

CONSOLIDATED VERSION

This consolidation is prepared for convenience only; for accurate reference see by-laws as adopted by Council.

BY-LAW NUMBER 2012-114

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

**BEING A BY-LAW TO PROVIDE FOR THE LICENSING AND
REGULATION OF VARIOUS BUSINESSES IN THE TOWNSHIP OF
UXBRIDGE**

WHEREAS, pursuant to the provisions of Part IV of the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, the Council of the Corporation of the Township of Uxbridge may pass By-laws for licensing, regulating and governing businesses;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 10(2) of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public including business licensing, the health, safety and well-being of persons in the municipality and the protection of persons and property;

AND WHEREAS Section 150 of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, allows a municipality to licence, regulate and govern any business wholly or partially carried on within the municipality, even if the business is being carried on from a location outside the municipality;

AND WHEREAS Sections 390 – 400 of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, enable municipalities to pass By-laws for imposing fees or charges for permits and services provided or done by them;

AND WHEREAS Section 444 of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS, pursuant to Section 150 of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, the Council for the Corporation of the Township of Uxbridge is exercising its licensing powers including imposing conditions, for the following reasons, as identified in Section 11 of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*:

- Economic, social and environmental well-being of the municipality;
- Health, safety and well-being of persons; and
- Protection of persons and property, including consumer protection.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:

SHORT TITLE

This By-law shall be known and may be cited as the “Business Licensing By-law.”

Section 1 - Definitions

For the purpose of this By-law, the definitions and interpretations given in this Section shall govern.

- 1.1 "Acquire" shall mean the process by which one comes into possession of a good by any means including, without limitation, purchase, receipt, trade, taking in exchange or holding.
- 1.2 "Applicant" shall include a person seeking a licence, or renewal of a licence or a person whose licence is being considered for revocation or suspension.
- 1.3 "Clerk" shall mean the Clerk of the Corporation of the Township of Uxbridge.
- 1.4 "Client" shall mean an applicant for treatment, individuals currently involved in the methadone treatment and those formerly involved in the methadone program.
- 1.5 "Council" shall mean the Council of the Corporation of the Township of Uxbridge.
- 1.6 "Deal" shall mean either acquisition or disposition.
- 1.7 "DineSafe Durham" shall mean a Food Safety Inspection Disclosure Program established by the Durham Region Health Department that applies to general food service establishments, institutional food service establishments and Mobile Food Service Premises.
- 1.8 "Disposition" shall mean the loss of possession of a good by any means including, without limitation, sale, lease, trade or exchange.
- 1.9 "Durham Food Safety Inspection Report" shall mean the original inspection report that corresponds to an inspection conducted by a Durham Region public health inspector that is issued to an operator noting infractions and the requirement to comply with all appropriate legislation.
- 1.10 "Durham Food Safety Inspection Summary Sign" shall mean the original coloured sign issued by a Durham Region public health inspector to a Refreshment Vehicle under the Region of Durham DineSafe Durham Program.
- 1.11 "Eating Establishment" shall have the same definition as in the current Township Zoning By-law, being a building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes a restaurant, dining room, café, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand; but does not include a boarding or rooming home.
- 1.12 "Food" shall mean anything served, offered, prepared, intended or held out as being available for human consumption and includes drink.
- 1.13 "Highway" shall mean a highway within the meaning of *The Municipal Act, 2001 S.O. 2001, c.25*, as amended and *Highway Traffic Act R.S.O. 1990, CHAPTER H.8*, as amended.
- 1.14 "Holding Area" shall mean that part of a Second Hand Shop in which Second Hand Goods are retained and not offered or displayed for purposes of disposition.
- 1.15 "Licensee" shall mean the Applicant and holder of a business licence issued by the Township.
- 1.16 "Lot" shall mean a parcel or tract of land capable of being conveyed and described in a deed or other legal document which:
 - (a) is a whole lot described in accordance with and is within a registered plan of subdivision, other than a registered plan of subdivision which has been deemed by the Township not to be a registered plan of subdivision under a By-law passed pursuant to *The Planning Act, R.S.O. 1990, c. P.13*, as amended; or
 - (b) is a legally separated parcel of land in existence on the date of passing of this By-law, and which so continues to the relevant time; or

- (c) has received a final and binding consent to a conveyance pursuant to *The Planning Act, R.S.O. 1990, c. P.13*, as amended; or
 - (d) is the whole remnant remaining to an owner or owners after a conveyance has been made with a final and binding consent pursuant to *The Planning Act, R.S.O. 1990, c. P.13*, as amended, but for the purpose of this clause no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to the Township, the Region or any municipality; or, Her Majesty in the Right of Ontario, Her Majesty in the Right of Canada; or for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1998. S.O. 1998, CHAPTER 15*, as amended.
- 1.17 “Methadone Maintenance Treatment (MMT)” shall mean a treatment program that includes the use of methadone which may also include any or all of the following components delivered in a variety of ways and at varying levels of intensity;
- (a) methadone dose;
 - (b) medical care;
 - (c) other substance use treatment;
 - (d) counseling and support;
 - (e) mental health services;
 - (f) health promotion, disease prevention and education;
 - (g) linkages with other community-based supports and services; and
 - (h) outreach and advocacy
- 1.18 “Methadone Maintenance Treatment Establishment (MMTE)” shall mean a business establishment where MMT is provided, but does not include a Hospital recognized by the Ministry of Health and Long-Term Care or a Pharmacy under the *Drug and Pharmacies Regulation Act R.S.O. 1990, CHAPTER H.4* where MMT is an ancillary function to the primary business.
- 1.19 “Mobile Refreshment Vehicle” shall mean a Refreshment Vehicle that is propelled by means other than an on-board motor or engine.
- 1.20 “Motorized Mobile Refreshment Vehicle” shall mean a Mobile Refreshment Vehicle that is self-propelled by means of an on-board motor or engine.
- 1.21 “Officer” shall mean a Municipal Law Enforcement Officer appointed by Township of Uxbridge By-law, a Police Officer, person authorized by Council or an assigned individual with the responsibility for enforcing and administering this By-law.
- 1.22 “Operator” shall mean any person who occupy, manage, control, govern, or has responsibility for and control over the activity carried on, or within, a licensed business or a business that is required to be licensed.
- 1.23 “Owner” shall include a person who, alone or with others, owns or is a director or officer of a corporation, as prescribed in a corporate profile or assessment roll, which owns a licensed business or a business that is required to be licensed.
- 1.24 “Pawnbroker” shall mean a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon and who otherwise conducts himself in accordance with the provisions and requirements of the *Pawnbrokers Act, R.S.O. 1990, c.P.6* as amended.
- 1.25 “Person” shall include an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate or a natural person.
- 1.26 “Place of Amusement” shall mean any place, building or structure or part thereof to which the public has access where coin-operated arcade machines or video display devices, pinball machines or pool, billiard, snooker or bagatelle tables are located but do not include:
- (a) those premises licensed under the *Liquor Licence Act, R.S.O. 1990,c.L19*;
 - (b) those premises with less than a total of two (2) coin-operated arcade machines or video display devices, pinball machines or pool, billiard, snooker or bagatelle tables.
- 1.27 “Premises” shall mean any structure, building, vehicle or thing used in conjunction with a licence issued pursuant to the provisions of this By-law.

