times when the premises are open for business as an Adult Entertainment Body-Rub Parlour or when a Body-Rub is Provided in such premises that a licensed Operator attends on the premises at the request of an Enforcement Officer;
 - (b) post and keep posted at every entrance to their Adult Entertainment Body-Rub Parlour and in a prominent location inside such entrance, signs sufficient to indicate clearly to any person entering the premises or in the premises that no person under the age of eighteen (18) years is permitted to enter or remain in any such premises or part of it;
 - (c) comply with all of the operational standards for Adult Entertainment Body-Rub Parlours prescribed by the Licence Manager;
 - (d) comply with the hours of operation for Adult Entertainment Body-Rub Parlours prescribed by the Licence Manager;
 - (e) comply with all of the signage and advertising standards for Adult Entertainment Body-Rub Parlours prescribed by the Licence Manager;
 - (f) maintain a record of all Attendants for their Adult Entertainment Body-Rub Parlour as prescribed by the Licence Manager.
- 8.2 Every Owner and Operator of an Adult Entertainment Body-Rub Parlour shall ensure that:
- (a) no services are visible from outside the premises in which the Adult Entertainment Body-Rub Parlour is located;
 - (b) their Adult Entertainment Body-Rub Parlour, including any common areas, is not more than 225m² in size; and
 - (c) no changes to the premises as shown on the floor plan submitted under subsection 5.1(i) of this Schedule are made without obtaining the prior written approval from the Licence Manager.

9.0 LOCATION REQUIREMENTS

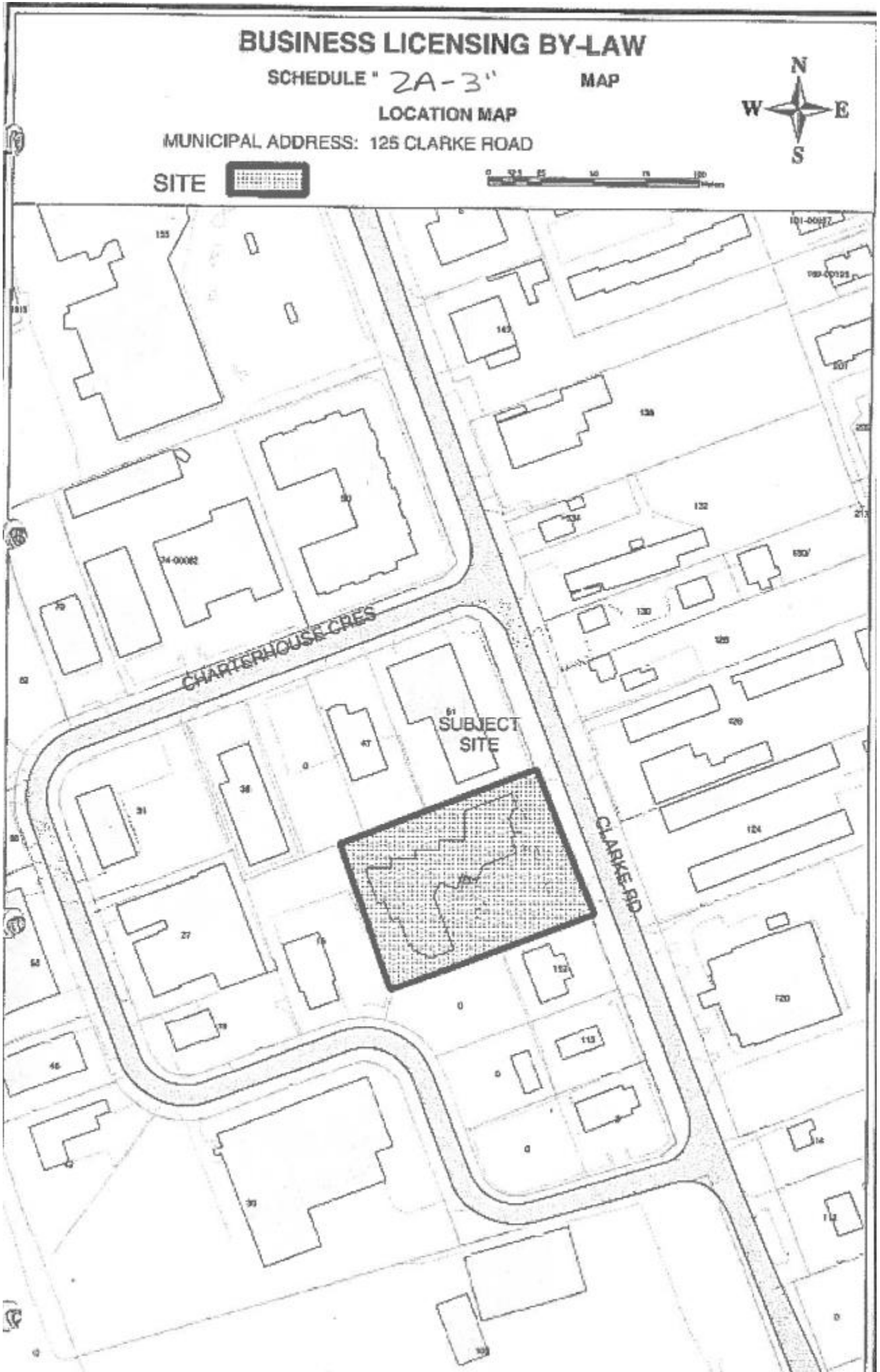
- 9.1 Council may, at any time, consider an application to amend Schedule 2A of this By-law to delete a location, to substitute a new location for an existing location, or to add a new location.
- 9.2(1) In addition to any other location and licensing requirements contained in this By-law in order for a licence to be issued, any new location for an Adult Entertainment Body-Rub Parlour must conform to the following criteria:
- (a) An Adult Entertainment Body-Rub Parlour shall not be located on lands according to the City of London's Zoning By-law Z-1 or any successor by-law which are exclusively zoned Residential or lands zoned Residential in combination with a compound zone;
 - (b) An Adult Entertainment Body-Rub Parlour shall not be located within 100 metres of lands according to the City of London's Zoning By-law Z-1 or any successor by-law which are exclusively zoned Residential or lands zoned Residential in combination with a compound zone;
 - (c) An Adult Entertainment Body-Rub Parlour shall not be located within 100 metres of the premises of a school, a day-care centre or a place of worship, existing on the date of the request for an amendment to Schedule 2A of this By-law;
- 9.2(2) The separation distance as prescribed in subsections 9.2(1)(b) and 9.2(1)(c) of this Schedule shall be measured in a straight line in any direction from any point on a property line of the lot containing the Adult Entertainment Body-Rub Parlour to the nearest point on a property line of: lands exclusively zoned Residential; lands zoned Residential in combination with a compound zone; the premises of a school; the premises of a day-care centre; or, the premises of a place of worship.
- 9.3 Any request under section 9.1 of this Schedule shall be made to the Licence Manager and shall be accompanied by a fully completed application for the issuance of an Adult Entertainment Body-Rub Parlour Owner licence.
- 9.4 The Licence Manager shall give notice by personal service or prepaid first class mail to every owner of land within 120 meters of the proposed new location who may submit comments and recommendations to the Licence Manager in respect of the request within such time, which shall be within (30) days of the notice by the Licence Manager of the request, as the Licence Manager may specify in the notice.

- 9.5 The comments and recommendations received by the Licence Manager in response to the notice in section 9.4 of this Schedule together with any additional information that the Licence Manager considers necessary shall be submitted to the Community and Protective Services Committee.
- 9.6 Before an amendment to Schedule 2A of this By-law is passed, the Community and Protective Services Committee shall hold at least one meeting that is open to the public for the purpose of affording an opportunity to the requester and any other person who attends the meeting to make submissions in respect of the request.
- 9.7 The Community and Protective Services Committee shall recommend to the Council whether or not to make an amendment to Schedule 2A of this By-law. City Council shall make the final decision whether or not to amend Schedule 2A of this By-law.

