



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 275-2006

A By-law to repeal and reenact Licensing By-law 1-2002

WHEREAS Section 150(2) of the *Municipal Act, 2001* permits a municipality to exercise its business licensing powers for one or more of the following purposes:


1. Health and safety.
2. Nuisance Control.
3. Consumer protection.

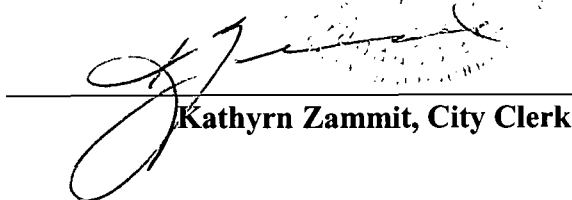
AND WHEREAS the by-law formerly known as By-law 1-2002 is intended to achieve these purposes;

AND WHEREAS, Council deems it prudent to repeal By-law 1-2002 and reenact it in the same form: in order for it to avoid being sunsetted by 150(13) of the *Municipal Act, 2001*;

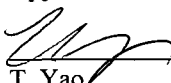
1. The By-law formerly known as Licencing By-law 1-2002 is repealed and reenacted in the same form as appended hereto as Schedule A.
2. For convenience purposes, Licencing By-law 1-2002 shall keep the same number even though it is reenacted in 2006.

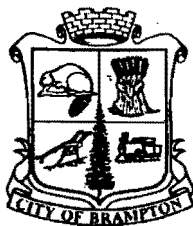
READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 11th DAY OF September, 2006


Susan Fennell, Mayor


Kathryn Zammit, City Clerk

Approved as to Form and Content

 Sept 11/06
T. Yao
Legal Counsel



LICENSING BY-LAW 1-2002

Amended by By-laws:

57-2002 142-2002 173-2002 284-2002 377-2002 378-2002 379-2002 380-2002
51-2003 90-2003 129-2003 148-2003 149-2003 (as amended by court decision) 150-2003 151-2003
127-2004 262-2004 390-2004 100-2005 167-2005 243-2005
103-2006 133-2006 134-2006 148-2006

and re-enacted, by By-law 275-2006

INDEX

SECTION #	SECTION NAME	PAGE
1	Definitions	1
2	Licences	5
3	Requirements for Licencees	6
11	Application and Renewal	7
12	Grounds for refusal to issue/renew	7
13	Requirements for Mobile Licences	8
31	Cancellation and Administrative Suspensions	9
39	Issuance of a Licence on Terms/Conditions	9
61-63	Inspection	12
64-68	General Prohibitions	13
73-75	Penalty	13
76-79	Interpretation	14
Schedule M-1	Driving Schools	15
Schedule M-2	Refreshment Vehicles	17
Schedule M-3	Tow Trucks	20
Schedule M-4	Limousines	25
Schedule M-5	Taxicabs	27
Schedule S-1	Electrical, Plumbing & Heating Contractors	37
Schedule S-2	repealed (Plumbing Contractors)	
Schedule S-3	repealed (Heating Contractors)	
Schedule S-4	Food handlers	41
Schedule S-5	Place of Public Assembly and Amusement	42
Schedule S-6	Circuses and Traveling and Exhibitions	44
Schedule S-7	Second hand goods	45
Schedule S-8	Pawnbrokers	46
Schedule S-9	Animals and Pets Kept for Sale	47
Schedule S-10	Vehicle Facility	49
Schedule S-11	Salvage Yard and Salvage Shop	51
Schedule S-12	repealed (Building Renovators)	52
Schedule S-13	Adult Entertainment Parlours	54
Schedule S-14	Adult Video Stores	56
Schedule S-15	Tobacco	58
Schedule S-16	Vendor	59
Schedule S-17	Flea Markets	60
Schedule S-18	Fireworks	61
Schedule S-19	Lotteries	63
Schedule S-20	Driveway Contractors	72
Schedule S-21	News Paper Boxes	73
Schedule S-22	Pool Installation Contractors	74
Schedule S-22	Horse Riding Establishments	75
Schedule S-24	Day Nurseries	81
Schedule S-25	Sign Distributors	82
Schedule S-26	Body-Rub Establishments	83
Schedule S-27	Personal Aesthetic Procedures	82
Appendix A	Fee Schedule	93
Appendix B	Taxicab Tariff	97
Appendix C	Certificate of Insurance (General Liability)	98
Appendix D	Certificate of Insurance (Mobile)	99
Appendix E	Plate Removal	100
Appendix F	Driving Schools (Restricted Areas)	102

THE COUNCIL of the Corporation of the City of Brampton ENACTS as follows:

DEFINITIONS

1. For the purposes of this By-law:

"24 hour facility" shall mean a Class D vehicle facility which employs an attendant present at the vehicle facility site at all times 24 hours a day, seven days a week. **(By-law 151-2003)**

"adult entertainment parlour" means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations which include:

- (a) goods or services of which a principal feature or characteristic is the nudity or partial nudity of any person;
- (b) goods or services in respect to which the word "nude", "naked", "topless", "bottomless", "sexy", or an other word or picture symbol or representation having like meaning or implication as used in any advertisement;

"amusement device" shall mean any machine, mechanical or electronic device, ride or game;

"applicant" means a person applying for a licence or renewal of a licence under this by-law;

"application" means an application in the form provided by and shall include an application for renewal accompanied by the appropriate documentation and fee and shall include renewal;

"body-rub" includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

"body-rub parlour" includes any premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

"body-rub attendant" includes any person who performs, offers, or solicits a body-rub.