- 1.28 "Prohibited Animal" shall mean an animal set out in Schedule "A" of By-law No. 2013-168, and shall include livestock and wildlife;
- 1.29 "Prohibited Animal Education Event" shall mean any exhibit, public show, circus, carnival, petting zoo or other display or act of education or entertainment using any live Prohibited Animal in accordance with the Township Comprehensive Business Licensing By-law No 2012-114;
- 1.30 "Refreshment Vehicle" shall mean a vehicle within or from which food is prepared, offered, sold or otherwise made available for consumption by persons.
- 1.31 "Salvage" shall mean:
- (a) a dismantled vehicle or any part thereof;
 - (b) a dismantled kitchen appliance or any part thereof; or
 - (c) scrap aluminum, brass, copper, metal or steel;
- 1.32 "Salvage Yard" shall mean a premises where Salvage is received, collected, sorted, processed, handled, dismantled, crushed, recycled, demolished, displayed, stored, sold or purchased for commercial gain;
- 1.33 "Second Hand Dealer" shall mean a person dealing in Second Hand Goods.
- 1.34 "Second Hand Dealer - Salvage" shall mean a person dealing in Second Hand Goods exclusively for the purpose of wrecking, dismantling and recycling such goods prior to their disposition.
- 1.35 "Second Hand Goods" shall mean any article which is offered to or acquired by a Second Hand Dealer.
- 1.36 "Second Hand Shop" shall mean the premises or the parts of the premises from or upon which a Second Hand Dealer is licensed, or required to be licensed to deal in Second Hand Goods.
- 1.37 "Seller" shall mean a person who sells or offers to sell any Second Hand Goods to a Second Hand Dealer.
- 1.38 "Sidewalk" shall mean those portions of a Highway set apart and improved for the use of pedestrians.
- 1.39 "Stationary Refreshment Vehicle" shall mean a Refreshment Vehicle operated from one lot.
- 1.40 "Township" shall mean the Corporation of the Township of Uxbridge.
- 1.41 "Transient Trader" shall mean any person who:
- (a) goes from door to door with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow;
 - (b) sells from a permanent structure on a temporary basis, goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made or for which orders are taken with delivery to follow;
 - (c) has no permanent Place of Business; or
 - (d) is engaged in retail sales but does not have a commercial store front and includes his employees, but does not include:
 - (i) Service clubs, not for profit clubs and charitable organizations; or
 - (ii) Refreshment Vehicles.
- 1.42 "Treasurer" shall mean the Treasurer of the Corporation of the Township of Uxbridge.
- 1.43 "Vehicle" shall have the same meaning as defined in *Highway Traffic Act R.S.O. 1990, CHAPTER H.8*, as amended, and includes a motor Vehicle, trailer, bicycle and any Vehicle drawn, propelled or driven by any kind of power, including muscular power.

- 1.44 "Vehicle Identification Number" also referred to as "VIN" shall mean a series of numbers and letters (usually 17 digits long) used to identify each vehicle by its country of origin, manufacturer, description, year and sequence of production.

Section 2 – General Provisions

ADMINISTRATION OF BY-LAW

- 2.1 Unless otherwise indicated, the administration of this By-law is assigned by Council to the Clerk who may delegate the performance of his functions under this By-law from time to time as occasion requires.
- 2.2 In this By-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male gender shall include the female gender or vice versa, where applicable.
- 2.3 The regulations contained in Section 2 of this By-law shall apply to all licences required under the provisions of this By-law.

ENFORCEMENT OF BY-LAW

- 2.4 An Officer shall be responsible for the enforcement of this By-law.
- 2.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer or the Clerk while exercising any power or performing any duty under this By-law.
- 2.6 Any Officer acting under the provisions of this By-law may at reasonable times during business hours inspect:
- (a) any premises or place where a trade which is subject to this By-law is carried on or any such person has reasonable or probable grounds to believe such a trade is being carried on; and
 - (b) any goods, equipment, books, records or documents used or to be used by the Applicant or Licensee under this By-law.

LICENSING - POWERS

- 2.7 The Township system of licences with respect to businesses may:
- (a) prohibit the carrying on of or engaging in the business without a licence;
 - (b) refuse to grant a licence, refuse to renew a licence or to revoke or to suspend a licence;
 - (c) impose conditions, including special 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, to continue to hold or to renew a licence; or
 - (e) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in the business.

LICENSING POWERS OF CLERK

- 2.8 The Clerk may issue, refuse to issue, refuse to renew, to revoke or suspend a licence under the provisions of this By-law.

LICENCE SHALL BE DISPLAYED

- 2.9 No person holding a licence issued pursuant to this By-law shall fail to:
- (a) display the licence in a conspicuous place in or on the said premises;
 - (b) display the licence in a conspicuous place in or on the said vehicle;
 - (c) maintain the licence on their person while conducting the business or activity for which the licence was issued; or
 - (d) where a Licensee is issued a plate obtained under this By-law bearing an identifying number, affix the plate to the rear of the vehicle for which it was issued in a conspicuous position.
- 2.10 Every person so licensed shall, when requested by any Officer, produce the licence for inspection.

TERM OF LICENCE

- 2.11 A licence issued under the provisions of this By-law shall be valid only for the period of time for which it was issued. All licences shall expire annually on December 31st, at 11:59 p.m.

NUISANCE CONTROL

- 2.12 Every Licensee under this By-law is responsible for the due performance and observance of all the provisions of this By-law by himself and by his employees and all other persons in or upon the premises which are Licensed under the provisions of this By-law.
- 2.13 Every Licensee under this By-law, in addition to any other provisions or requirements expressed elsewhere in this By-law, shall:
- (a) at all times maintain and keep safe, clean and in good condition and repair any object, vehicle, place of business or premises for which the licence is issued;
 - (b) not breach or violate or cause, suffer, or permit any breach or violation of any By-law of the Township or of any local board thereof, or of any statute, Orders-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the business or premise for which, or in relation to which, such licence was issued; and
 - (c) not cause or commit any nuisance to arise in, or in connection with the object, vehicle, place of business or premises for which the licence was issued.

LICENCE FEES

- 2.14 All licence fees are for administrative purposes and are, therefore, non-refundable if the application is refused for any reason or is withdrawn by the Applicant prior to the issuance of a licence.
- 2.15 All licence fees shall be as set out in Schedule 'A' to this By-law, and shall be reflected in the Township Fees By-law.
- 2.16 The Clerk shall charge the late application fee as set out in Schedule 'A' of this By-law and shall be reflected in the Township Fees By-law, to Applicants making application for renewal of a licence after the 31st day of January in the year for which the application is made.
- 2.17 A duplicate licence may be issued by the Clerk to replace any licence previously issued which has been lost, stolen or destroyed and the Licence Replacement Fee shall be as set out in Schedule 'A' to this By-law, and shall be reflected in the Township Fees By-law.

LICENCE APPLICATION - FULL INFORMATION REQUIRED

- 2.18 Every Applicant shall provide in full a complete application, at the time the application is submitted or the Clerk shall not accept the application.
- 2.19 Every Applicant shall provide in full a complete application, at the time the application is submitted, all of the information required on the application shall provide:
- (a) payment of the prescribed licence fees set out in Schedule 'A' of this By-law;
 - (b) any other document or information as may be required in any other Section of this By-law;
 - (c) the name under which the Applicant carries on or intends to carry on the business; and
 - (d) any other affidavit, document or information as may be requested by the Clerk at any time during the term of the licence.

LICENCE APPLICATION – CRIMINAL REFERENCE CHECK

- 2.20 Every Applicant shall submit an original Criminal Reference Check for the Applicant and his operators and employees, which is dated thirty (30) days or less before the

date of the licence application and shall include vulnerable sector screening, all at his own expense.

- 2.21 Where the Applicant or Licensee is a corporation, or a partnership the Applicant or Licensee shall provide a Criminal Reference Check for all of his operators and employees who are proposed to be engaging in the licensed business, which is dated thirty (30) days or less before the date of the licence application and shall include vulnerable sector screening, all at his own expense.
- 2.22 During the term of the licence the Licensee shall provide the Clerk with an original Criminal Reference Check for any and all new operators or employees, before the operator or employee conducts business for which the licence was issued, which is dated thirty (30) days or less before the date of submission to the Clerk and shall include vulnerable sector screening, all at his own expense.
- 2.23 The Clerk shall refuse to issue a licence to any person or shall refuse to renew or to revoke or suspend a licence to any Licensee who employs any person;
- (a) who has been convicted of any offence included in Sections 150-174 of the Criminal Code of Canada R.S.C.1985,C-46, as amended, (Sexual Offences), for which a pardon has not been granted;
 - (b) who has been convicted of any offence under the Controlled Drugs and Substances Act, S.C.1996,c.19, as amended, or its predecessor or successor legislation, for which a pardon has not been granted;
 - (c) who has any unpaid fines outstanding arising from a conviction for an offence under this By-law;
 - (d) who has submitted false information or documents in support of an application for a licence; or
 - (e) who has not satisfied all of the requirements of this By-law.
- 2.24 The Licensee shall not employ any persons convicted of a crime during the term of the licence that would cause the Clerk to refuse the application if he were the Applicant.
- 2.25 In the event that an Applicant or his employees has been convicted of a criminal offence other than those listed in Section 2.23, he may be issued a new licence at the discretion of the Clerk.