**SCHEDULE 2A
ADULT ENTERTAINMENT BODY-RUB PARLOUR LOCATIONS**







BUSINESS LICENSING BY-LAW

SCHEDULE "2A-6" MAP

LOCATION MAP

MUNICIPAL ADDRESS: 802 EXETER ROAD



SITE



BUSINESS LICENSING BY-LAW

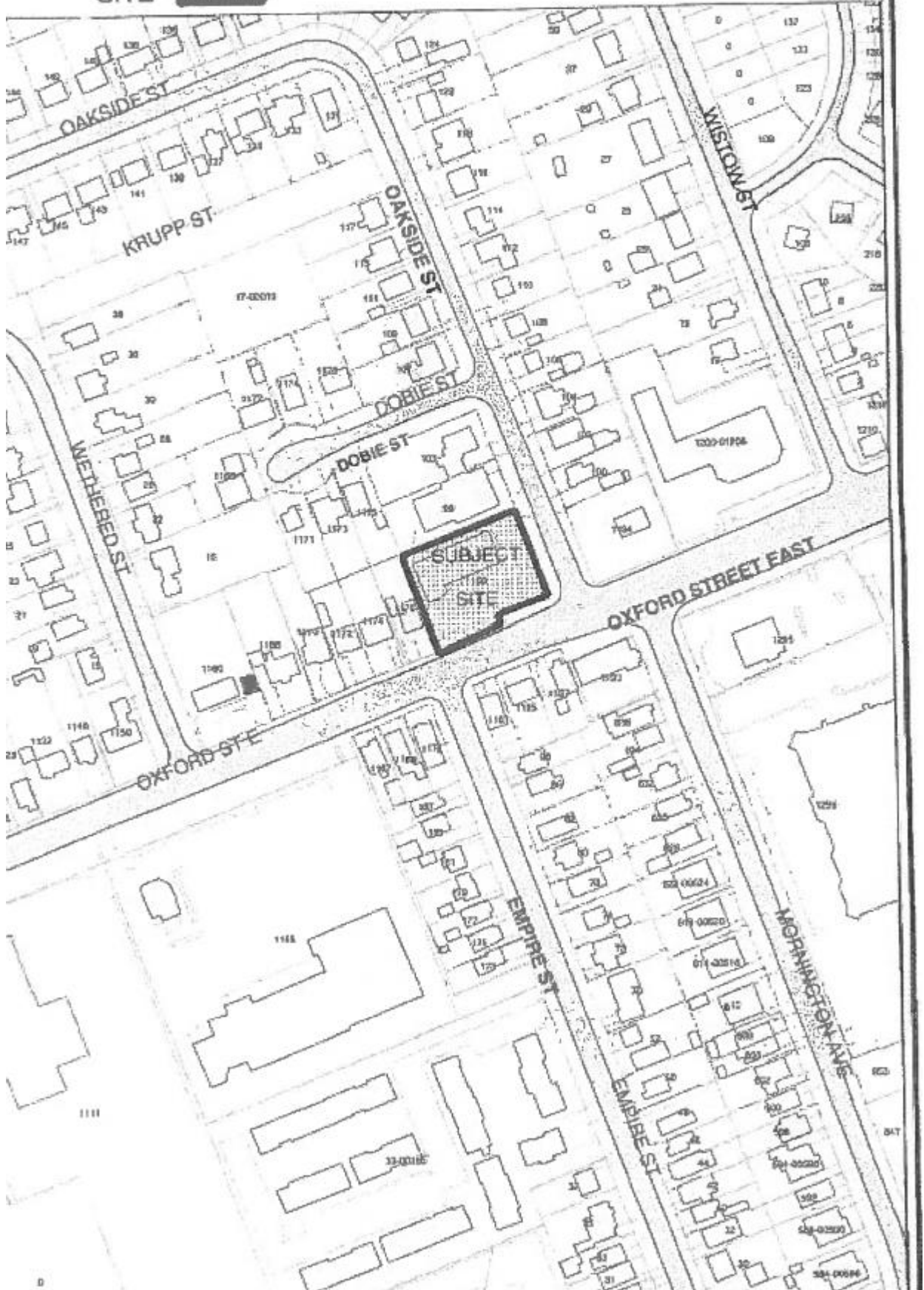
SCHEDULE "2A-8" MAP

LOCATION MAP

MUNICIPAL ADDRESS: 1180 OXFORD STREET EAST



SITE





BUSINESS LICENSING BY-LAW

SCHEDULE "2A-10"

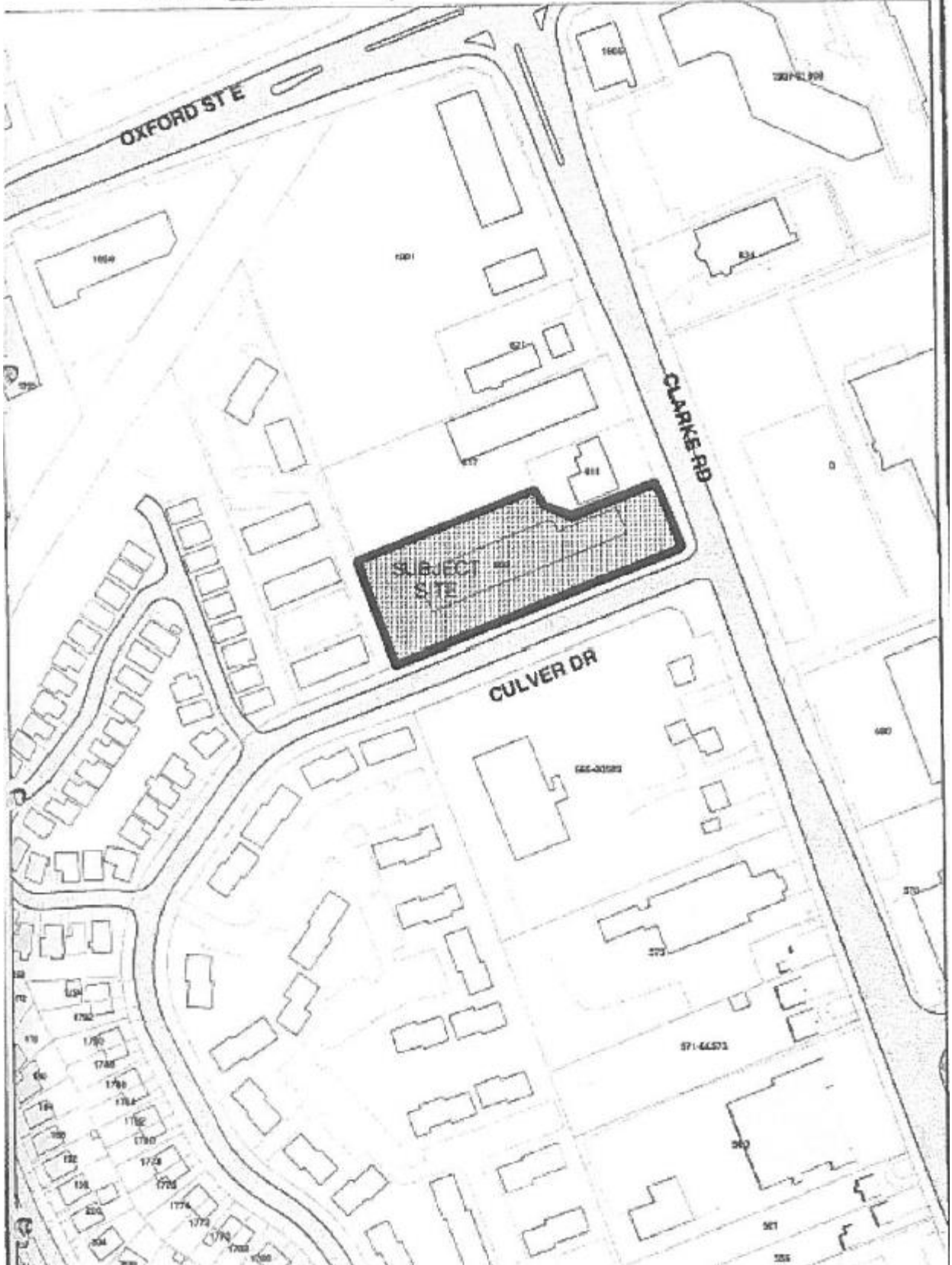
MAP

LOCATION MAP

MUNICIPAL ADDRESS: 609 CLARKE ROAD



SITE 



**SCHEDULE 3
ADULT LIVE ENTERTAINMENT PARLOUR**

1.0 DEFINITIONS

1.1 In this Schedule:

“**Adult Live Entertainment Parlour**” means any premises or part thereof in which, in pursuance of a business, a live performance appealing to or designed to appeal to erotic or sexual appetites or inclinations is provided;

“**Attendant**” means any person, other than a licensed Owner or Operator, who provides services designed to appeal to erotic or sexual appetites or inclinations at an Adult Live Entertainment Parlour and shall include an entertainer;

“**Entertainment Area**” means the entertainment areas shown on the floor plan approved by the Licence Manager under subsection 5.1(i) of this Schedule;

“**entertainment**” means any dance, exhibition, concert, show, variety programme, motion picture showing, public luncheon or dinner, game or sporting contest;

“**live performance**” means any performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations:

- (a) of which a principal feature or characteristic is the nudity or partial nudity of any person; or
- (b) in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any picture, symbol or representation having like meaning or implication is used in any sign, advertisement or advertising device; and

without restricting the generality of the foregoing, includes any performance, exhibition or activity involving striptease dancers, exotic dancers and table dancers;

“**Operator**” means a person who, alone or with others, operates, manages, supervises, runs or controls an Adult Live Entertainment Parlour, and “operates” has a corresponding meaning;

“**Owner**” means a person who, alone or with others, has the right to possess or occupy or actually does possess or occupy an Adult Live Entertainment Parlour and includes a lessee of an Adult Live Entertainment Parlour or of premises in which an Adult Live Entertainment Parlour is located; and

2.0 LICENCE CATEGORIES:

2.1 The following categories of licences are established:

- (a) Adult Live Entertainment Parlour Operator; and
- (b) Adult Live Entertainment Parlour Owner.

2.2 Every individual who is both the Owner and the Operator of an Adult Live Entertainment Parlour shall:

- (a) be required to be licensed as both an Owner and an Operator;
- (b) pay the fee in respect of each licence respectively; and
- (c) be subject to the requirements and other provisions of this By-law in respect of their status as both an Owner and an Operator, and shall comply with all of the requirements of this By-law applicable to each.

2.3 No person, other than an individual person, may operate or be licensed as an Operator of an Adult Live Entertainment Parlour.

2.4 Where a person owns more than one Adult Live Entertainment Parlour, a separate Owner licence is required for each Adult Live Entertainment Parlour. Every Owner licence for an Adult Live Entertainment Parlour shall have endorsed on its face by the Licence Manager the location of the premises to which it applies. The endorsement shall be for one location only and such licence shall be valid only for the location endorsed thereon.