"body-rub owner" when used in reference to a body-rub parlour means a person who alone or with others has the right to possess or occupy a body-rub parlour or actually does possess or occupy a body-rub parlour, and includes a lessee of a body-rub parlour or premises upon which a body-rub parlour is located.

"body-rub operator" when used in reference to a body-rub parlour refers to any person who alone or with others operates, manages, supervises, runs or controls a body-rub parlour and "operate", "operation" and other words or like import or intent shall be given a corresponding meaning.

"building renovator" means a person engaged in the business of altering, repairing or renovating buildings or structures or constructing radiation fallout shelters, and includes any person who solicits for such work, or who in any way advertises or holds himself out to the public as doing building renovations or as being a building contractor in renovation work, but does not include a building contractor whose principal business is the construction of buildings or structures;

"chief-of-police" means the Chief of Police of The Regional Municipality of Peel;

"chimney repairman" means a person engaged in the trade or occupation of repairing chimneys;

"city" means the City of Brampton in The Regional Municipality of Peel;

"commissioner" means the Commissioner of Works and Transportation or the Legal Services as the case maybe;

"committee" means the By-law Committee of Council;

"council" means the Council of The Corporation of the City of Brampton;

"day nursery" means a premises that receives more than five children, who are under ten years of age, and who are not of common parentage, for the purpose of providing temporary care, but does not include part of a public school, separate school, private school or a school for trainable challenged children under the Education Act RSO. 1990 c. E 2

"dealers in second-hand goods" includes a person who goes from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods;

"designate" means the person in charge of and responsible for the operation of the body rub parlour in the absence of the owner; **(By-law 149-2003)**

"dispatch" means the communication of an order or information in any manner to a vehicle used for hire;

"drain contractor" means a person who installs, repairs or maintains drainage systems, public or private, and sewage disposal systems on the exterior of any building;

"drain work" means the non-metallic piping forming parts of a building drain, building sewer, building storm drain, or building storm sewer, are as defined in the Ontario Building Code;

"driver" means any person licensed to drive a vehicle pursuant to this by-law;

"driver's licence" means the licence issued to a driver pursuant to this by-law;

"drive-self cartage vehicle" means any cartage vehicle rented by the owner thereof and used and driven exclusively by the hirer or his employee for his own personal use and not for any commercial or contractual use;

"drive-self rental car" means a motor vehicle used for hire for the conveyance of persons which is let out by the owner thereof to a customer and used and driven exclusively by the customer or his employee for the use of the customer but does not include a vehicle let out by the owner thereof for a period of one year or more to a person who takes exclusive possession thereof and drives the same either by himself or his employees and who does not let such vehicle out to any other person;

"drive-self rental vehicle" includes a drive-self rental car and a drive-self cartage vehicle;

"driving school" means any business or establishment which employs instructors, to teach persons to operate motor vehicles;

"driving school operator" means a person who runs, operates or carries on the business of a driving school is required to be licensed under this by-law; and

"driveway paving contractor" means a person who carries on the business of paving and repairing driveways, lanes, roadways, parking areas and other paved surfaces;

"dwelling unit" means one or more habitable rooms designed or intended to be used together as a single and separate unit by one person or jointly by two or more persons, containing its own kitchen and sanitary facilities, with a private entrance from outside the unit itself, and does not include a hotel;

"electrical work" includes any procedure or method described in the Electrical Safety Code, being Ontario Regulation 183/84 made pursuant The Power Corporation Act and the Ontario Building Code;

"file" means to file with the Licence Issuer;

"heating contractor" means a person engaged in the business of installing warm air, hot water or steam heating equipment of any kind excepting the installation of oil tanks and oil and gas burners and includes any person who solicits for, or in any way advertises or holds himself out to the public as doing work involving the installation of warm air, hot water or steam heating equipment of any kind excepting the installation of oil tanks and oil and gas burners, or as being a heating contractor; and "heating work" has a corresponding meaning;

"horse riding establishment" means the carrying on of a business in the equine industry and includes trail riding and instructional riding establishments.

"hotel" means an establishment consisting of one building or two or more connected or adjacent buildings that provides sleeping accommodation for the public and is licensed or required to be licensed under the Tourism Act (R.S.O. 1990, c. T.15, as amended) or the Liquor Licence Act (R.S.O.1990, C.L.18) , as amended);

"inspector" has same meaning as licensing inspector;

"instructor" means a person who for compensation teaches others to drive a motor vehicle as a driving instructor or is required to be licensed as such under this by-law and who is employed or self-employed in the business of teaching persons to operate a motor vehicle;

"issuance" means issuance of a licence pursuant to this by-law and shall include renewal of a licence;

"lease" means an agreement between a plate owner and another under which the plate owner provides his owner's plate to be used by that other person for a defined period of time to operate a vehicle;