LICENCE APPLICATION AND LICENCE RENEWAL APPLICATION

- 2.26 Applications for all licenses issued under the provisions of this By-law and applications for renewal of such licenses:
- (a) shall be made to the Clerk on forms to be provided;
 - (b) when received by the Clerk, shall be stamped with the date and time of receipt and processed in the order in which they are received; and
 - (c) shall be processed giving priority to applications for renewal of licenses for a particular year provided the application for renewal is received by the Clerk on or before the last business day of the Township in the preceding year.

CONDITIONS FOR LICENCE ISSUANCE AND RENEWAL

- 2.27 Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions, all of which shall be performed and observed by the Applicant or Licensee of the business:
- (a) the Applicant shall pay the applicable licence fee;
 - (b) the Applicant or Licensee shall not carry on activities that are in contravention of this By-law or any other Municipal By-law;
 - (c) the Applicant or Licensee shall pay in full, any fine for contravention of this By-law or any other Municipal By-law by himself or any of his operators or employees after the fine becomes due and payable under Section 66 of the Provincial Offences Act, including any extension of time for payment ordered under that section;
 - (d) the Applicant or Licensee shall not construct or equip the premises used for the business so as to hinder the enforcement of this By-law;
 - (e) the conduct 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 business in accordance with the law or with honesty and integrity;

- (f) the Applicant or Licensee, or an individual who is a member of a partnership that is the Licensee, shall be a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resides in Canada;
- (g) where the Applicant or Licensee is a corporation, or a partnership of which a member is a corporation, the conduct of its officers or directors or of a shareholder who owns or controls ten percent (10%) or more of its issued and outstanding voting and non-voting shares shall not afford reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;
- (h) where the Applicant or Licensee is a corporation, or a partnership of which a member is a corporation, a majority of the members of the board of directors shall be Canadian citizens or persons lawfully admitted to Canada for permanent residence and ordinarily reside in Canada;
- (i) where the Applicant or Licensee is a corporation, it shall, within fifteen (15) days after the event, notify the Clerk in writing where there is a change in an officer or director of the corporation or where there is a change in the controlling interest;
- (j) the premises in which the business is located shall be in accordance with the requirements of the *Building Code Act, 1992, S.O. 1992, c. 23, as amended* and the Regulations thereunder, the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended*, and Regulations thereunder, and any By-law of the Township or the Regional Municipality of Durham prescribing standards for the maintenance and occupancy of property within the Township;
- (k) where premises in which the business is located are altered and a building permit is required to carry out the alterations, the premises, as altered, shall be in accordance with the *Building Code Act, 1992, S.O. 1992, c. 23, as amended*, and the Regulations thereunder, the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended*, and the Regulations thereunder, and any By-law of the Township of Uxbridge or the Regional Municipality of Durham prescribing standards for the maintenance and occupancy of property within the Township;
- (l) 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;

LICENCE APPLICATION - SUBJECT TO APPROVAL

- 2.28 Every licence application will be subject to investigations by and comments or recommendations from such municipal or provincial departments or agencies as the Clerk deems necessary, or as directed by Council, including but not limited to:
- (a) Durham Region Police,
 - (b) Durham Region Health Department,
 - (c) Township of Uxbridge Fire Department,
 - (d) Development Services Department,
 - (e) By-law Enforcement Department.

INCOMPLETE APPLICATION

- 2.29 Any business licence application that does not comply with the provisions from Section 2.27 shall be deemed incomplete and shall be returned by registered mail to the applicant pursuant to Section 2.35 of this By-law.
- 2.30 Any licence application that has not received approvals from all municipal or provincial departments or agencies as the Clerk deems necessary within ninety (90) days from the date of the filing of the application, due to the Applicant's inability to comply with the requirements to become licensed, shall be deemed to be incomplete unless the application is referred to Council pursuant to Section 2.42 of this By-law.

INFORMATION HELD BY CLERK IS OPEN TO INSPECTION

- 2.31 Any application, comment, recommendation, information, document or thing in the possession of the Clerk pursuant to the provisions of this By-law shall be made available by the Clerk for an inspection:
- (a) by any person or Officer employed in the administration or enforcement of this By-law; and

- (b) by any other person upon the consent, satisfactory to the Clerk, of the person, civic department, board, commission, authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing; subject only to the limitations imposed by the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, CHAPTER M.56, as amended.*

RECORDS TO BE KEPT AS REQUIRED

- 2.32 No person shall fail to keep any and all of the records required to be kept under the provisions of any Section of this By-law.
- 2.33 Records that are required by any Officer to be kept under the provision of any Section of this By-law shall be produced upon request. The request shall be sent by registered mail pursuant to Section 2.35 of this By-law. The Applicant or Licensee shall produce said records within five (5) days receipt of the request sent by registered mail.

Notice

- 2.34 Every Applicant or Licensee shall notify the Clerk in writing within ten (10) days of any change in his business address or mailing address and shall be sent to:

Clerk
Township of Uxbridge
P.O. Box 190
51 Toronto Street South
Uxbridge, ON
L9P 1T1

- 2.35 Any notice or request made pursuant to this By-law may be given in writing by registered mail and is effective:
- (a) on the date on which a copy is hand delivered to the person to whom it is addressed;
 - (b) on the fifth (5th) day after a copy is sent by registered mail to the person's last known address.
- 2.36 For the purpose of Section 2.35 of this By-law, the Applicant or Licensee's last known address shall be deemed to include those provided pursuant to Section 2.26 of this By-law as they may be changed pursuant to Section 2.34 of this By-law.

TRANSFER OF LICENCE IS PROHIBITED

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

CONTRAVENTION OF OTHER LAWS PROHIBITED

- 2.38 The issuance or renewal of a licence under this By-law is not intended and shall not be construed as permission or consent by the Township for the Licensee to contravene or to fail to observe or comply with any law of Canada or Ontario or any other By-law of the Township or the Regional Municipality of Durham.
- 2.39 If there is a conflict between a provision in this By-law and a provision of any other Township By-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

REVOCAION OF LICENCE

- 2.40 The Clerk may revoke a licence:
- (a) which is voluntarily surrendered by the Licensee for revocation;
 - (b) at any time when the Licensee fails to meet any provision of this By-law, any other Municipal By-law, any Federal or Provincial Statute or other Legislation; or

(c) that was obtained by any mistake or misstatement.

NOTICE OF LICENCE REFUSAL, REVOCATION OR SUSPENSION

2.41 Where the Clerk decides to refuse to issue, to refuse to renew, to revoke or suspend a licence, he shall give notice of his decision for refusal to the Applicant, together with the reason for his decision, as well as to such other persons, civic departments, boards, commissions, authorities or agencies as appear to have an interest in the decision.

REQUEST FOR A HEARING

2.42 Every Applicant within ten (10) days of receipt of a Notice of Licence Refusal, Revocation or Suspension from the Clerk pursuant to Section 2.41 of this By-law may appeal the Licence Refusal, Revocation or Suspension and request a hearing before Council. Such request for a hearing shall be in writing and shall be accompanied by the Hearing Fee as set out in Schedule 'A' to this By-law, and shall be reflected in the Township Fees By-law.