2.5 Where a person operates more than one Adult Live Entertainment Parlour, a separate Operator licence is not required for each location operated by them.

3.0 LIMITATION ON LOCATIONS

3.1 No person shall own or operate an Adult Live Entertainment Parlour except in a defined area or location shown on Schedule 3A of this By-law.

3.2 Not more than one (1) Adult Live Entertainment Parlour Owner Licence shall be issued for any separate defined area or location shown on Schedule 3A of this By-law.

4.0 LIMITATION ON NUMBER OF LICENCES

- 4.1 The total number of Adult Live Entertainment Parlour Owner licences authorized under this By-law is limited at any time to four (4) licences, and not more than one (1) licence shall be issued with respect to each defined area or location shown on Schedule 3A of this By-law.
- 4.2 No person shall hold all of the Adult Live Entertainment Parlour Owner licences issued under this By-law.

5.0 APPLICATION FOR LICENCES AND RENEWALS

- 5.1 In addition to all of the requirements set out in Part 6 of this By-law, every application for an Adult Live Entertainment Parlour licence and renewal licence shall include the following:
- (a) in the case of an Owner licence, whether the Applicant is a sole proprietorship, partnership or corporation;
 - (b) where the Applicant is a sole proprietorship or partnership, the full name, street address, mailing address, occupation, date of birth and citizenship or immigration status of the individual comprising the sole proprietorship or of each individual who is a member of the partnership;
 - (c) in the case of an Owner licence, where the Applicant is a corporation or a partnership of which a member is a corporation, the date and jurisdiction of incorporation, and the full name, street address, mailing address, occupation, date of birth and citizenship or immigration status of each officer, director and shareholder of record, the total number of shares held by each shareholder, and the number of voting shares held by each shareholder;
 - (d) particulars of the nature of business or employment during the previous three (3) years of the individual who is the sole proprietor or of each member of the partnership or of each officer, director and shareholder of the corporation;
 - (e) the full name and address of any individual or corporation whose name is not otherwise disclosed and who has any financial interest beneficially in or otherwise exercises control or direction over the Applicant;
 - (f) the name under which the Adult Live Entertainment Parlour is to be operated;
 - (g) the street address at which the Adult Live Entertainment Parlour is to be operated;
 - (h) a Police Record Check for the Applicant, any partner if the Applicant is a partnership, or any officer, director or shareholder of the corporation if the Applicant is a corporation; dated within sixty (60) days of the application for a licence;
 - (i) in the case of an application for an Adult Live Entertainment Parlour Owner licence, a floor plan, drawn to scale, of the Adult Live Entertainment Parlour, confirmed by inspection by the Manager of Municipal Law Enforcement and approved by the Licence Manager, that clearly shows no more than two (2) designated Entertainment Areas, the patron area or areas and all walls, curtains or other enclosures; and
 - (j) in the case of an application for an Adult Live Entertainment Parlour Owner licence, the class of any licence issued in respect of the premises under the *Liquor Licence Act* and particulars of any special terms and conditions attached thereto.

6.0 POWERS OF THE LICENCE MANAGER

- 6.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:
- (a) prescribing signage and advertising standards for Adult Live Entertainment Parlours required under subsection 8.1(c) of this Schedule including without limitation to, manner, form, size, media and content; and
 - (b) prescribing the manner, form and content of records required to be kept by an Adult Live Entertainment Parlour Owner under subsection 8.1(d) of this Schedule.

7.0 PROHIBITIONS

- 7.1 No person shall own or operate an Adult Live Entertainment Parlour without a current valid licence issued under this By-law.
- 7.2 No Owner shall permit any person other than a licensed Operator to operate their Adult Live Entertainment Parlour.
- 7.3 No person shall operate an Adult Live Entertainment Parlour without the Owner holding an Adult Live Entertainment Parlour Owner licence issued under this By-law.
- 7.4 No Owner or Operator of an Adult Live Entertainment Parlour shall permit or allow any person under the age of eighteen (18) to enter or remain in the Adult Live Entertainment Parlour they own or operate.
- 7.5 No Owner or Operator of an Adult Live Entertainment Parlour shall permit or allow any person under the age of eighteen (18) to provide any services or act as an Attendant in the Adult Live Entertainment Parlour they own or operate.

7.6 No Owner or Operator of an Adult Live Entertainment Parlour shall permit or allow any Attendant while they are performing services as an Attendant to touch or be touched by or to have physical contact with any person in any manner whatsoever involving any part of either person's body.

7.7 No Attendant shall, while providing services in an Adult Live Entertainment Parlour, touch or have physical contact with any other person in any manner whatsoever involving any part of that person's body.

8.0 REGULATIONS

8.1 Every Owner of an Adult Live Entertainment Parlour shall:

- (a) ensure that at all times when the premises are open for business as an Adult Live Entertainment Parlour or when any services are provided in such premises that a licensed Operator attends on the premises at the request of an Enforcement Officer;
- (b) post and keep posted at every entrance to their Adult Live Entertainment Parlour and in a prominent location inside such entrance, signs sufficient to indicate clearly to any person entering the premises or in the premises that no person under the age of eighteen (18) years is permitted to enter or remain in the premises or part thereof;
- (c) comply with all of the signage and advertising standards for Adult Live Entertainment Parlours prescribed by the Licence Manager;
- (d) maintain a record of all Attendants for their Adult Live Entertainment Parlour as prescribed by the Licence Manager.

8.2 Every Owner and Operator of an Adult Live Entertainment Parlour shall ensure that:

- (a) no services are visible from outside the premises in which the Adult Live Entertainment Parlour is located;
- (b) all services provided by an Attendant are within the unobstructed and unobscured view of an Entertainment Area;
- (c) their Adult Live Entertainment Parlour is operated in accordance with the floor plan approved by the Licence Manager under section 5.1(i) of this Schedule;
- (d) no changes to the floor plan required under section 5.1(i) of this Schedule are made without obtaining the prior written approval from the Licence Manager.

9.0 LOCATION REQUIREMENTS

9.1 Council may, at any time, consider an application to amend Schedule 3A of this By-law to delete a location, to substitute a new location for an existing location, or to add a new location.

9.2(1) In addition to any other location and licensing requirements contained in this By-law in order for a licence to be issued, any new location for an Adult Live Entertainment Parlour must conform to the following criteria:

- (a) An Adult Live Entertainment Parlour shall not be located on lands according to the City of London's Zoning By-law Z-1 or any successor by-law which are exclusively zoned Residential or lands zoned Residential in combination with a compound zone;
- (b) An Adult Live Entertainment Parlour shall not be located within 100 metres of lands according to the City of London's Zoning By-law Z-1 or any successor by-law which are exclusively zoned Residential or lands zoned Residential in combination with a compound zone;
- (c) An Adult Live Entertainment Parlour shall not be located within 100 metres of the premises of a school, a day-care centre or a place of worship, existing on the date of the request for an amendment to Schedule 3A of this By-law;

9.2(2) The separation distance as prescribed in subsections 9.2(1)(b) and 9.2(1)(c) of this Schedule shall be measured in a straight line in any direction from any point on a property line of the lot containing the Adult Live Entertainment Parlour to the nearest point on a property line of: lands exclusively zoned Residential; lands zoned Residential in combination with a compound zone; the premises of a school; the premises of a day-care centre; or, the premises of a place of worship.

9.3 Any request under section 9.1 of this Schedule shall be made to the Licence Manager and shall be accompanied by a fully completed application for the issuance of an Adult Live Entertainment Parlour Owner licence.

9.4 The Licence Manager shall give notice by personal service or prepaid first class mail to every owner of land within 120 meters of the proposed new location who may submit comments and recommendations to the Licence Manager in respect of the request within such time, which shall be within thirty (30) days of the notice by the Licence Manager of the request, as the Licence Manager may specify in the notice.

9.5 The comments and recommendations received by the Licence Manager in response to the notice in section 9.4 of this Schedule together with any additional information that the Licence

Manager considers necessary shall be submitted to the Community and Protective Services Committee.

- 9.6 Before an amendment to Schedule 3A of this By-law is passed, the Community and Protective Services Committee shall hold at least one meeting that is open to the public for the purpose of affording an opportunity to the requester and any other person who attends the meeting to make submissions in respect of the request.
- 9.7 The Community and Protective Services Committee shall recommend to the Council whether or not to make an amendment to Schedule 3A of this By-law. City Council shall make the final decision whether or not to amend Schedule 3A of this By-law.