"lessee" means a person who has entered into an agreement with a plate owner for the lease of the owner's plate to be used to operate a vehicle;

"licence" means the certificate issued pursuant to this by-law as proof of licensing under this by-law;

"licensed" means to have in one's possession a valid and current licence issued under this by-law;

"licence issuer" means the head of the Licensing Section of The Corporation of the City of Brampton and includes his designate;

"licensing inspector" means any person employed by the City of Brampton appointed as a Municipal Law Enforcement Officer;

"licensed vehicle" means a vehicle licensed pursuant to this by-law;

"limousine" means a top-of-the-line luxury passenger vehicle, with four or more doors, which is not a station wagon, panel truck, bus or van, and which has top quality interior appointments, tinted power windows, a stereo system, climate control, adequate trunk space, and includes any luxury-class classic car such as Rolls Royce, Jaguar, Mercedes, Bentley or Daimler;

"lodging house" means a dwelling in which residential accommodation is provided or intended to be provided, with or without meals, for hire or gain, to three (3) or more lodgers, in which each lodger does not have access to all of the habitable areas of the building; **(By-law 262-2004)**

"medical officer of health" means the Medical Officer of Health with the Region of Peel;

"mobile licensing" shall mean the licensing of owners, drivers, and businesses relating to vehicles in the City of Brampton;

"motor vehicle" includes an automobile or any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or motorized snow vehicles, traction engines, farm tractors, self propelled implements of husbandry or road building machines within the meaning of the Highway Traffic Act;

"owner" means any person who owns or operates a business required to be licensed under this by-law and shall include a person who operates or manages such business;

"passenger" means any person in a vehicle, limousine or taxicab other than the driver;

"pawnbroker" means a person who exercises the trade of receiving or taking, by way of pawn or pledge, any goods for the repayment of money lent thereon;

"person" includes a firm or corporation according to the context;

"personal aesthetic procedures" shall mean any procedures that contact intact or non-intact skin, or which penetrate skin, and include shaving, tattooing, piercing, manicures and pedicures **(By-law 379-2002)**

"pet shop" means a shop or place where animals including birds, reptiles, or fish, are sold or kept for sale to the public and includes any place where such animals are bred for sale;

"place of public assembly and amusement" shall include any shop, building, or place or part thereof, which is open to the public, in which amusement devices are installed, placed or operated as one of the principal trades;

"plate" means a number plate issued to a person licensed pursuant to this by-law;

"plumbing" includes any procedure, method, matter or thing referred to or described in the Plumbing Code, being Regulation No. 815, as amended of The Revised Regulations of Ontario 1984, and amendments thereto from time to time; and "plumbing work" has a corresponding meaning;

"plumbing contractor" means a person engaged in the business of contracting for the making and repairing of plumbing installations, and includes any person who solicits for plumbing work, or who in any way advertises, or holds himself out to the public, as doing plumbing work or as being a plumbing contractor;

"pool installation contractor" means a person who carries on the business of installing residential swimming pools;

"private sewage disposal system" shall mean a system, not municipally owned or operated, for the disposal of sewage and shall include the use of septic tanks, tile disposal beds, grease traps and other similar devices;

"proprietary club" means all clubs other than those in which the use of any billiard, pool or bagatelle table is only incidental to the main objects of the club;

"public garage" includes a parking station or a parking lot or a building or place where motor vehicles are stored or parked, hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles, and an automobile service station;

"public hall" means a building, including a portable building or tent with a seating capacity for over one hundred persons, that is offered for use or used as a place of public assembly, but does not include a theatre within the meaning of The Theatres Act RSO 1990, c. T.6, or a building used solely for religious purposes;

"salvage shop and salvage yard" include an automobile wrecking yard and a recycling yard or premise;

"services designated to appeal to erotic or sexual appetites or inclinations" include (**By-law 149-2003**):

- (i) services of which a principal feature or characteristic is the nudity or partial nudity of any person; and
- (ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or picture, symbol or representation having like meaning or implication used in any advertisement.

"second-hand goods" includes household materials, bottles, bicycles, automobile tires, old metal and other scrap material and salvage that is sold for retail, but does not include goods that are recycled or intended to be recycled as part of a recycling program;

"sexual contact" includes the kissing, fondling, and sucking of breasts or genitals, digital penetration, fellatio, cunnilingus, masturbation, ejaculation or intercourse.

"sign distributor" means any person who distributes or installs signage, whether by rental or sale, whether permanent or temporary, to any other individual or business;

"supportive lodging house means a lodging house in which the owner is paid to provide guidance and assistance in daily living activities to the lodgers on a continuous basis, but excludes a group home type 1 or 2, an auxiliary group home or a supportive housing facility" (**By-law 262-2004**)

"tow truck" means a motor vehicle used for hire for towing or otherwise conveying in the City of Brampton area vehicles as defined in the Highway Traffic Act, whether or not any such towed or conveyed vehicle is intact or in operable condition;

"vehicle" includes a motor vehicle, trailer, farm tractor, road-building machine, motorized snow vehicle, bicycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power;

"vehicle owner" means a person who is registered with the Registrar of Motor Vehicles for the Province of Ontario as the owner of a motor vehicle;

"vendor" means any person who goes from place to place or to a particular place with items or products for sale, and shall include the person under whose provincial vendor's permit the seller operates, but shall not include any such person whose items or products constitute refreshments within the meaning of this by-law;

"veterinarian" means a person registered and entitled to practise veterinary science under the Veterinarians Act, R.S.O. 1990, c. V.3, as amended.