NOTICE OF HEARING – CONTENT

2.43 Where the Clerk receives a written request for a hearing in compliance with Section 2.42 of this By-law the Clerk shall schedule a hearing before Council and shall provide Notice of Hearing to the Applicant pursuant to Section 2.35 of this By-law. The Notice of Hearing shall:

- (a) contain a reason or reasons for the refusal, suspension or revocation;
- (b) specify the time, place and purpose of the hearing of Council at which the refusal, suspension or revocation will be considered;
- (c) inform the Applicant that he is entitled to attend the hearing and make submissions regarding the decision and that, in his absence, Council may proceed to consider the decision and the Applicant will not be entitled to any further notice in the proceeding;
- (d) be given at least ten (10) days notice prior to the date of the Council hearing.

SUSPENSION - INTERIM – HEARING PENDING

2.44 Where there is a request for a hearing to Council pursuant to Section 2.42 of this By-law, the Clerk may, where the Clerk considers it to be necessary and in the public interest, immediately suspend the licence for a period not exceeding fourteen (14) days.

SUSPENSION - INTERIM NOTICE CONTENT

2.45 The Notice of Hearing in Section 2.43 of this By-law shall inform the Applicant of any interim suspension under Section 2.44 of this By-law.

COUNCIL – HEARING PROCEEDINGS

2.46 At a Hearing, Council:

- (a) shall afford the Applicant an opportunity, to make submissions in respect of the matter that is the subject of the Council hearing;
- (b) shall afford any person, department, board, authority or agency given notice under Section 2.41 of this By-law and in attendance at the hearing, or any other person at the discretion of Council, an opportunity to make submissions in respect of the matter that is the subject of the Council hearing;
- (c) may close a portion of the hearing to the Applicant only for the purposes of receiving confidential legal advice;
- (d) may close all or a portion of the hearing to the public if Council is of the opinion that intimate financial or personal matters may be disclosed of such a nature, having regards to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest, outweighs the desirability of adhering to the principle that the hearing be open to the public;
- (e) shall give due consideration to the submissions made to it;

- (f) shall take such action to refuse, suspend or revoke the application or licence, or not to refuse, suspend or revoke the application or licence, as Council considers proper in the circumstances; and
- (g) shall give written notice of its decision to the Applicant, and to any person, department, board, authority or agency in attendance at the hearing, together with reasons for its decision.

HEARING - REFUSAL - SUSPENSION - REVOCATION BY COUNCIL

- 2.47 At the hearing, Council may suspend, revoke or refuse to issue or refuse to renew any licence that may be issued under the provisions of any Section of this By-law:
- (a) where the Applicant is in breach of a condition of the licence or of this By-law;
 - (b) if a report is filed subsequent to the date of the issuance of the licence or by any department or agency which provided its approval originally to the issuance of the licence which indicates that a licensed premises no longer complies with any of the provisions of this By-law; upon such grounds as are set out in this By-law; and
 - (c) if the conduct of the Applicant affords reasonable cause to believe that the Applicant will not carry on or engage in the business in accordance with the law or with honesty and integrity.

COUNCIL - DECISION - IMMEDIATE EFFECT - FINAL

- 2.48 A decision of Council to refuse to issue, refuse to renew, to suspend or to revoke an application or licence takes effect immediately upon the rendering of such decision by Council.
- 2.49 A decision of Council shall be final and binding.

Section 3 – Businesses Requiring a Licence

- 3.1 No person shall either directly or indirectly carry on, conduct, operate, maintain, keep or engage in any of the following categories of business within the Township without a current licence:
- (a) Place of Amusement
 - (b) Refreshment Vehicle
 - (c) Transient Trader
 - (d) Second Hand Dealer & Shop
 - (e) Pawnbroker
 - (f) Methadone Maintenance Treatment Establishment
- 3.2 No person shall carry on conduct, operate, maintain, keep or engage in any of the categories of business within Section 3.1 in a dwelling unit or any building or part thereof used as a dwelling unit as defined in the Township of Uxbridge Zoning By-law.
- 3.3 No person shall use a premises for the purpose of business if it is not permitted or does not conform with the uses of the premises permitted under the applicable Zoning By-law or is not a legal non-conforming use.

Section 4 – Places of Amusement

GENERAL CONDITIONS – LICENCE

- 4.1 Every licence that is issued for the first time and every renewal thereof, is subject to Section 2 of this By-law, as well as the following conditions of obtaining, continuing to hold or renewing a licence, all of which shall be performed or observed at all times while the licence is in force.
- 4.2 Every person who owns or operates a Place of Amusement shall:
- (a) obtain the appropriate business licence from the Clerk prior to doing any business;
 - (b) sufficiently illuminate the licensed premises so as to not impede or restrict the observation and supervision of the premises and its occupants and so as to provide for the safe use of and exit from the premises; and

(c) not permit the premises to be open to the public without a responsible adult who is eighteen (18) years or older, who is an employee, present for the purpose of directly supervising and overseeing the licensed premises.

- 4.3 Every person who owns or operates a Place of Amusement shall not permit:
- (a) any person to loiter, create a disturbance or cause undue noise while on the licensed premises;
 - (b) any person to cause an impediment or obstruction to general pedestrian movement;
 - (c) the breach of any law, whether Federal, Provincial or Municipal; and
 - (d) any person to remain on the premises who appears to be intoxicated or has in his possession any illicit drug or alcohol product.

INSURANCE

- 4.4 Every Owner of a Place of Amusement shall maintain valid liability insurance coverage in an amount not less than two million dollars (\$2,000,000) per occurrence.
- 4.5 Such Place of Amusement liability insurance coverage shall be in the name of the Owner and shall name the Township of Uxbridge as an additional insured thereunder.
- 4.6 A Certificate of Insurance satisfactory to the Clerk shall be provided as proof that insurance is in place for the term of the licence.
- 4.7 The Owner of a Place of Amusement shall indemnify and save harmless the Township of Uxbridge for all losses, costs, damages, charges and expenses whatsoever that may be incurred, sustained or paid by the Township resulting from the negligent acts, omissions and/or breach of contract in the performance of the Owner's obligations under this By-law.

Section 5 – Refreshment Vehicles

GENERAL CONDITIONS – LICENCE

- 5.1 Every licence that is issued for the first time and every renewal thereof, is subject to Section 2 of this By-law, as well as the following conditions of obtaining, continuing to hold or renewing a licence, all of which shall be performed or observed at all times while the licence is in force.
- 5.2 Every application for a Refreshment Vehicle licence shall be accompanied by:
- (a) the Operator Licence Fee, for each of the Owner's individual Operators, as set out in Schedule 'A' to this By-law, and shall be reflected in the Township Fees By-law.
 - (b) a photograph and detailed scale drawing of the Refreshment Vehicle;
 - (c) a copy of the most recent Durham Food Safety Inspection Report and the Durham Food Safety Inspection Summary Sign issued by the Region of Durham under the DineSafe Durham Food Safety Inspection Disclosure program;
 - (d) if the vehicle is fitted with propane or natural gas, a current certificate issued within thirty (30) days of the licence application by a provincially-authorized propane or natural gas fitter, as the case may be, certifying that the Vehicle to which the licence application relates complies with the applicable equipment and performance statements as prescribed by the Province of Ontario;
 - (e) the written approval of the owner or operator of any existing Eating Establishment within thirty (30) metres of the proposed location of any Refreshment Vehicle, such minimum separation distance to be measured from the shortest distance between the Refreshment Vehicle and the Eating Establishment;
 - (f) confirmation from the Township's Development Services Department that the proposed location of the Refreshment Vehicle complies with the Township Zoning By-law, where applicable; and
 - (g) confirmation from the Township's By-law Department and Township Building Department that any signs comply with the Township Sign By-law, where applicable.