**SCHEDULE 3A
ADULT LIVE ENTERTAINMENT PARLOUR LOCATIONS**

**BUSINESS LICENSING BY-LAW
SCHEDULE "3A"
ADULT ENTERTAINMENT PARLOUR LOCATIONS**

AREA LOCATIONS:

- 1 624 YORK STREET**
- 2 2190 DUNDAS STREET**
- 3 219-221 DUNDAS STREET**
- 4 2010 DUNDAS STREET**



**ADULT ENTERTAINMENT PARLOUR
LOCATIONS**




BUSINESS LICENSING BY-LAW
SCHEDULE "3A-1" MAP



LOCATION MAP

MUNICIPAL ADDRESS: 624 York Street

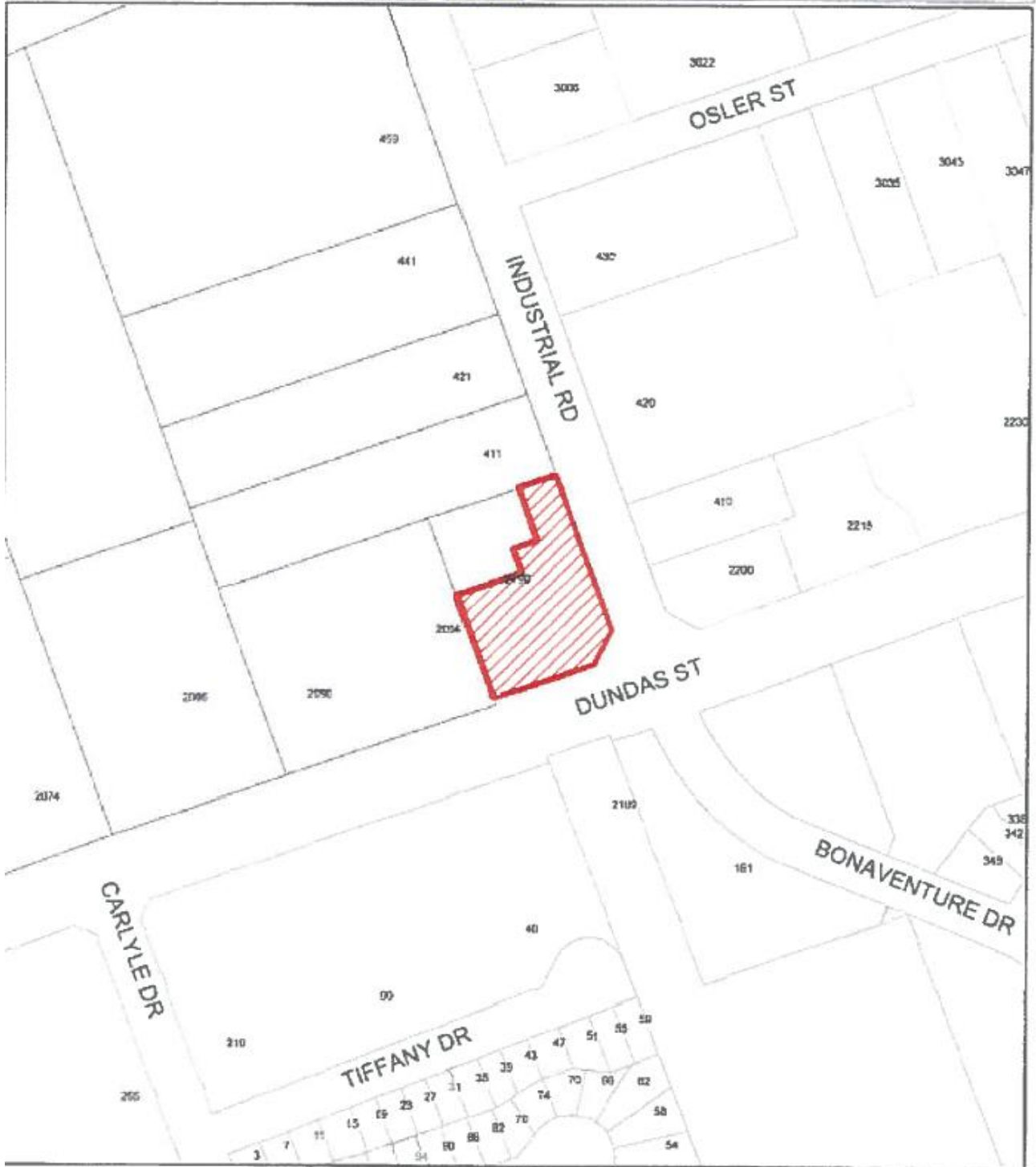
SUBJECT SITE 



Prepared on: 4 Feb 2004 by
Graphics & Information Services
Planning Division
Corporation of the City of London
Issued on March 2010 (Agri) yls
Map Date Updated: 05 May 2011
file=planning\maps\3a1_york_n_rtc\london.ca.ap.dimen\print\london\london

BUSINESS LICENSING BY-LAW

SCHEDULE "3A-2" - MAP



LOCATION MAP

MUNICIPAL ADDRESS: 2190 Dundas Street

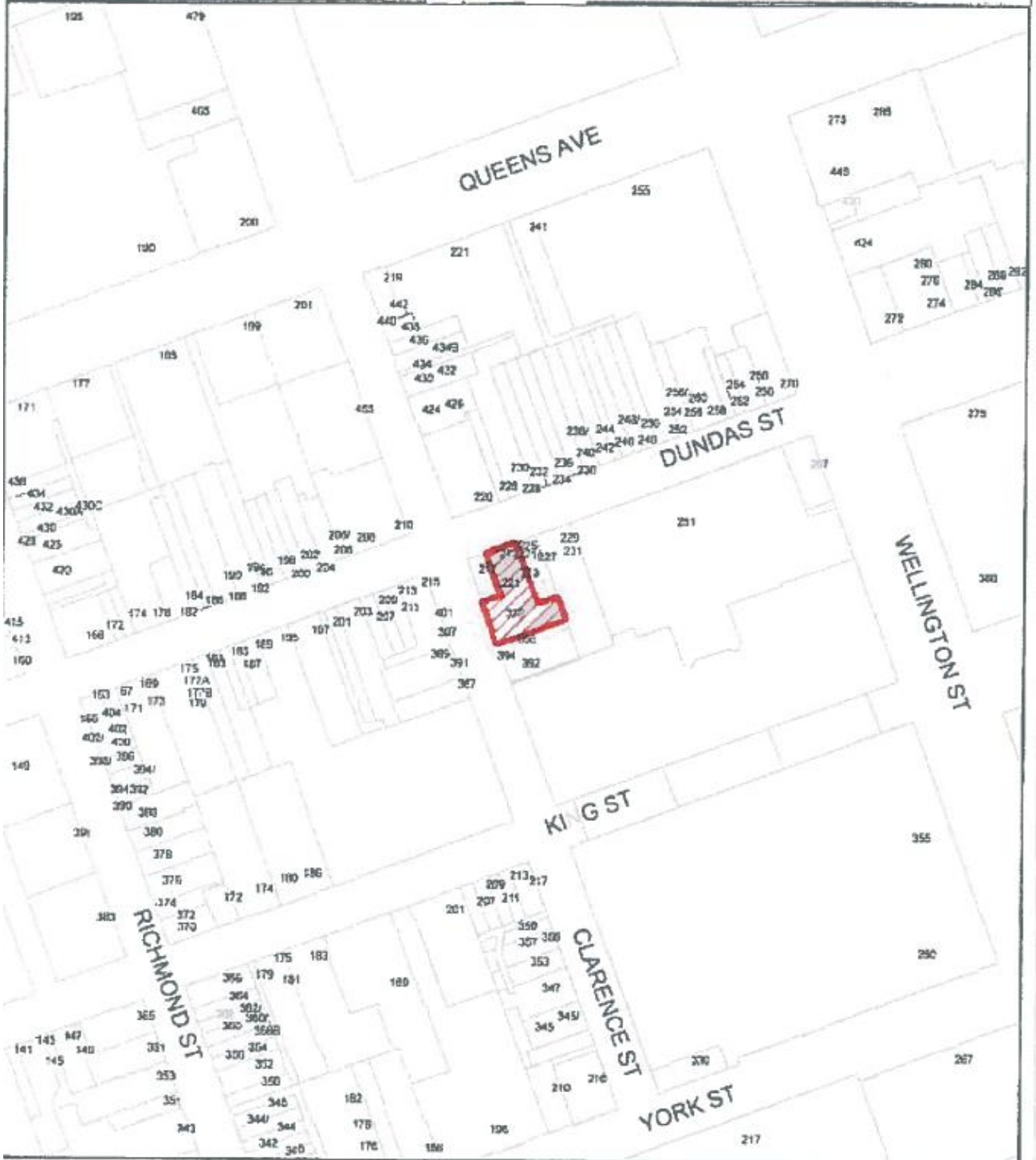
SUBJECT SITE 



Prepared on 4 Feb 2008 by
Graphics & Information Services
Planning Division
Corporation of the City of London
Issued on March 2010 Right to
Access Act Updated 2011 May 05
File: \\server\projects\bylaws_municipal\business_licensing\map\l1014\l1014.mxd

BUSINESS LICENSING BY-LAW

SCHEDULE "3A-3" - MAP



LOCATION MAP

MUNICIPAL ADDRESS: 219 - 221 Dundas Street

SUBJECT SITE 



Prepared on a Free PDS by
 Graphics & Information Services
 Planning Division
 Corporation of the City of London
 based on March 2010 Aerial File
 Map Date (Updated) 2011 May 05
 File: licensingproj0311_pylaw_3A-3/servecity.dwg/20110505/servecity.dwg

BUSINESS LICENSING BY-LAW

SCHEDULE "3A-4" - MAP



LOCATION MAP

MUNICIPAL ADDRESS: 2010 Dundas Street

SUBJECT SITE 



Prepared on 4 May 2011 by
 Graphics & Information Services
 Planning Division
 Corporation of the City of London
 Issued on April 2013 (Egis. e2a)
 MAP 382a Updated 3 May 2011
 City of London Information Services

**SCHEDULE 4
AUTOMOTIVE SERVICE BUSINESS**

1.0 DEFINITIONS

1.1 In this Schedule:

“Automotive Service Business” means a business that provides services involving motor vehicles including without limitation automobile body shops, motor vehicle repair garages, motor vehicle sales and/or service establishments, gas bars, automobile detailing, washing, window tinting, glass repair or electronic product installation and motor vehicle rental; and

“Motor Vehicle” means an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power.