LICENCES

2. A licence shall be taken out by:

- (1) every person who owns or keeps a place of public assembly and amusement;
- (2) every owner of a drive-self rental vehicle;
- (3) every person who carries on the business of teaching persons to operate motor vehicles and every driving instructor employed in such business;
- (4) every electrical contractor, alarm companies (fire, burglar, etc.) **(By-law 380-2002)**
- (5) every plumbing contractor, plumber, and drain contractor **(By-law 380-2002)**
- (6) every heating contractor **(By-law 380-2002)**
- (7) every person who owns or keeps a restaurant and every person who owns or keeps a place where foodstuffs intended for human consumption are made for sale, offered for sale, stored or sold, except where the only food items offered for sale are non-hazardous, pre-packaged "snack/convenience" type items such as chocolate bars, potato chips and canned/bottled beverages, considered 'low risk' according to the Hazard Assessment Critical Control Point Protocol under the Food Safety Mandatory Program utilized by the Region of Peel Health Department; **(By-law 390-2004)**
- (8) every person who, for hire or gain, deals in second hand goods, including precious metals, electronics, sporting goods and jewellery;
- (9) every person who exercises the trade of a pawnbroker;
- (10) every keeper of a shop or place where animals or birds for use as pets are sold or kept for sale;
- (11) every person who owns or operates a vehicle facility;
- (12) every person who operates and every person who drives a vehicle from which refreshments are sold for consumption by the public;
- (13) every person engaged in the business of altering, repairing or renovating buildings or structures or constructing radiation fallout structures, other than building contractors whose principal business is the construction of buildings or structures;
- (14) every owner and every driver of a tow truck;
- (15) every person who owns or operates or drives a limousine;
- (16) every person who owns or operates a taxicab or taxicab brokerage and every person who drives a taxicab;
- (17) every owner and every operator of an adult entertainment parlour;
- (18) every person who offers for sale or offers for rent adult videos;
- (19) every person who sells or offers for sale tobacco products to the public;
- (20) every person who goes from place to place or to a particular place as a vendor with items or products for sale;
- (21) every person who owns or operates a flea market;
- (22) every person who sells or offers for sale any fireworks from a trailer or temporary structure;
- (23) every driveway paving contractor;
- (24) every person who distributes or causes the distribution of newspapers in a newspaper box;
- (25) every pool installation contractor;
- (26) every day nursery operator;

- (27) every sign distributor;
- (28) every person who owns or operates a body-rub parlour and every person who performs, offers, solicits or receives a body-rub in, at or upon a body-rub parlour in the pursuance of a trade, calling, business or occupation;
- (29) every person who owns or operates a circus or travelling exhibition;
- (30) every owner or operator of a horse riding establishment;
- (31) every person who owns or operates a salvage yard or salvage shop.
- (32) every person who owns or operates a business which offers personal aesthetic procedures **(By-law 379-2002)**
- (32) (number duplicated) every person who owns or operates a lodging house or supporting lodging house **(By-law 262-2004)**

REQUIREMENTS FOR LICENSEES

- 3. No person may be licensed pursuant to this by-law unless he is either a Canadian citizen, a permanent resident, or has a valid employment authorization issued by the Government of Canada to work in such occupation, and has a working knowledge of English.
- 4. If at any time the photo identification required by this by-law does not represent a reasonable likeness of the person licensed under this by-law because of physical changes, passage of time, or poor quality photography the person shall obtain a new photograph.
- 5. Any person licensed by any regulatory body where that licence is a requirement in the issuance of a City of Brampton Licence, shall forthwith report any suspension thereof to the Licence Issuer.
- 6. Every licensed premises shall be kept in a clean, neat and sanitary condition.

POSTING OF LICENCES

- 7. (1) Where a licensee's business requires provincial licensing, the licensee shall ensure the appropriate licence is posted in a place clearly visible to the public;
- (2) Any licence issued under this by-law shall be posted in a conspicuous place clearly visible to the public.

INSURANCE (By-law 167-2005, 243-2005)

- 8. Every person to whom this by-law relates shall provide proof of commercial general insurance, satisfactory to the City of Brampton, to the amount of at least \$1,000,000, exclusive of costs and interest, in respect to any one claim. Perils will include bodily injury, death of one or more persons, and loss or damage to property. At least 10 (ten) days' notice will be provided to the City of Brampton in writing by registered mail of cancellation, expiration or variation in the amount or conditions of the policy. The form of proof may be as set out in Appendix C to this By-law.

- (a) Every person required to be licensed under Schedule

M-1 (driving schools),
M-2 (refreshment vehicles, except for Class B, non motorized, and Class C, stationary in a permanent location),
M-3 (tow trucks),
M-4 (limousines), and
M-5 (taxis)

shall provide proof of third party motor vehicle liability insurance for each vehicle used in the business, to the amount of at least \$1,000,000, exclusive of costs and interest, in respect to any one claim. Perils will include bodily injury, death of one or more persons, and loss or damage to property. At least 10 (ten) days' notice will be provided to the City of Brampton in writing by registered mail of cancellation, expiration or variation in the amount or conditions of the policy. The form of proof may be as set out in Appendix D to this By-law.