- (h) confirmation from the Township Fire Department that the Refreshment Vehicle complies with the Fire Department inspection and approval to ensure compliance with the Fire Code (this may also require installation of a kitchen (fire) suppression system);

GENERAL CONDITIONS – LICENCE – STATIONARY REFRESHMENT VEHICLE

- 5.3 In addition to other requirements of the Licensing By-law including Section 5.2 of this By-law, the Clerk may refuse to accept an application for a licence unless the application includes, for each Stationary Refreshment Vehicle, the following:
- (a) the legal description and municipal address of the lot on which the Stationary Refreshment Vehicle is proposed to operate including, a copy of an instrument that evidences ownership of the lot;
 - (b) the consent in writing of all owners of each lot on which it is proposed to operate the Stationary Refreshment Vehicle; and
 - (c) a site plan drawn to scale that depicts the lot on which it is proposed to place the Stationary Refreshment Vehicle including particulars of the location of the Stationary Refreshment Vehicle in relation to the lot limits of the lands and to any improvements on the lands.

GENERAL CONDITIONS – LICENCE – MOTORIZED MOBILE REFRESHMENT VEHICLE

- 5.4 In addition to other requirements of the Licensing By-law including Section 5.2 of this By-law, the Clerk may refuse to accept an application for a licence unless the application includes, for each Motorized Mobile Refreshment Vehicle, the following:
- (a) a copy of the current vehicle registration;
 - (b) a safety standards certificate issued by a provincially authorized motor vehicle inspection mechanic not more than thirty (30) days prior to the submission of the licence application certifying that the vehicle to which the licence application relates complies in all respects with the applicable equipment and performance standards set out in regulations made under the *Highway Traffic Act R.S.O. 1990, CHAPTER H.8*, as amended, or any successor legislation in substitution therefore;
 - (c) an original drivers abstract certificate, dated not more than thirty (30) days or less before the date of application for the Refreshment Vehicle licence;
 - (d) proof of motor vehicle liability insurance;
 - (e) proof that the vehicle bears a current provincial motor vehicle permit.

LICENCE CONDITIONS – ALL REFRESHMENT VEHICLES

- 5.5 In addition to other requirements of the Licensing By-law, no owner or operator of a Refreshment Vehicle shall permit the Refreshment Vehicle to be operated except pursuant to a licence issued pursuant to this Licensing By-law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the licence:
- (a) each operator is clean and wears headgear that confines the Operator's hair;
 - (b) each operator washes his hands thoroughly before handling food;
 - (c) each operator wears clean clothes that are neat in appearance;
 - (d) the Refreshment Vehicle is clean, sanitary, in good repair and sufficiently constructed so as to protect against contamination of food;
 - (e) the floor of the Refreshment Vehicle is constructed of material that is impervious and washable;
 - (f) the Refreshment Vehicle is equipped with no fewer than three (3) refuse containers for solid wastes of which no fewer than two (2) are available to the public, of which one shall be a recycling container;
 - (g) each recycling and refuse container shall be equipped with a self-closing lid, maintained at all times in a clean and sanitary condition and is emptied when full and at least once daily;
 - (h) the Refreshment Vehicle is equipped with a waste tank for the disposal of liquid wastes including waste water and used cooking oil;
 - (i) the liquid waste tank is equipped with a functioning gauge that provides an accurate and easily readable measurement of the quantity of liquid waste in the tank;
 - (j) no liquid waste is disposed of except into the liquid waste tank and further disposed of in accordance with the Ministry of the Environment requirements;

- (k) a Refreshment Vehicle shall be brought forthwith to the place and at the time that the Clerk or an Officer may, from time to time, direct for purposes of inspection;
- (l) Every person operating a Refreshment Vehicle shall provide and maintain a multi-purpose dry chemical fire extinguisher with a minimum rating of 2A10BC, if the Refreshment Vehicle contains equipment fuelled by propane or natural gas;
- (m) A person owning more than one Refreshment Vehicle shall take out a separate licence for each Refreshment Vehicle pursuant to Schedule 'A' of this By-law, owned by him which is to be used in the Township;
- (n) No person shall operate a Refreshment Vehicle drawn by animals;
- (o) No person shall locate or operate a Refreshment Vehicle in a manner that reduces parking allocation in contravention of the Township of Uxbridge Zoning By-law parking requirements;
- (p) No person shall vend or operate from a Refreshment Vehicle at a location other than authorized on the licence;
- (q) When requested to do so by an Officer, the owner or operator of a Refreshment Vehicle shall move the Refreshment Vehicle immediately, as instructed; and
- (r) No person shall vend or operate a Refreshment Vehicle on Township property.

ADDITIONAL LICENCE CONDITIONS - MOBILE REFRESHMENT VEHICLES

5.6 In addition to other requirements of the Licensing By-law including Section 5.5 of this By-law, no owner or operator of a Mobile Refreshment Vehicle shall permit the Mobile Refreshment Vehicle to be operated except pursuant to the following additional conditions, each of which is a condition as a requirement of continuing to hold the licence:

- (a) all cooking appliances shall be designed, constructed, maintained and at all times operated to prevent hot grease or cooking oil from escaping from the appliance while the Mobile Refreshment Vehicle is in motion;
- (b) no food shall be offered, sold or made available to any person on a highway except a person who is within the limits of a sidewalk; and
- (c) the Mobile Refreshment Vehicle shall not be operated:
 - (i) on any highway under the jurisdiction of the Regional Municipality of Durham;
 - (ii) before April 1st or after October 30th in any calendar year;
 - (iii) between 2:00 a.m. and 7:00 a.m. of any day;
 - (iv) at any one (1) location for any one (1) period exceeding ten (10) minutes;
 - (v) within sixty (60) metres of the location from which it was most recently operated;
 - (vi) within sixty (60) metres of any location from which it was operated within the immediately preceding twenty-four (24) hour period;
 - (vii) within sixty (60) metres of any park or of any lot on which is situated a School.

5.7 Notwithstanding Section 5.6 (c) iv) of this By-law:

- (a) where persons who queue within the ten (10) minute period have not been served, the period may be extended to the time that the last of such persons is served; and
- (b) a Mobile Refreshment Vehicle may be operated on a lot within Commercial or Industrial Lands for any one (1) period not exceeding two (2) hours.

ADDITIONAL LICENCE CONDITIONS – MOTORIZED MOBILE REFRESHMENT VEHICLES

5.8 In addition to other requirements of the Licensing By-law including Sections 5.5, 5.6 and 5.7 of this By-law, no owner or operator of a Motorized Mobile Refreshment Vehicle shall permit the Motorized Mobile Refreshment Vehicle to be operated except pursuant to the following additional conditions, each of which is a condition as a requirement of continuing to hold the licence:

- (a) an owner maintains the insurance contemplated in Section 5.4(d) of this By-law;
- (b) the Motorized Mobile Refreshment Vehicle is equipped with a functioning and audible sound-emitting warning device that is activated when the Motorized Mobile Refreshment Vehicle is moving backward;

- (c) the Motorized Mobile Refreshment Vehicle is constructed and maintained to protect persons from exposure to engine exhaust fumes; and
- (d) the Motorized Mobile Refreshment Vehicle is not operated on a sidewalk.

INSURANCE

- 5.9 Every Owner of a Refreshment Vehicle shall maintain valid liability insurance coverage in an amount not less than two million dollars (\$2,000,000) per occurrence.
- 5.10 Such Refreshment Vehicle liability insurance coverage shall be in the name of the Owner and shall name the Township of Uxbridge as an additional insured thereunder.
- 5.11 A Certificate of Insurance satisfactory to the Clerk shall be provided as proof that insurance is in place for the term of the licence.
- 5.12 The Owner of a Refreshment Vehicle shall indemnify and save harmless the Township of Uxbridge for all losses, costs, damages, charges and expenses whatsoever that may be incurred, sustained or paid by the Township resulting from the negligent acts, omissions and/or breach of contract in the performance of the Owner's obligations under this By-law.