2.0 PROHIBITIONS

2.1 No person shall operate an Automotive Service Business without holding a current valid licence issued under this By-law.

**SCHEDULE 5
COMMERCIAL PARKING FACILITY**

1.0 DEFINITIONS

1.1 In this Schedule:

“Commercial Parking Facility” means any parking lot, structure or building intended for the use by the public for parking motor vehicles for any fee but does not include a parking facility used exclusively for the parking of motor vehicles of customers, visitors, patrons, employees, students, clients, or patients of a business, educational facility, hospital, medical clinic or dental clinic.

2.0 POWERS OF THE LICENCE MANAGER

2.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

- (a) prescribing the manner, form, content and location of signage to be posted at the Commercial Parking Facility required under section 4.1 of this Schedule;
- (b) prescribing standards for the maintenance of the Commercial Parking Facility required under section 4.2 of this Schedule.

3.0 PROHIBITIONS

3.1 No person shall operate a Commercial Parking Facility without holding a current valid licence issued under this By-law.

4.0 REGULATIONS

4.1 Every holder of a Commercial Parking Facility licence shall post in their Commercial Parking Facility signage as prescribed by the Licence Manager.

4.2 Every holder of a Commercial Parking Facility licence shall maintain their Commercial Parking Facility in accordance with the standards prescribed by the Licence Manager.

SCHEDULE 6 CONTRACTOR BUSINESS

1.0 DEFINITIONS

1.1 In this Schedule:

“**Contractor Business**” means a Drainage Contractor, Driveway Contractor, Sign Contractor, Plumbing Contractor or a Pool Installer;

“**Drainage Contractor**” means a person engaged in the business of constructing, installing, repairing, cleaning or replacing drainage services;

“**Driveway Contractor**” means a person engaged in the act of laying asphalt, concrete, interlocking stone, or other similar material; sealing paved driveway surfaces; or maintenance or repair of existing driveways on privately owned property;

“**Pool Installer**” means a person engaged in the business of constructing or installing pools;

“**Plumbing Contractor**” means a person who, by themselves or their employees are engaged in the business of constructing, installing, repairing, cleaning or replacing of plumbing services;

“**read-o-graph mobile sign**” means a temporary sign designed to be readily moved from one location to another and which does not rely on a building or fixed foundation for its structural support in which the entire sign face is manual changing copy and includes a T-frame signs greater than 0.6m;

“**Sign Contractor**” means a person engaged in the business of installing read-o-graph mobile signs; and

“**T-frame sign**” means a temporary sign not anchored to the ground, where the sign structure resembles an inverted capital T and which is constructed in a manner, and of such materials, which permit it to be repositioned by an individual without mechanical aids.

2.0 APPLICATIONS FOR LICENCES AND RENEWAL

2.1 In addition to all of the requirements set out in Part 6 of this By-law, every application for a Contractor Business licence and renewal shall include proof of insurance in respect of the Contractor Business that:

- (a) is satisfactory to the Licence Manager;
- (b) includes commercial general liability in an amount not less than \$2,000,000; and
- (c) requires that the Licence Manager be notified within sixty (60) days of its expiry.

3.0 CONDITIONS TO HOLD A LICENCE

3.1 In addition to all of the requirements set out in this By-law, every holder of a Contractor licence is subject to the following conditions of obtaining and continuing to hold a licence:

- (a) maintain insurance as required under section 2.1 of this Schedule; and
- (b) file with the Licence Manager at least five (5) days prior to the expiry date of any current insurance policy an insurance renewal policy or certificate of insurance.

4.0 PROHIBITIONS

4.1 No person shall operate a Contractor Business without holding a current valid licence issued under this By-law.

**SCHEDULE 7
DONATION BIN BUSINESS**

1.0 DEFINITIONS

1.1 In this Schedule:

“Donation Bin Business” means a business that manages the distribution of one or more Donation Bins, including but not limited to the collection of contents, maintenance, and marketing of Donation Bins; and

“Donation Bin” means any receptacle used for the purpose of collecting items donated by the public including but not limited to clothing, shoes, books, toys, electronic products, and other household products.

2.0 APPLICATION FOR LICENCES AND RENEWALS

2.1 In addition to all of the licensing requirements set out in Part 6 of this By-law, every application for a Donation Bin Business licence and renewal shall include the following:

- (a) the Applicant or Licensee’s Canada Revenue Agency charitable registration number, if any;
- (b) a plan or drawing of the property satisfactory to the Licence Manager showing where the Donation Bin is to be located; and
- (c) written permission from the owner of every property on which a Donation Bin is to be located consenting to the placement of a Donation Bin on their property.

3.0 POWERS OF THE LICENCE MANAGER

3.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

- (a) prescribing operational standards for Donation Bins required to be complied with under subsection 5.2(a) including without limitation standards for maintenance of Donation Bins and where Donation Bins may be located on a property; and
- (b) prescribing the advertising and signage requirements for Donation Bins required under subsection 5.2(b) including without limitation the manner, form, media and content and information to be placed on Donation Bins.

4.0 PROHIBITIONS

4.1 No person shall operate a Donation Bin Business without holding a current valid licence issued under this By-law.

5.0 REGULATIONS

5.1 No holder of a Donation Bin Business licence shall:

- (a) place a Donation Bin on any property within the exclusive zone classes of low density residential or industrial according to the City’s Z-1 Zoning By-law or any successor by-law;
- (b) place a Donation Bin on any property without written authorization from the property owner;
- (c) place a Donation Bin in any location other than as shown in the plan or drawing provided to the Licence Manager under subsection 2.1(b) of this Schedule.

5.2 Every holder of a Donation Bin Business licence shall:

- (a) comply with all of the operational standards for Donation Bins prescribed by the Licence Manager;
- (b) comply with the advertising and signage requirements for Donation Bins prescribed by the Licence Manager.

**SCHEDULE 8
DOOR TO DOOR SALES**

1.0 DEFINITIONS

1.1 In this Schedule:

“**Door to Door Sales**” means to solicit, sell, offer or attempt to sell, take orders for or solicit orders for goods, services or any other thing on a door to door basis.

2.0 APPLICATION OF THIS SCHEDULE

2.1 This Schedule does not apply to Door to Door Sales conducted for fundraising activities associated with youth activities including sports, education and community service.

3.0 APPLICATIONS FOR LICENCES AND RENEWALS

3.1 In addition to all of the requirements set out in this By-law, every application or renewal for a Door to Door Sales licence shall include the following:

- (a) a Police Record Check for the Applicant, any partner if the Applicant is a partnership, or any officer and director of the corporation if the Applicant is a corporation dated no later than sixty (60) days prior to the application for a licence.

4.0 POWERS OF THE LICENCE MANAGER

4.1 In addition to the grounds set out in section 8.3 of this By-law, the Licence Manager may refuse to issue, refuse to renew or revoke or suspend a Door to Door Sales licence or impose a term or condition on a Door to Door Sales licence on the following grounds:

- (a) the Applicant or Licensee or any partner, officer or director of the Applicant or Licensee, or any person conducting Door to Door Sales on the Applicant’s or Licensee’s behalf has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against the Person and Reputation) or IX (Offences Against Property) of the Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended in the preceding five (5) years; or
- (b) the Applicant or Licensee or any partner, officer or director of the Applicant of Licensee or any person conducting Door to Door Sales on the Applicant’s of Licensee’s behalf, has been convicted of an indictable offence under any Statue of Canada, including but not limited to the Criminal Code of Canada, the Narcotic Control Act, the Food and Drug Act, and the Controlled Drug and Substances Act during the preceding five (5) years.

4.2 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule prescribing the form and content of the registry of all persons conducting Door to Door Sales on behalf of a Door to Door Sales licence holder as required under subsection 6.1(a) of this Schedule.

5.0 PROHIBITIONS

5.1 No person shall carry on business in whole or in part through Door to Door Sales without a current valid licence issued under this By-law.

6.0 REGULATIONS

6.1 Every holder of a Door to Door Sales Licence shall:

- (a) maintain an up-to-date registry of all persons conducting Door to Door sales on its behalf in the form and containing the content as prescribed by the Licence Manager;
- (b) produce the registry required under subsection 6.1(a) of this Schedule to the Licence Manager or an Enforcement Officer immediately upon their request;
- (c) obtain a Police Record Check for every person conducting Door to Door Sales on its behalf; and
- (d) produce a Police Record Check required under subsection 6.1(c) of this Schedule to the Licence Manager or an Enforcement Officer immediately upon their request.

SCHEDULE 9
ELECTRONIC CIGARETTE AND TOBACCO RETAIL BUSINESS

1.0 DEFINITIONS

1.1 In this Schedule:

“**electronic cigarette**” has the same meaning as in the *Electronic Cigarettes Act, 2015* S.O. 2015, c. 7 as amended or any successor legislation;

“**Electronic Cigarette Retail Business**” means any person engaged in the business of selling electronic cigarettes;

“**Tobacco Retail Business**” means any person engaged in the business of selling tobacco products; and

“**tobacco product**” means tobacco in any processed or unprocessed form that may be smoked, inhaled or chewed, including but not limited to snuff/dip, tobacco shisha, cigarillos, cigars, pipe tobacco and cigarettes, but does not apply to products intended for use in nicotine replacement therapy.