- (b) In addition to the insurance required under subsection 8(b), every person required to be licensed under Schedule M-3 (tow trucks) shall provide:

- (i) Coverage of at least \$50,000.00 in respect of any one claim, exclusive of costs and interest, against liability for damage to, or theft of cargo or other goods of customers, subject to reasonable limitations.
- (ii) Coverage of at least \$100,000.00 in respect of any one claim, exclusive of costs and interest, against liability for damage to the vehicles of customers while in the care, custody, and control of the applicant. Perils shall include collision, upset, fire, lightning, theft, or attempted theft, malicious mischief, windstorm, hail, explosion, riot, civil commotion and rising water.

At least 10 days' notice will be provided to the City of Brampton in writing by registered mail of cancellation, expiration or variation in the amount or conditions of the policy. The form of proof may be as set out in Appendix C to this By-law.

- 9. (1) Every corporate applicant shall file a copy of the incorporating documents, along with any amending documents, and the most recent annual filing, if any;
- (2) Where two or more persons carry on or engage in partnership in any of the trades, callings, businesses or occupations set out in this by-law, the licence may be issued in the name of one partner only, but when the application for licence is made, the name and address of each member of the partnership shall be set out therein;
- (3) (a) Every Licensee shall, on request of the Licence Issuer, produce his licence and any other documentation requested; and
- (b) Every person obtaining a licence under this by-law, where the same applies to the occupation of such person, shall carry his licence with him when engaged in the occupation for which the licence is issued, and every person so licensed shall, when requested by the Licence Issuer or the Police produce the licence and any other documents required for inspection.

NOTIFICATION OF CHANGE OF INFORMATION

- 10. (1) A licensee shall carry on business in the City in the name which is set out on the licence and shall not carry on business in the City in any other name unless he has first notified the Licence Issuer and complied with the relevant provision of this by-law.
- (2) A licensee shall notify the Licence Issuer within seven (7) days of any change of name, address or any other information related to the licence; and
- (3) Where the licensee is a corporation, the licensee shall notify the Licence Issuer of any change in the names and addresses of officers and directors, the location of the corporate head office, change of ownership of shares within seven (7) days of the change, and if necessary, the licence shall be returned immediately to the licensing section for amendment.

APPLICATION AND RENEWAL

- 11. (1) On an application for a licence, or the renewal thereof, an applicant shall complete the prescribed forms and shall furnish to the Licence Issuer such information as the Licence Issuer may direct to be furnished, and shall pay the appropriate fees therefor; and
- (2) Every application for renewal of a licence which is not made within 60 days following the expiry date shall be deemed to be a new application.

GROUND FOR REFUSAL OF A LICENCE (133-2006)

- 12. An applicant who meets the requirements of this by-law is entitled to be licensed except where:
 - (1) In this Section, "applicant" includes an applicant for a licence, a holder of a licence, or in the case of a partnership, a partner of the partnership applying for or holding the licence, or in the case of a corporation, an officer or director of the corporation applying for or holding the licence (**By-law 133-2006**).
 - (2) An applicant whose application or licence meets all the requirements of this By-law and its Schedules is entitled to a licence except where (**By-law 133-2006**):

- (a) The past or present conduct of the applicant affords reasonable grounds for the belief that the business which is the subject of the licence or licence application will not be carried on in accordance with the law and with integrity and honesty;
- (b) There are reasonable grounds to believe that any application or other document provided to the Licensing Issuer by or on behalf of the applicant contains a false statement, or provides false information;
- (c) The financial position of the applicant affords reasonable grounds to believe that the business will or has not been carried on in a financially responsible manner;
- (d) There are reasonable grounds to believe that the applicant does not meet:
 - (i) all the requirements of this By-law; or
 - (ii) any other City By-law;
 or that such business is carried on or intended to be carried on in an area where such business is prohibited. Where the reason for refusal is solely by reason of the location of the business, Section 150(12) of the *Municipal Act* applies to prevent a refusal, revocation or suspension, in cases where the business was lawfully being carried on at that location on May 1, 2006.
- (e) The applicant has failed to pay a fine or fines imposed by a court for convictions for breach of a City by-law;
- (f) There are reasonable grounds to believe that the building, premises or place or part thereof in which the business is carried on or intended to be carried on does not comply with the provisions of this By-law, or with any other law, or by-law, including any applicable zoning or building requirements, or is dangerous or unsafe;
- (g) There are reasonable grounds to believe that the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of or engaging in the business licensed hereunder is misleading to consumers, dangerous, or unsafe;
- (h) The fee payable for the licence or licence application has not been paid, or
- (i) Any additional fee imposed on a licensee remains unpaid after the due date as indicated in a Notice of Additional Fee sent to the licensee.