EXEMPTIONS FROM REQUIREMENTS – LICENCE

- 5.13 The requirement for a licence permitting the operation of a Refreshment Vehicle is waived by the Township of Uxbridge for the following:
 - (a) those charitable, non-profit groups, associations or corporations who sell food and refreshments outdoors, to the general public, from barbeque-style cooking equipment, for the purpose of fund-raising as part of a special event; provided they have permission from the property owner
 - (b) those Refreshment Vehicles and concessions that operate at any Township of Uxbridge Park through the duration of the various annual fairs, exhibitions and other events, or operate at those Downtown Festivals sanctioned by the Township, or operate in a Farmers Market currently holding membership in the Farmers' Market Ontario ® organization.

Section 6 – Transient Traders

GENERAL CONDITIONS – LICENCE

- 6.1 Every licence that is issued for the first time and every renewal thereof, is subject to Section 2 of this By-law, as well as the following conditions of obtaining, continuing to hold or renewing a licence, all of which shall be performed or observed at all times while the licence is in force.
- 6.2 Every Transient Trader selling from a permanent structure on a temporary basis shall provide with his application:
 - (a) a description of the structure, including whether or not it is within a fully-enclosed permanent structure;
 - (b) written permission from the property owner on whose property the structure is to be used; and
 - (c) a written statement from the property owner of the timeframe the Transient Trader will operate within the structure.
- 6.3 The licence issued shall clearly specify whether the Licensee is authorized to sell from place to place or from a specified location.
- 6.4 No Transient Trader who is licensed to sell from place to place shall establish a display in one location and to vend from it under the auspices of that licence.
- 6.5 No Transient Trader who is licensed to sell from one location shall sell from place to place under the auspices of that licence.
- 6.6 No person shall carry on business as a Transient Trader for the purpose of selling or offering for sale any product in a location which creates a public hazard or nuisance.

6.7 Every Transient Trader selling from place to place shall carry visible photo identification.

EXEMPTIONS

- 6.8 A person is not a Transient Trader if he:
- (a) is an existing local producer, manufacturer or retailer making day sales or seasonal sales, if the temporary selling activity is an extension of the existing business at that location;
 - (b) is a local farm grower making day sales or seasonal sales if he has grown and harvested the produce he is selling and it is being sold from his own property;
 - (c) is a vendor in a Farmers Market currently holding membership in the Farmers' Market Ontario; or
 - (d) operates from a property that is currently assessed in the Commercial or Industrial Tax Class and is subject to Commercial or Industrial Taxes.

INSURANCE

- 6.9 Every Transient Trader Licensee shall maintain valid liability insurance coverage in an amount not less than two million dollars (\$2,000,000) per occurrence.
- 6.10 Such Transient Trader liability insurance coverage shall be in the name of the Owner and shall name the Township of Uxbridge as an additional insured thereunder.
- 6.11 A Certificate of Insurance satisfactory to the Clerk shall be provided as proof that insurance is in place for the term of the licence.
- 6.12 The Transient Trader shall indemnify and save harmless the Township of Uxbridge for all losses, costs, damages, charges and expenses whatsoever that may be incurred, sustained or paid by the Township resulting from the negligent acts, omissions and/or breach of contract in the performance of the Owner's obligations under this By-law.

HOURS OF OPERATION

- 6.13 Transient Traders shall only engage in door to door sales during the following times and on the following days:
- | | |
|------------------------|---------------------------|
| Monday through Friday: | 9:00 a.m. until 8:00 p.m. |
| Saturday | 9:00 a.m. until 5:00 p.m. |
- 6.14 Transient Traders shall not engage in door to door sales on Sundays
- 6.15 Transient Traders shall not engage in door to door sales on statutory holidays

Section 7-Second Hand Dealers and Shops

GENERAL CONDITIONS – LICENCE

- 7.1 Every licence that is issued for the first time and every renewal thereof, is subject to Section 2 of this By-law, as well as the following conditions of obtaining, continuing to hold or renewing a licence, all of which shall be performed or observed at all times while the licence is in force.
- 7.2 Every application for a Second Hand Dealer licence shall be accompanied by:
- (a) a description of the Second Hand Goods in which the applicant proposes to deal; and
 - (b) a description of the proposed Second Hand Shop which shall include:
 - (i) copy of the deed and property parcel register identifying the current registered owner;
 - (ii) a copy of the lease or other instrument pursuant to which the applicant claims to be entitled to occupy the proposed Second Hand Shop in the event the applicant is not the registered owner;
 - (iii) the municipal address (and unit number, if applicable);

- (iv) a sketch or survey of the floor plan depicting the limits of the Second Hand Shop, any holding area and any proposed outdoor storage, including fencing.
- 7.3 No Second Hand Dealer shall acquire or permit the Acquisition of Goods from any person who is or appears to be:
 - (a) under the age of eighteen (18) years;
 - (b) under the influence of alcohol or drugs.
- 7.4 No Second Hand Dealer shall acquire or permit the acquisition of goods unless a record respecting the Second Hand Good is prepared at the time of acquisition that includes, but not limited to the following information:
 - (a) date and time of acquisition;
 - (b) the identity of the Second Hand Good;
 - (c) all consideration given including price paid;
 - (d) a unique number;
 - (e) description of the Second Hand Good that is reasonably sufficient to identify it from other Second Hand Goods of the same type, including, as applicable, each of the following:
 - (i) the identity of its manufacturer
 - (ii) year of manufacture
 - (iii) make
 - (iv) model
 - (v) serial number(s)
 - (vi) identifying marks
 - (vii) titles
 - (viii) media
 - (ix) weight
 - (x) colour
 - (xi) karat
 - (xii) engravings
 - (xiii) gem type
- 7.5 No Second Hand Dealer shall permit a deal in respect of a Second Hand Good that bares, or that customarily bares, a serial number unless:
 - (a) no part of the serial number has been removed or obscured;
 - (b) the entire serial number has been recorded for the purpose of Section 7.4(e)(v).
- 7.6 No Second Hand Dealer shall deal or permit a deal in respect of a Second Hand Good unless:
 - (a) two copies of a receipt are issued at the time of acquisition, each of which shall include:
 - (i) the original signature of the person from whom the Second Hand Good was acquired; and
 - (ii) particulars prescribed by Sections 7.4(a), 7.4(c), 7.4 (d) and 7.4(e)(v) (if applicable);
 - (b) the Second Hand Dealer forthwith provides one copy of the receipt to the Seller; and
 - (c) the Second Hand Dealer retains the remaining copy of the receipt.
- 7.7 No Second Hand Dealer shall deal or permit a deal in respect of a Second Hand Good unless a label is affixed to the Second Hand Good at the time of acquisition and remains affixed until the time of Disposition that includes the following:
 - (a) particulars described in Sections 7.4(a) and 7.4(d), above; and
 - (b) any three of the particulars described in Section 7.4(e).
- 7.8 Each record contemplated by Sections 7.4, 7.5 and 7.6 shall be legible.
- 7.9 No Second Hand Dealer shall deal or permit a Deal in respect of a Second Hand Good except upon posting and keeping posted within the Second Hand Shop no fewer than two notices posted in a manner and in a form prescribed by the Clerk respecting the collection of personal information under the *Municipal Freedom of Information and Protection of Privacy Act. R.S.O. 1990, CHAPTER M.56, as amended.*

- 7.10 A Second Hand Dealer shall maintain at the Second Hand Shop the original, a photocopy and/or an electronic copy, as applicable, of each record contemplated by Sections 7.4, 7.5 and 7.6, for a period of no less than one (1) year from the date on which such record was created for the purposes of inspection pursuant to Section 2 of this By-law.
- 7.11 Except as provided in Section 7.14 of this By-law, no Second Hand Dealer shall deal or permit any deal, display, hold, or repair any Second Hand Goods except from and entirely within the Second Hand Shop.
- 7.12 No Second Hand Dealer shall permit any alteration, repair or Disposition of a Second Hand Good unless:
- (a) such Second Hand Good has been held within the Holding Area for a period of no less than twenty-one (21) calendar days from the date of Acquisition; and
 - (b) during the entire period contemplated by Section 7.12(a), the Second Hand Good has not been displayed, offered or visible for purposes of Disposition.
- 7.13 No Second Hand Dealer shall cause, permit or allow the business of a Pawnbroker to be carried on within the Second Hand Shop.
- 7.14 No Second Hand Dealer shall permit outdoor storage on the premises of a licensed Second Hand Dealer, unless such outdoor storage complies with the Township of Uxbridge Zoning By-law 81-19, as amended.