2.0 LICENCE CATEGORIES

2.1 The following categories of licences are established:

- (a) Electronic Cigarette Retail Business; and
- (b) Tobacco Retail Business.

3.0 PROHIBITIONS

3.1 No person shall operate an Electronic Cigarette Retail Business without holding a current valid licence issued under this By-law.

3.2 No person shall operate a Tobacco Retail Business without holding a current valid licence issued under this By-law.

**SCHEDULE 10
FOOD PREMISE**

1.0 DEFINITIONS

1.1 In this Schedule:

“Food Premise” means any place where food or drink, intended for human consumption is prepared for sale, offered for sale, stored or sold, for either immediate consumption within the premises or off the premises.

2.0 PROHIBITIONS

2.1 No person shall operate a Food Premise without holding a current valid licence issued under this By-law.

**SCHEDULE 11
LODGING HOUSE**

1.0 DEFINITIONS

1.1 In this Schedule:

"**Lodger**" shall mean any person who pays rent, fees or other valuable consideration to a Lodging House Keeper for living accommodations in which kitchen or washroom facilities are shared with other persons;

"**Lodging House**" shall mean:

- (a) a building in which residential accommodation is provided or is intended to be provided for hire or gain, and in which each Lodger does not have access to all of the habitable areas of the building consisting of:
 - (i) a dwelling unit together with more than three (3) Lodging Units, which Lodging Units individually or collectively do not constitute separate dwelling units; or
 - (ii) more than three (3) Lodging Units, which Lodging Units individually or collectively do not constitute a dwelling unit; or
- (b) a building in which lodging is provided for more than three (3) persons with or without meals; and includes a nursing home, a rooming house, a boarding house and a fraternity or sorority house but shall not include a hotel, motel, hostel, hospital or nursing home if licensed, approved or supervised under any general or special Act other than the *Municipal Act, 2001*, or a residence of an educational institution;

"**Lodging House Keeper**" includes the owner, landlord, lessee, tenant or occupant responsible for the granting of permission for the occupancy of a Lodging Unit and for the collection of the fees or rent payable by the Lodger; and

"**Lodging Unit**" shall mean a room with sleeping facilities, and may include either a washroom or cooking facilities, supplied to a Lodger or Lodgers, for hire or gain, for the use of such person or persons.

2.0 POWERS OF THE LICENCE MANAGER

2.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule prescribing the form and content of signs required to be displayed in a Lodging House under section 4.1 of this Schedule.

3.0 PROHIBITIONS

3.1 No person shall operate a Lodging House without holding a current valid licence issued under this By-law.

4.0 REGULATIONS

4.1 Every holder of a Lodging House licence shall prominently display in a location that is visible to a person immediately upon entering the Lodging House a sign in the form and containing the content as prescribed by the Licence Manager under section 2.1 of this Schedule with contact information to address any building or property maintenance and operational issues for the Lodging House.

**SCHEDULE 12
PAYDAY LOAN BUSINESS**

1.0 DEFINITIONS

1.1 In this Schedule:

“**borrower**” means a corporation, partnership, sole proprietor, association or other entity or individual that receives a payday loan or indicates an interest in receiving a payday loan;

“**payday loan**” means an advancement of money in exchange for a post-dated cheque, a pre-authorized debit or a future payment of a similar nature but not for any guarantee, overdraft protection or security on property and not through a margin loan, pawnbroking, a line of credit or a credit card; and

“**Payday Loan Business**” means a business that makes a payday loan to a borrower or that holds itself out as available to make such a loan; or assists a borrower in obtaining a payday loan or that holds itself out as available to provide such assistance.

2.0 POWERS OF THE LICENCE MANAGER

2.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

- (a) prescribing the form and content for signs providing information regarding interest required under subsection 4.1(a) of this Schedule; and
- (b) prescribing the form and content for information regarding money management support and debt counselling required under subsection 4.1(b) of this Schedule.

3.0 PROHIBITIONS

3.1 No person or entity shall operate a Payday Loan Business without holding a current valid licence issued under this By-law.

4.0 REGULATIONS

4.1 Every holder of a Payday Loan Business licence shall:

- (a) prominently display a sign providing information regarding the interest rates charged by it in the form and containing the content prescribed by the Licence Manager;
 - (i) in a location that is visible to a person immediately upon entering the premises; and
 - (ii) in all locations within the premises where transactions are negotiated;
- (b) ensure that each person that attends at their premises is given, immediately upon that person expressing interest in a payday loan, information regarding money management support and debt counselling, in the form and containing the content prescribed by the Licence Manager.

**SCHEDULE 13
PERSONAL SERVICES BUSINESS**

1.0 DEFINITIONS

1.1 In this Schedule”

"Personal Services Business" means a business where Personal Services are provided;

"Personal Services" means any service where substances, instruments, tools or other equipment are applied to any part of the human body for purposes of aesthetic, cosmetic or therapeutic treatment, where there is a risk of exposure to blood, including hairdressing and barbering, tattooing and body piercing, manicure/pedicure services, tanning, removing hair by electrolysis and removing hair by waxing; and

"tanning" means to provide for use of an area where ultra-violet or other light sources are used to radiate the skin in an attempt to produce changes in skin pigmentation.

2.0 APPLICATION OF THIS SCHEDULE

2.1 This Schedule does not apply to a person who provides medical or therapeutic treatment and is a member of a College of Health profession set out in Schedule 1 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended.

3.0 PROHIBITIONS

3.1 No person shall operate a Personal Services Business without holding a current valid licence issued under this By-law.

**SCHEDULE 14
PET SHOP**

1.0 DEFINITIONS

1.1 In this Schedule:

“Pet Shop” means a shop, place or premise, where animals for use as pets are displayed, sold or kept for sale; and

“Animal” means any member of the animal kingdom other than a human.

2.0 POWERS OF THE LICENCE MANAGER

2.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

- (a) prescribing the manner, form and content of records to be kept by a Pet Shop licence holder under section 4.4 of this Schedule;
- (b) prescribing animals or classes of animals that are permitted to be displayed, kept, sold or offered for sale in a Pet Shop;
- (c) prescribing the manner form and content of the list of animals or classes of animals prescribed under paragraph (b) that is required to be posted by a Pet Shop licence holder under section 4.3;
- (d) prescribing the information that a Pet Shop licence holder is required under section 4.6 to provide to a person who purchases, acquires or obtains an animal from the Pet Shop licence holder; and
- (e) prescribing a list of prescribed rescue groups for the purpose of section 4.1(d) of this Schedule.

3.0 PROHIBITIONS

3.1 No person shall operate a Pet Shop without holding a current valid licence issued under this By-law.

4.0 REGULATIONS

4.1 No holder of a Pet Shop licence shall acquire, display, keep, sell or offer for sale a dog or cat obtained from a source other than:

- (a) a municipal animal shelter;
- (b) a registered humane society;
- (c) a registered shelter; or
- (d) a rescue group prescribed by the Licence Manager.

4.2 Every holder of a Pet Shop licence shall post in a conspicuous place in their Pet Shop the list of animals or classes of animals prescribed by the Licence Manager that are permitted to be displayed, kept, sold or offered for sale in a Pet Shop.

4.3 No Pet Shop licence holder shall display, keep, sell, offer for sale or give to a person an animal that is not prescribed by the Licence Manager as permitted to be displayed, kept, sold or offered for sale in a Pet Shop.

4.4 Every Pet Shop licence holder shall maintain a record in the form and containing all of the information as prescribed by the Licence Manager relating to animals displayed, kept, acquired, offered for sale or sold by them.

4.5 No Pet Shop licence holder shall sell, offer for sale or give an animal to a person under the age of eighteen (18) years.

4.6 Every Pet Shop licence holder shall provide to a person who purchases or acquires an animal from them all of the information about the animal as prescribed by the Licence Manager.

**SCHEDULE 15
PUBLIC HALL****1.0 DEFINITIONS**

1.1 In this Schedule:

“**Public Hall**” means a building or part of a building, including a portable building or tent, with a seating capacity for over one hundred (100) persons, that is offered for use or used as a place of public assembly but does not include a theatre licensed under the *Film Classification Act, 2005*, S.O. 2005, c.17 or a building, except a tent, used solely for religious purposes.

2.0 APPLICATION OF THIS SCHEDULE

2.1 This Schedule does not apply to buildings used for religious gatherings.

3.0 PROHIBITIONS

3.1 No person shall operate a Public Hall without holding a current valid licence issued under this By-law.

SCHEDULE 16 REFRESHMENT VEHICLES

1.0 DEFINITIONS

1.1 In this Schedule:

“Refreshment Vehicle” shall mean any vehicle from which refreshments are sold for public consumption including carts, wagons, trailers and trucks, irrespective of the type of motor power employed to move the refreshment vehicle from one point to another; and

“Refreshment Vehicle Plate” means a vehicle licence identification issued to a Licensee under this Schedule corresponding to their Refreshment Vehicle licence.