REQUIREMENTS FOR MOBILE LICENCES

13. Every applicant for a mobile licence shall file with the Licence Issuer:
 - (1) a completed application, which shall be personally delivered, accompanied by the appropriate fee;
 - (2) a copy of his photograph taken by the licensing section;
 - (3) a Peel Regional Police Criminal Record Search as approved by the licensing section;
 - (4) an Ontario Driver's Abstract as required by the licensing section;
14. No person shall be licensed as a driver pursuant to this by-law unless he holds a current, valid driver's licence issued under the Highway Traffic Act, R.S.O. 1990, c. H.8.
15. Any vehicle licensed under this by-law shall be clean, in good repair as to its interior and exterior, free from exterior body damage and with well maintained exterior paint finish, trim, wheel covers and hubcaps;
16. Every person who operates or permits to be operated a vehicle licensed under this by-law shall submit the vehicle for inspection or examination as directed by the licence issuer;
17. No person shall operate or permit to be operated any vehicle licensed under this by-law where the Licence Issuer has required an examination or inspection be carried out, until such an examination or inspection has been passed to the satisfaction of the Licence Issuer.

18. No person licensed to drive a vehicle under this by-law shall drive more than twelve (12) hours per day.
19. No person shall operate or permit to be operated any vehicle that is not in good mechanical condition;
20. Every person operating a vehicle licensed under this by-law shall keep at all times the original or a photocopy of the current plate owner's licence in the motor vehicle to which it pertains;
21. Every plate owner shall employ or use only the services of drivers licensed under this by-law;
22. All persons licensed to drive a vehicle pursuant to this by-law shall immediately report any suspension of his Ontario Driver's Licence to the Licence Issuer.
23. No person shall:
 - (1) use a plate for which a replacement has been issued;
 - (2) operate a vehicle from which a plate has been lost, destroyed or defaced; a replacement plate may be issued by the Licence Issuer upon the original plate being accounted for to the satisfaction of the Licence Issuer and, upon payment of the cost of a replacement plate;
24. Every person prior to being licensed under this by-law to operate a vehicle, shall:
 - (1) submit the vehicle for inspection and approval by the licensing section;
 - (2) produce a current certificate of Mechanical Fitness as outlined by the Ministry of Transportation with respect to the motor vehicle;
 - (3) submit alternate fuel certificate, if applicable;
 - (4) submit certificate of insurance;
 - (5) submit vehicle registration (ownership);
 - (6) pay applicable fee;
25. Every person who transfers a current plate on to a new vehicle shall submit the vehicle for inspection and approval by the Licensing Section.
26. Every plate owner shall ensure that any plate issued under this by-law is affixed to the licensed vehicle in a manner and location approved by the Licence Issuer.
27. No person shall operate or permit to be operated any vehicle, which is not licensed pursuant to this by-law, if required.

ADMINISTRATION AND ENFORCEMENT

28. The licence fees are set out in the Fee Schedule.
29. Council shall appoint a Licence Issuer and such other officers as may be necessary to carry out the administrative duties associated with the licensing function for the City of Brampton.
30. Every licence issued under this by-law shall be valid for the maximum of one year and shall expire on the date set out in the fees schedule in respect of such licence.

CANCELLATIONS AND ADMINISTRATIVE SUSPENSIONS

31. A licence issued to a plate owner, a fleet owner or a broker under this by-law may be cancelled by Council at any time, if the plate owner, fleet owner or broker fails to actively operate the motor vehicle or carry on the brokerage business for which the licence has been issued for a continuous period of sixty (60) days, unless just cause for such failure can be shown to the satisfaction of Council; and
32. A Licence Issuer may suspend any licence where the licensee fails to meet the administrative requirements upon which the licence is issued.
33. Failure to submit a vehicle for inspection as required shall result in the owner's plate or licence being suspended by the Licence Issuer until such time as the vehicle has been inspected and approved by the Licence Issuer.

34. Notwithstanding that a licence has been issued, where the Licence Issuer has reasonable grounds to believe that a licensee may no longer satisfy the requirements of this by-law, the licensee may be required to file further documents with the Licence Issuer.
35. Except where otherwise provided, where the licensee fails to meet the administrative requirements of this by-law, the Licence Issuer may suspend the licence until such time as the requirements of this by-law are met.

REINSTATEMENT

36. The Licence Issuer shall reinstate any licence which has been suspended upon satisfactory proof that the administrative requirements have been met.

INCOMPLETE APPLICATION (By-law 133-2006)

37. The Licence Issuer may require any fee or document, including proof that any requirement of any law or by-law has been met, before a licence is issued. If the Licence Issuer has made reasonable efforts to obtain the required information but the application remains incomplete, the Licence Issuer may issue a Notice of Incomplete Application and close the file. **(By-law 133-2006)**
38. A closed application file is subject to a \$50 administration fee. **(By-law 133-2006)**
39. The issuance of a Notice of Incomplete Application is not a statutory power of decision and is not subject to appeal to Council. **(By-law 133-2006)**

PLATE REMOVAL (By-law 133-2006)

40. Where the Licence Issuer, acting reasonably, has reason to believe that one or more of the sections listed in Schedule C is or has been contravened, he or she may physically remove the plate from a vehicle or appliance. **(By-law 133-2006)**
41. The Licence Issuer may retain the plate until the contravention has been remedied to the satisfaction of the Licence Issuer. **(By-law 133-2006)**