INSURANCE

- 7.15 Every Owner of a Second Hand Shop shall maintain valid liability insurance coverage in an amount not less than two million dollars (\$2,000,000) per occurrence.
- 7.16 Such Second Hand Shop liability insurance coverage shall be in the name of the Owner and shall name the Township of Uxbridge as an additional insured thereunder.
- 7.17 A Certificate of Insurance satisfactory to the Clerk shall be provided as proof that insurance is in place for the term of the licence.
- 7.18 The Owner of a Second Hand Shop shall indemnify and save harmless the Township of Uxbridge for all losses, costs, damages, charges and expenses whatsoever that may be incurred, sustained or paid by the Township resulting from the negligent acts, omissions and/or breach of contract in the performance of the Owner's obligations under this By-law.

EXEMPTIONS

- 7.19 A business is not a Second Hand Shop if it is a charitable, non-profit group, or association or who sell to the general public, for the purpose of fund-raising for non-profit initiatives or special events.
- 7.20 This By-law shall not apply to Second Hand Dealer – Salvage.

Section 8 – Pawnbrokers

GENERAL CONDITIONS

- 8.1 Every licence that is issued for the first time and every renewal thereof, is subject to Section 2 of this By-law, as well as the following conditions of obtaining, continuing to hold or renewing a licence, all of which shall be performed or observed at all times while the licence is in force.
- 8.2 Every Applicant for a Pawnbroker's licence shall provide in full, at the time the application is submitted, all of the information requested on the application form as well as surety in the amount of two thousand dollars (\$2,000) to the Township of Uxbridge in a form suitable to the Treasurer.

8.3 No Pawnbroker shall be licensed as, or operate in conjunction with, a dealer in Second Hand Goods.

INSURANCE

8.4 Every Pawnbroker shall maintain valid liability insurance coverage in an amount not less than two million dollars (\$2,000,000) per occurrence.

8.5 Such Pawnbroker liability insurance coverage shall be in the name of the Owner and shall name the Township of Uxbridge as an additional insured thereunder.

8.6 A Certificate of Insurance satisfactory to the Clerk shall be provided as proof that insurance is in place for the term of the licence.

8.7 The Pawnbroker shall indemnify and save harmless the Township of Uxbridge for all losses, costs, damages, charges and expenses whatsoever that may be incurred, sustained or paid by the Township resulting from the negligent acts, omissions and/or breach of contract in the performance of the Owner's obligations under this By-law.

Section 9 – Methadone Maintenance Treatment Establishment

RATIONALE FOR LICENSING:

9.1 To develop and enforce standards so the operation of a MMTE is appropriately integrated into the business community and conducted in a manner that is respectful of the clients, the surrounding businesses and the community; that considers the health, safety and well-being of clients, staff and community and that provides the community with confidence that public nuisances such as loitering, harassment of the public and illegal activities will not disrupt the character of the area within which the establishment is located.

GENERAL CONDITIONS – LICENCE

9.2 Every licence that is issued for the first time and every renewal thereof, is subject to Section 2 of this By-law, as well as the following conditions of obtaining, continuing to hold or renewing a licence, all of which shall be performed or observed at all times while the licence is in force.

9.3 Every Owner of a Methadone Maintenance Treatment Establishment shall provide:

- (a) that all Clients execute and abide by a behavior contract to be prepared by the MMTE, an example of which shall be provided by the Clerk at the time of application. Such contract shall include a requirement that to receive services at the MMTE, the Client shall afford reasonable cause to believe that such person, while at the MMTE and in the surrounding area, will not:
 - (i) engage in any illegal activity;
 - (ii) hang around or loiter other than to attend appointments at the MMTE;
 - (iii) be disruptive or aggressive with local residents, retailers and customers of local retailers.
- (b) that waiting room facilities are adequate enough to accommodate all Clients and their companions in attendance before the appointment while awaiting test results and during treatments;
- (c) that where a MMTE is located within 100 metres of a municipal parking lot, security cameras shall be installed by the municipality to ensure the safety and security of the public utilizing the public parking lot. The cost of the purchase, installation and maintenance of such security shall be paid to the municipality by the licensee;
- (d) that an appropriately authorized representative of the MMTE attend meetings to be scheduled quarterly by the Clerk with representatives of the Council for the Township of Uxbridge, staff, representatives of the BIA and Chamber of Commerce, if appropriate, to discuss issues of concern among the parties;

- (e) that the MMTE shall only operate between the hours of 8:00 a.m. and 3:00 p.m;
- (f) that the MMTE shall operate exclusively on an appointment basis and not as a walk-in clinic; and
- (g) that any additional policing requirements that directly result from the operation of the MMTE, as itemized and reported by the Durham Region Police Services to the Township of Uxbridge, to the extent that such costs exceed the licensing fee established by this By-law, shall be paid for by the Licensee.

Insurance

- 9.4 Every Owner of MMTE shall maintain valid liability insurance coverage in an amount not less than two million dollars (\$2,000,000) per occurrence.
- 9.5 Such MMTE liability insurance coverage shall be in the name of the Owner and shall name the Township of Uxbridge as an additional insured thereunder.
- 9.6 A Certificate of Insurance satisfactory to the Clerk shall be provided as proof that insurance is in place for the term of the licence.
- 9.7 The Owner of a MMTE shall indemnify and save harmless the Township of Uxbridge for all losses, costs, damages, charges and expenses whatsoever that may be incurred, sustained or paid by the Township resulting from the negligent acts, omissions and/or breach of contract in the performance of the Owner's obligations under this By-law.

NUMBER OF LICENCES AUTHORIZED

- 9.8 The number of licences authorized by this Section of this By-law for a MMTE within the Township of Uxbridge is limited at any time to two (2).

Section 10 – Offence and Penalty Provisions

- 10.1 Every person, other than a corporation, who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the penalties prescribed in the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, for each offence.
- 10.2 Every corporation, who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the penalties prescribed in the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, for each offence.
- 10.3 A director or officer of a corporation who knows that the corporation is violating or has violated any provision of this by-law is guilty of an offence, an upon conviction is liable for the penalties prescribed in the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, for each offence.

Section 11 – Severability

- 11.1 In the event any section or provision of this By-law is held invalid, the remainder of the By-law shall continue in force.
- 11.2 By-law No. 1975-32 as amended and By-law No.1979-56 as amended of the Corporation of the Township of Uxbridge are hereby repealed.
- 11.3 Section 7.1 – Section 7.15 inclusive of this By-law shall come into force and effect on the date of the passing of the Salvage Yard By-law.
- 11.4 The remainder of this By-law shall come into full force and effect on the date of its passing by Council.