2.0 LICENCE CATEGORIES

2.1 The following categories of licenses are established:

- (a) Class 1 - A motorized Refreshment Vehicle from which prepackaged food products are sold or offered for sale, from place to place on public and/or private property;
- (b) Class 2 - A non-motorized Refreshment Vehicle where food products, either pre-packaged or prepared on site, are sold or offered for sale on public and/or private property; and
- (c) Class 3 – A motorized Refreshment Vehicle where food products are prepared on site, and sold or offered for sale from place to place on public and/or private property.

2.2 A person who is the owner or operator of more than one Refreshment Vehicle shall take out a separate licence for each Refreshment Vehicle.

3.0 APPLICATIONS FOR LICENCES AND RENEWALS

3.1 In addition to all of the requirements set out in this By-law, every application for a Class 1 and Class 2 Refreshment Vehicle licence shall include proof of insurance in respect of their Refreshment Vehicle that:

- (a) is satisfactory to the Licence Manger;
- (b) is in an amount of not less than \$2,000,000; and
- (c) requires that the Licence Manager be notified within sixty (60) days of its expiry.

3.2 In addition to all of the requirements set out in this By-law, every application for a Class 3 Refreshment Vehicle licence shall include:

- (a) proof of insurance in respect of their Class 3 Refreshment Vehicle that:
 - (i) is satisfactory to the Licence Manager;
 - (ii) is in an amount of \$2,000,000; and
 - (iii) requires that the Licence Manager be notified within sixty (60) days of its expiry;
- (b) proof of comprehensive general liability insurance that:
 - (i) is satisfactory to the Licence Manager;
 - (ii) is in an amount of not less than \$5,000,000; and
 - (iii) requires that the Licence Manager be notified within sixty (60) days of its expiry;
- (c) an operational plan indicating plans for signage, waste management including disposal of grease and grey water, and a list of types of food products to be sold or offered for sale; and
- (d) proof that the vehicle to be used as a Class 3 Refreshment Vehicle is registered in the Applicant’s name or leased by the Applicant.

4.0 CONDITIONS TO HOLD A LICENCE

4.1 In addition to all of the requirements set out in this By-law, every holder of a Refreshment Vehicle licence is subject to the following conditions of obtaining and continuing to hold a licence:

- (a) maintain insurance as required under Part 3 of this Schedule; and
- (b) file with the Licence Manager at least five (5) days prior to the expiry date of any current insurance policy an insurance renewal policy or certificate of insurance.

5.0 POWERS OF THE LICENCE MANAGER

5.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

- (a) prescribing the locations where a Class 2 Refreshment Vehicle may carry on business;
- (b) prescribing the locations where Class 2 Refreshment Vehicle sites will be allocated solely to one Licensee;
- (c) prescribing the process for allocating Class 2 Refreshment Vehicle sites to Licensees;
- (d) prescribing the locations where a Class 3 Refreshment Vehicle may carry on business; and

- (e) prescribing operational standards for Refreshment Vehicles and holders of Refreshment Vehicle licences under section 7.1 of this Schedule.

5.2 In order for a location to be prescribed by the Licence Manager as a location for Class 3 Refreshment Vehicles, the following criteria shall apply:

- (a) a Class 3 Refreshment Vehicle shall be permitted to locate only on streets assumed as public highways and in designated locations in City Parks;
- (b) a Class 3 Refreshment Vehicle shall be permitted to locate only on a street classified as an Urban Thoroughfare, Rapid Transit Boulevard, Civic Boulevard, Main Street, Neighbourhood Connector, and Rural Thoroughfare or Rural Connector, on Map 3-Street Classifications of the City's Official Plan;
- (c) a Class 3 Refreshment Vehicle shall not be permitted to locate within 25 metres of a Food Premise, as defined in Schedule 9 of this By-law, measured along the most direct road allowance route from nearest point of the Refreshment Vehicle and the nearest point of intersection of the perpendicular projection of the limits of the Food Premise property and the road allowance unless written permission to operate within the 25 metre buffer has been submitted to the Licence Manager by the Licensee of the Food Premise;
- (d) a Class 3 Refreshment Vehicle shall not be permitted to locate on a street within 25 metres of property used for residential purposes measured along the most direct road allowance route from the nearest point of the property boundary to the nearest point of the Refreshment Vehicle; and
- (e) a Class 3 Refreshment Vehicle shall not be permitted to locate where, in the opinion of the Licence Manager, it may impede the movement of vehicles or pedestrians along a street, boulevard or sidewalk, or create a public safety hazard.

6.0 PROHIBITIONS

6.1 No person shall operate a Refreshment Vehicle without holding a current valid licence issued under this By-law.

6.2 No person shall:

- (a) operate a Class 2 Refreshment Vehicle at a location that is not prescribed by the Licence Manager;
- (b) operate a Class 3 Refreshment Vehicle at a location that is not prescribed by the Licence Manager;
- (c) operate a Class 3 Refreshment Vehicle within 100 metres of the boundary of a Special Event as defined in the City's Special Events Policy and Procedure Manual measured along the most direct road allowance route from the nearest point of the Special Event boundary to the nearest point of the Refreshment Vehicle, except where the Refreshment Vehicle is approved as part of the Special Event;
- (d) operate a Class 3 Refreshment Vehicle between the hours of 7:00 a.m. and 5:00 p.m. on any school day within 100 metres of any school under the jurisdiction of the Thames Valley District School Board or the London and Middlesex Roman Catholic School Board measured along the most direct road allowance route from the nearest point of the school property boundary to the nearest point of the Refreshment Vehicle;
- (e) operate a Class 3 Refreshment Vehicle between the hours of 3:00 a.m. and 7:00 a.m.

6.3 No holder of a Class 2 Refreshment Vehicle licence shall operate at a location that has not been allocated to them by the Licence Manager.

7.0 REGULATIONS

7.1 Every holder of a Refreshment Vehicle licence shall comply with all operational standards prescribed by the Licence Manager.

7.2 Every holder of a Refreshment Vehicle licence shall operate their Refreshment Vehicle at all times in compliance with the City's Traffic and Parking By-Law PS-113 or any successor by-law, including paying for the use of a parking space or spaces.

7.3 Every holder of a Refreshment Vehicle licence shall ensure that their Refreshment Vehicle Plate is:

- (a) affixed to the rear exterior of the Refreshment Vehicle or to another location on the Refreshment Vehicle approved in advance by the Licence Manager; and
- (b) plainly visible in its entirety at all times.

SCHEDULE 17
SEASONAL SALES BUSINESS

1.0 DEFINITIONS

1.1 In this Schedule:

“**Seasonal Sales Business**” means a business that exhibits, sells, or offers for sale on a temporary basis and from a location other than a building, products including but not limited to flowers, fireworks, fresh produce, gardening products, Christmas trees, pumpkins and sporting memorabilia.

2.0 APPLICATION OF THIS SCHEDULE

2.1 This Schedule does not apply to the occasional sale of products by a religious organization, a not for profit organization or a charitable organization that is registered as such under the *Income Tax Act*, R.S.C. as amended.

3.0 POWERS OF THE LICENCE MANAGER

3.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule prescribing regulations for specific premises to ensure that the Seasonal Sales Business does not obstruct or hinder pedestrian or vehicular traffic under section 5.1 of this Schedule.

4.0 CONDITIONS TO HOLD A LICENCE

4.1 In addition to all of the requirements set out in this By-law, every holder of a Seasonal Sales Business licence is subject to the following condition of obtaining and continuing to hold a licence:

- (a) compliance with all regulations prescribed by the Licence Manager for their premises to ensure that their Seasonal Sales Business does not obstruct or hinder pedestrian or vehicular traffic.

5.0 PROHIBITIONS

5.1 No person shall operate a Seasonal Sales Business without holding a current valid licence issued under this By-law.

**SCHEDULE 18
SECOND-HAND GOODS BUSINESS AND SALVAGE YARD**

1.0 DEFINITIONS

1.1 In this Schedule:

“**Acquire**” means to purchase, receive directly or indirectly, take in exchange, accept, trade or otherwise deal with, and acquisition has a corresponding meaning;

“**Dispose**” means to sell, offer for sale, part with directly or indirectly, trade, exchange or otherwise deal with, and disposition and disposed have a corresponding meaning;

“**Holding Area**” means a part of a premises for a Salvage Yard or Second-hand Goods Business in which goods, articles or objects are retained and not offered or displayed for the purposes of disposition;

“**Salvage Yard**” includes but is not limited to a business where scrap metal, material from demolished buildings or structures, recyclable material, scrapped, demolished or inoperable motor vehicles or appliances or their parts, junk or salvage of any type is received, processed, stored or dismantled prior to being sold or Disposed, and includes an automobile wrecking yard, junkyard or scrap yard but does not include a Second-hand Goods Business; and

“**Second-hand Goods Business**” means a business where second-hand goods of any kind are Acquired or Disposed but does not include a Salvage Yard.

2.0 LICENCE CATEGORIES

2.1 The following categories of licences are established:

- (a) Salvage Yard; and
- (b) Second-hand Goods Business.

3.0 APPLICATION OF THIS SCHEDULE

3.1 This Schedule does not apply to a business that sells primarily any of the following second-hand goods:

- (a) goods donated for the purpose of re-sale to raise funds for a charitable cause; or
- (b) any of the following goods:
 - (i) books, magazines, comic books or other similar publications;
 - (ii) furniture;
 - (iii) rugs or carpets;
 - (iv) clothing;
 - (v) sports trading cards;
 - (vi) building supplies such as windows, doors, flooring, fixtures or other similar items;
 - (vii) auto parts other than stereo systems;
 - (viii) antiques;
 - (ix) household goods such as cutlery, dishes, glassware, lamps or other similar items;
 - (x) household appliances such as refrigerators, freezers, stoves, washing machines, clothes dryers, dishwashers or other similar items.