REFUSALS AND HEARING PROCEDURES (By-law 133-2006)

42. In the following Sections, in addition to its ordinary meaning, the word "applicant" shall have the additional meanings as set out in Section 12 (1). **(By-law 133-2006)**

Recommendation for Refusal (By-law 133-2006)

43. Where the Licence Issuer is of the opinion that:

- (1) an application for a licence should be refused,
- (2) a reinstatement should not be made,
- (3) a licence should be revoked;
- (4) a licence should be suspended; or
- (5) a term or condition of a licence should be altered

he or she shall make a recommendation to Council to refuse, revoke or suspend the licence or alter the term or condition. **(By-law 133-2006)**

Issuer to Advise of Recommendation (By-law 133-2006)

44. Notice of the recommendation in Section 43 shall be given to the applicant. The applicant is entitled to a hearing before the Committee of Council (Licencing), if the applicant delivers a letter requesting a hearing to the Clerk, within fourteen days after notice has been sent. The letter must be accompanied by a \$75.00 appeal fee. **(By-law 133-2006)**

Where No Appeal (By-law 133-2006)

45. Where no request for a hearing is received within thirty days after the sending of the recommendation to the applicant ("the sending date"), the recommendation is deemed final and binding, and the refusal, revocation, suspension, or change of term or condition is effective thirty days after the sending date. **(By-law 133-2006)**

Service of Notice (By-law 133-2006)

46. Any written notice required to be given by the City Clerk or Licence Issuer shall be deemed served seven days following mailing of such notice to the last address given by the applicant to the Licence Issuer. **(By-law 133-2006)**

60-day Suspension (By-law 133-2006)

47. (1) Where it comes to the Licence Issuer's attention that the holder of a licence has been convicted of an offence or has unpaid fines so as to lead the Licence Issuer to conclude that the holder's business will not be carried on in accordance with the law and not with integrity and honesty, contrary to Section 12(a), the Licence Issuer may suspend the licence for a period not to exceed 60 days. **(By-law 133-2006)**
- (2) During this time it is an offence for the holder to continue to carry on the business for which the licence was issued. **(By-law 133-2006)**
- (3) The suspension shall operate **(By-law 133-2006)**:
- (a) if the notice of suspension is served personally, from the date of service;
- (b) if the notice is served by registered or ordinary mail, seven days after the latest date of mailing.
- (4) When a license is suspended under this section, the holder shall be deemed to have appealed to the Committee of Council (Licencing) and Section 45 (where no appeal) shall not apply to the holder's appeal. **(By-law 133-2006)**
- (5) Upon a suspension being made under Section 47(1), the Clerk shall forthwith take steps to schedule a hearing, either within the 60-day period or beyond it, but failure of the Clerk to schedule a hearing within 60-day period shall not invalidate the suspension. **(By-law 133-2006)**
- (6) If a hearing is not scheduled within the 60-day period, the licence is reinstated at the end of the sixty days and the Licence Issuer shall not issue a second 60-day suspension for the same conviction, or unpaid fine that led to the first 60-day suspension. **(By-law 133-2006)**

Hearing Procedure (By-law 133-2006)

48. On receipt of a written request for a hearing from the applicant, the City Clerk shall schedule a hearing and shall give the applicant and the Licence Issuer reasonable written notice of the date, time and place of the hearing. **(By-law 133-2006)**
50. The panel for the hearing need not follow the three councillor quorum requirements of Section 5.3 of Procedure By-law 160-2004. **(By-law 133-2006)**
51. The final decision in the hearing is deemed to involve a statutory power of decision within the meaning of the *Statutory Powers Procedure Act* and that Act, except for Sections 17.1 (power to award costs), 18 (requirement to send copies of final decision and order) and 19 (enforcement of order by filing with Superior Court of Justice), applies to the Committee of Council (Licencing) and the hearing conducted by it. **(By-law 133-2006)**
52. If the panel of the Committee of Council (Licencing) so requires, it may meet privately to deliberate, or to write a decision or order, notwithstanding Section 239(1) of the *Municipal Act*. **(By-law 133-2006)**
53. When an applicant who has been given written notice of the hearing does not attend at the appointed time and place, the panel may proceed in his or her absence, and the applicant shall not be entitled to any further notice of the hearing. **(By-law 133-2006)**

Council to Make Final Decision (By-law 133-2006)

53. (1) The panel shall provide its recommendations to Council, after which Council may make the final decision. **(By-law 133-2006)**
- (2) When it makes the final decision pursuant to Section 53(1), Council is not required to hold a hearing or hear any further deputation. **(By-law 133-2006)**
- (3) Council is not required to give reasons for its decision. **(By-law 133-2006)**
- (4) Notice of Council's decision shall be given to the parties that were at the hearing before the panel, and any other persons as Council may direct, and notice shall be given within ten days after the date Council makes its decision. **(By-law 133-2006)**

54. Council may make any decision permitted by law and may **(By-law 133-2006)**:

refuse;
refuse to reinstate;
revoke;
suspend; or
grant a licence upon terms and conditions

or any combination of these.