**READ a FIRST, SECOND and THIRD TIME and finally passed this 16th day of July ,
2012.**

GERRI LYNN O'CONNOR
MAYOR

DEBBIE LEROUX
CLERK



The Corporation of the
**Township
of
Uxbridge**
In The Regional Municipality of Durham

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Telephone (905) 852-9181
Facsimile (905) 852-9674
Web www.town.uxbridge.on.ca

SCHEDULE A

In order to be a client at _____ there are a few rules you must agree to. In return, we agree to provide you dedicated high-quality professional care consistent with best practices in the field. We will treat you with dignity and respect. As a client of _____, I shall afford:

- a) Reasonable cause to believe that while at the MMTE and in the surrounding area, I will not:
- i) Engage in any illegal activity;
 - ii) Hang around or loiter other than to attend appointments at the MMTE;
 - iii) Be disruptive or aggressive with local residents, retailers and customers of local retailers

Do you understand this information? Yes No

Do you have any questions or concerns? Yes No

Client Signature: _____

Staff Signature: _____

Date: _____

APPENDIX 'A'

Prohibited Animal Education Event Licence

GENERAL CONDITIONS- LICENCE

- A 1.1 Every licence that is issued for the first time and every renewal thereof, is subject to Section 2 of this by-law, as well as the following conditions of obtaining, continuing to hold or renewing a licence, all of which shall be performed or observed at all times while the licence is in force.
- A1.2 Every application for a Prohibited Animal Education Event Licence shall be accompanied by:
- (a) a description of the proposed Prohibited Animal Education Event which shall include:
 - (i) an exact description of the number of Prohibited Animals and species of Prohibited Animals to be kept at the proposed Prohibited Animal Education Event;
 - (ii) a written description of the steps to be taken to ensure public safety at the proposed Prohibited Animal Education Event;
 - (iii) a written description of the steps to be taken to ensure the safety of the Prohibited Animals;
 - (iv) a written description outlining the process for disposal of Prohibited Animal waste;
 - (v) the Prohibited Animal Education Event date(s);
 - (vi) the Prohibited Animal Education Event time(s);
 - (vii) a sketch or survey of the Prohibited Animal Education Event floor plan depicting the limits of the Prohibited Animal Education Event, any holding area and any proposed outdoor storage, including fencing;
 - (viii) written permission from the owner of the property where the Prohibited Animal Education Event is to be located.
- A1.3 Every Person who operates a Prohibited Animal Education Event shall:
- (a) exhibit and use only the number and species of Prohibited Animals listed in the application;
 - (b) use containment devices or enclosures that are adequate to prevent the Prohibited Animals from escaping or injuring the public;
 - (c) provide the Prohibited Animals with a species appropriate living environment;
 - (d) ensure that all enclosures used to keep Prohibited Animals are kept suitably illuminated and ventilated.
- A1.4 Every Person who operates a Prohibited Animal Education Event shall accept full responsibility for any Prohibited Animal that escapes from custody and agrees to take the necessary action to contain such Prohibited Animal and to ensure public safety.
- A1.5 Pursuant to Section A1.4 of this by-law every applicant for a Prohibited Animal Education Event shall be responsible for all costs of recovering, capturing or containing an escaped Prohibited Animal.

INSURANCE

- A1.6 Every person who operates a Prohibited Animal Education Event shall maintain valid liability insurance coverage in an amount not less than two million dollars (\$2,000,000) per occurrence.
- A1.7 Such Prohibited Animal Education Event liability insurance coverage shall be in the name of the person who operates the Prohibited Animal Education Event and shall name the Township of Uxbridge as an additional insured thereunder.
- A1.8 A Certificate of Insurance satisfactory to the Clerk shall be provided as proof that insurance is in place for the term of the licence.

A1.9 Every person who operates a Prohibited Animal Education Event shall indemnify and save harmless the Township of Uxbridge for all losses, costs, damages, charges and expenses whatsoever that may be incurred, sustained or paid by the Township resulting from the negligent acts, omissions and/or breach of contract in the performance of the person's obligations under this by-law.

APPENDIX 'B'

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Salvage Yard Licence

GENERAL CONDITIONS-LICENCE

- B 1.1 Every licence that is issued for the first time and every renewal thereof, is subject to Section 2 of this By-law, as well as the following conditions of obtaining, continuing to hold or renewing a licence, all of which shall be performed or observed at all times while the licence is in force.
- B1.2 Every person who owns or operates a Salvage Yard shall maintain a fence that encloses any outdoor area of the Salvage Yard and every fence shall be:
- not greater than 3.3 m in height;
 - constructed of a solid uniform material, with a uniform colour, providing a full visual barrier; and
 - kept in good repair at all times
- B1.3 If an opening is required in any fence, pursuant to Section 81.2 of this By-law, for ingress or egress, the opening shall be covered by a gate that:
- is the same height as the fence;
 - is kept in a good state of repair at all times;
 - does not open over a traveled portion of a public road allowance or sidewalk; and
 - is kept clear of obstructions so that it may be opened fully at all times.
- B1.4 Every person who owns or operates a Salvage Yard shall ensure that:
- the outdoor area of the Salvage Yard is kept in a clean, neat, orderly and sanitary condition;
 - all storage containers, and other materials used for the Salvage Yard operation are kept within the enclosed area as required pursuant to Section B1.2 of this by-law;
 - no Salvage shall be loaded, unloaded, sorted, processed, dismantled, crushed, recycled, demolished, displayed, stored or placed outside of enclosed area required pursuant to Section 81.2 of this by-law
- B1.5 Every person who owns or operates a Salvage Yard shall, at all times, comply with all provisions of Ontario Regulation 213/07 made under the Fire Protection and Prevention Act, 1997.

TRANSACTION RECORDS

- B1.6 Every person who owns or operates a Salvage Yard shall maintain a register and shall be in the form of:
- a paper booklet; or
 - an electronic format.
- B1.7 Every person who owns or operates a Salvage Yard who acquires a vehicle, vehicle parts or salvage for the purpose of dismantling or selling at the Salvage Yard, either personally or through an employee or agent, from another person, shall immediately record in a register, in a legible script:
- the full name and address of the person from whom the Salvage Yard received the vehicle, vehicle parts or salvage;
 - the date of acquisition;

- (c) the name of the licenced person, or the licenced person's employee or agent who obtained the vehicle, vehicle parts or salvage;
- (d) the consideration given for the vehicle, vehicle parts or salvage; and
- (e) a complete description of the vehicle, vehicle parts or salvage, including the Vehicle Identification Number, if applicable. Each vehicle, vehicle part or salvage shall be personally examined by the person who owns the Salvage Yard or his designate to verify the Vehicle Identification Number matches the ownership receipt given.

- B1.8 No person who owns or operates a Salvage Yard shall acquire any vehicle or vehicle parts unless the person observes proof that the person selling the vehicle or vehicle part is the lawful owner.
- B1.9 No person who owns or operates a Salvage Yard shall acquire any vehicle that has a Vehicle Identification Number obliterated or mutilated without first having given notice to an Officer twenty four (24) hours prior to the intended acquisition.

RETENTION PERIOD

- B1.10 No person shall alter, dismantle, repair, dispose of or in any way part with any vehicle seven (7) model years old or less, purchased or taken in exchange, until after the expiration of seven (7) days from the date of obtaining said vehicle, and during the said period the vehicle so obtained shall be subject to an inspection at any time by an Officer.
- B1.11 Notwithstanding Section B1.10 of this By-law, a person may dispose of any vehicle seven (7) model years old or less, purchased or taken in exchange before the expiry of the seven (7) days from the date of obtaining the said vehicle, provided that an Officer has authorized in writing the release of the vehicle.
- B1.12 Section B1.10 and B1.11 of this By-law shall not apply where the person who owns or operates a Salvage Yard acquires a vehicle from another person who owns or operates a Salvage Yard where the retention period has expired.

INSURANCE

- B1.13 Every person who owns or operates a Salvage Yard shall maintain valid liability insurance coverage in an amount not less than two million dollars (\$2,000,000) per occurrence.
- B1.14 Such Salvage Yard liability insurance coverage shall be in the name of the Owner and shall name the Township of Uxbridge as an additional insured thereunder.
- B1.15 A Certificate of Insurance satisfactory to the Clerk shall be provided as proof that insurance is in place for the term of the licence.
- B1.16 Every person who owns or operates a Salvage Yard shall indemnify and save harmless the Township of Uxbridge for all losses, costs, damages, charges and expenses whatsoever that may be incurred, sustained or paid by the Township resulting from the negligent acts, omissions and/or breach of contract in the performance of the Owner's obligations under this by-law.