4.0 APPLICATIONS FOR LICENCE AND RENEWALS

4.1 In addition to the licensing requirements of Part 6 of this By-law, every application for a Salvage Yard and Second-hand Goods Business licence and renewal licence shall include a Police Record Check for the Applicant, any partner if the Applicant is a partnership, or any officer, director or shareholder of the corporation if the Applicant is a corporation, dated sixty (60) days prior to the application for a licence.

5.0 POWERS OF THE LICENCE MANAGER

5.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

- (a) prescribing the form and content of the register of all goods, articles or objects Acquired by a Second-hand Goods Business or Salvage Yard licence holder that is required to be kept under section 7.1(a) of this Schedule;
- (b) prescribing the types of goods, articles or objects required to be included in the report required under section 7.1 (c) of this Schedule;
- (c) prescribing the form and content of the report to be made to the London Police Services that is required under section 7.1(c) of this Schedule;
- (d) prescribing the specifications and standards for fences required under section 7.3 of this Schedule; and
- (e) prescribing the types of goods, articles or objects which must be held in a Holding Area for the period of time specified under section 6.4 of this Schedule.

6.0 PROHIBITIONS

- 6.1 No person shall operate a Salvage Yard without a current valid licence issued under this By-law.
- 6.2 No person shall operate a Second-hand Goods Business without a current valid licence issued under this By-law.
- 6.3 No holder of a Salvage Yard or Second-hand Goods Business licence shall Acquire any goods, articles or objects:
- (a) on which the serial number has been obliterated, altered, mutilated or removed without the prior written approval of the London Police Service;
 - (b) from any person who appears to be under the age of eighteen (18) years;
 - (c) from any person who appears to be under the influence of drugs or alcohol; or
 - (d) from any person without first verifying their identity.
- 6.4 No holder of a Salvage Yard or Second-hand Goods Business licence shall alter, repair, or Dispose of any prescribed goods, articles or objects Acquired by them without:
- (a) first keeping such goods, articles or objects within a Holding Area for a period of no less than five (5) business days from the date such goods, articles or objects were Acquired; and
 - (b) during the period prescribed in paragraph (a) of this section, ensuring that the goods, articles or objects have not been displayed, offered or visible for the purposes of Disposition.
- 6.5 No holder of a Salvage Yard or Second-hand Goods Business licence shall at any time, leave, place, store, exhibit or expose any goods, articles or objects in any place other than the premises so licensed.

7.0 REGULATIONS

- 7.1 Every holder of a Salvage Yard or Second-hand Goods Business licence shall:
- (a) keep and maintain a register, in a form as prescribed by the Licence Manager, of all goods, articles or objects Acquired by them;
 - (b) open the register required under paragraph (a) of this section to inspection at all times during regular business hours to an Enforcement Officer;
 - (c) before noon of every business day make a report, in a form and including the content as prescribed by the Licence Manager to the London Police Service of every prescribed good, article or object Acquired the next previous business day.
- 7.2 Every holder of a Salvage Yard or Second-hand Goods business who has reasonable and probable grounds to believe that a person offering any goods, articles or objects is unable to satisfactorily account for them, or is wilfully giving false information as to the same, or that such goods, articles or objects are stolen or have been illegally obtained, shall refuse to Acquire such goods, articles or objects.
- 7.3 Every holder of a Salvage Yard licence shall erect and maintain, in accordance with the regulations prescribed by the Licence Manager, a fence on all boundaries of the premises from which the business is operated.

**SCHEDULE 19
UNSOLICITED MOTOR VEHICLE TOWING AND STORAGE**

1.0 DEFINITIONS

1.1 In this Schedule:

“Motor Vehicle Storage Business” means a business that stores any motor vehicle towed from a Parking Lot without the consent of the owner or operator of such motor vehicle;

“Parking Lot” means any parking area, structure or building intended for the use of parking motor vehicles;

“storage of a motor vehicle” means the storage of any motor vehicle towed from a Parking Lot without the consent of the owner or operator of such motor vehicle;

“tow” means to tow or remove a motor vehicle without the consent of the owner or operator of the motor vehicle and **“towing”** has a corresponding meaning; and

“Towing Business” means a business that tows any motor vehicle without the prior consent of the owner or operator of such vehicle from a Parking Lot.

1.2 For the purpose of interpreting the phrase **“without the consent of the owner or operator”** in reference to a motor vehicle in this Schedule:

- (a) the consent to the towing of a motor vehicle is given in any circumstance where the consent of the owner or operator is given in either oral or written form directly to the towing company or its employee prior to the towing of the motor vehicle;
- (b) in any circumstance other than mentioned in paragraph (a) above, the owner or operator shall be taken not to consent to the towing of the motor vehicle; and
- (c) without restricting the generality of paragraph (b) above, the circumstance mentioned in paragraph (a) does not include any circumstance where a consent to towing is attributed to or is deemed to be given by the owner or operator of the motor vehicle as a condition or consequence of the motor vehicle being admitted to or being parked in the Parking Lot or where a consent to towing is given by the owner or operator of the Parking Lot as agent of the owner or operator of the motor vehicle.

2.0 APPLICATION OF THIS SCHEDULE

2.1 This Schedule does not apply to the towing of a motor vehicle from a lane located on private property where the lane is used or intended for the purpose of gaining access by a motor vehicle to all or some portion of the property and where signs are posted on the lane prohibiting the parking of motor vehicles on the lane.

3.0 LICENCE CATEGORIES:

3.1 The following categories of licences are established:

- (a) Towing Business; and
- (b) Motor Vehicle Storage Business.

4.0 POWERS OF THE LICENCE MANAGER

4.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

- (a) prescribing signage that must be posted in a Parking Lot as a condition precedent for towing a motor vehicle under subsection 6.3(a) of this Schedule including without limitation, the manner, form, size, location and content of such signage;
- (b) prescribing the information that a Towing Business licence holder must provide to the London Police Service under section 6.1 of this Schedule prior to towing a motor vehicle from a Parking Lot; and
- (c) prescribing the form, content, media and information for the log book that a Towing Business licence holder must maintain under section 6.2 of this Schedule.

5.0 PROHIBITIONS

5.1 No person shall operate a Towing Business without a current valid licence issued under this By-law.

5.2 No person shall operate a Motor Vehicle Storage Business without a current valid licence issued under this By-law.

6.0 REGULATIONS

- 6.1 Every holder of a Towing Business licence shall, immediately prior to towing a motor vehicle from a Parking Lot, provide the London Police Service with all of the information prescribed by the Licence Manager.
- 6.2 Every holder of a Towing Business licence shall maintain a log book in the form and containing the content and information prescribed by the Licence Manager of all motor vehicles towed by them from a Parking Lot.
- 6.3 No holder of a Towing Business licence shall:
- (a) tow any motor vehicle from a Parking Lot which is not posted with one or more signs prescribed by the Licence Manager;
 - (b) charge or accept from any person any amount for the towing of a motor vehicle from a Parking Lot other than the amount set out in Schedule 19A of this By-law;
 - (c) charge any amount, whether fixed or calculated at a rate based on any unit of time, for waiting in respect of the towing of a motor from a Parking Lot;
 - (d) charge or accept from any person any amount for a service not mentioned in Schedule 19A of this By-law in respect of the towing of a motor vehicle from a Parking Lot.
- 6.4 No holder of a Motor Vehicle Storage Business licence shall:
- (a) charge or accept from any person any amount for the storage of a motor vehicle other than the amount set out in Schedule 19A of this By-law;
 - (b) charge any amount, whether fixed or calculated at a rate based on any unit of time, for waiting in respect of the storage of a motor vehicle;
 - (c) charge or accept from any person any amount for a service not mentioned in Schedule 19A of this By-law in respect of the care or storage of a motor vehicle;
 - (d) close the premises used for the storage of a motor vehicle during any time the premises is required to remain open in accordance with Schedule 19B of this By-law for the purpose of enabling an owner or operator to recover possession of their motor vehicle.
- 6.5 Despite the *Repair and Storage Liens Act*, no person who tows a motor vehicle from a Parking Lot and no person who stores that motor vehicle shall be entitled to retain possession of the motor vehicle or to a lien for the costs and charges of the removal, towing, care or storage of the motor vehicle:
- (a) unless immediately before being towed the motor vehicle was parked in the Parking Lot for a continuous period of 24 hours or more; or
 - (b) unless the motor vehicle is stored for a continuous period of 7 days or more.

**SCHEDULE 19A
MAXIMUM TOWING AND STORING RATES**

1. The charge for the cost of towing and storage of a motor vehicle towed from a Parking Lot without the consent of the owner or operator of the vehicle shall be:

| SERVICE | MAXIMUM CHARGE |
|---------------------|----------------------|
| Towing | \$75.00 plus H.S.T. |
| Daily Storage | \$10/day plus H.S.T. |
| Maximum Storage Fee | \$70 plus H.S.T. |

**SCHEDULE 19B
STORAGE LOCATION OPERATING HOURS**

| DAY | HOURS |
|--|---------------|
| Monday through Sunday, unless the day is observed as a holiday | 9 am to 10 pm |

In this Schedule, "holiday" means New Year's Day, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.