55. No member of the Committee of Council (Licencing) or its staff is personally liable for anything done by it, or him or her under authority of this by-law. **(By-law 133-2006)**

RETURN OF LICENCE (By-law 133-2006)

56. (1) Where for any reason, an applicant has been refused a licence, or a licence has been revoked or suspended, the Licence Issuer shall notify the applicant in writing, and such applicant shall return any licence or plates issued by the Licence Issuer with reference to such licence forthwith. **(By-law 133-2006)**

(2) No person whose licence has been revoked or suspended shall refuse to deliver the licence or plates to the Licence Issuer or in any way obstruct or prevent the Licence Issuer from receiving or taking the same. The Licence Issuer may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking or removing the said licence and plates. **(By-law 133-2006)**

57. An applicant whose licence has been refused or revoked, shall not be entitled to make a new application for a similar type of licence for a period at least eighteen (18) months from the date of the refusal or revocation. **(By-law 133-2006)**

FEE REQUIRED FOR LICENCE TO BE ISSUED (By-law 133-2006)

58. Notwithstanding any decision of, or statement by the Council respecting the granting of a licence, or a licence application, no person shall be deemed to be licensed to carry on or engage in the trade, calling, business or occupation, for which such licence is required until, he or she has paid the required fee and has received the physical licence, plate, or other evidence of the granting of such licence continues to be provided for in this By-law. **(By-law 133-2006)**

NO VESTED RIGHT (By-law 133-2006)

59. No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of a licence shall be the property of the Corporation of the City of Brampton. **(By-law 133-2006)**

60. No person licensed to carry on business under this by-law shall advertise, promote or carry on the business under any name other than the name endorsed upon his licence without the approval of the Licence Issuer. **(By-law 133-2006)**

INSPECTION (By-law 133-2006)

61. The Licence Issuer may at all reasonable times **(By-law 133-2006)**:

- (1) inspect as much of any licensed premises that are used for the carrying on of any trade, calling, business or occupation in respect of which any person has a licence under this by-law; and
- (2) inspect any goods, articles, books, records and other documents of or relating to any the licence, calling, business or occupation.
- (3) In this Section "licenced premises" includes premises for which a licence application has been made and "licenced trade", etc. has a similar meaning.

62. Upon the request, every person shall forthwith provide to the Licence Issuer any goods, articles, books, records and other documents of, or relating to any such trade, calling, business, or occupation. **(By-law 133-2006)**

63. Where the Licence Issuer finds that any provision of this by-law is being contravened, he or she may issue a notice in writing directing compliance with the provision within a specified time. **(By-law 133-2006)**

GENERAL PROHIBITIONS (By-law 133-2006)

64. No person shall alter, erase or modify a licence or allow the alteration, erasure or modification of a licence without the approval of the Licence Issuer. **(By-law 133-2006)**
65. Every person applying for, or holding a licence under this by-law shall, in such application, or in carrying on or engaging in the trade, calling, business or occupation in respect of which the licence is issued, observe, comply with and be governed by the regulations set out in the respective schedules to this by-law. **(By-law 133-2006)**
66. No person shall, within the limits of the City of Brampton, carry on or engage in any of the said trades, callings, businesses or occupations referred to in the schedules unless he or she possesses a valid licence for this activity. **(By-law 133-2006)**
67. No person shall obstruct or hinder the making of any inspection under this by-law, or obstruct the Licence Issuer in the execution of his or her duties. **(By-law 133-2006)**
68. On application by a charitable organization, the Licence Issuer may waive the payment of the required licence fee. **(By-law 133-2006)**

DISCRIMINATION (By-law 133-2006)

69. No person licensed pursuant to this by-law shall discriminate against any member of the public. **(By-law 133-2006)**
70. No person licensed under this by-law shall, in respect of any blind person being guided or led by a dog **(By-law 133-2006)**:
 - (1) refuse to serve such person;
 - (2) refuse to permit such person to enter with such dog into or upon any place, premises, vehicle or thing to which the licence relates; or
 - (3) refuse to permit such person and such dog to remain in or upon such place, premises, vehicle or thing, by reason only of the presence of the said dog.
71. No person licensed under this by-law shall in respect of any physically challenged person **(By-law 133-2006)**:
 - (1) refuse to serve such person;
 - (2) refuse to permit such person to enter into or upon any place, premises, vehicle or thing to which the licence relates; or
 - (3) refuse to permit such person to remain in or upon such place, premises, vehicle or thing; by reason only of the presence of such physical handicap.

ORDERS OF INSPECTOR (By-law 133-2006)

72. Every person who fails to comply with an order issued by a Licensing Inspector made under this by-law is guilty of an offence. **(By-law 133-2006)**

CONTRAVENTIONS AND PENALTIES (By-law 133-2006)

73. Every person who contravenes this by-law, and every director or officer of a corporation, who concurs in such contravention, is guilty of an offence and upon conviction is liable to a fine of not more than \$25,000, exclusive of costs. **(By-law 133-2006)**
74. If a corporation is convicted under Section 73, the maximum penalty, exclusive of costs, is \$50,000 instead of \$25,000. **(By-law 133-2006)**
75. (1) Notwithstanding Sections 73 and 74, every person who contravenes any of the provisions of this by-law relating to Schedules S-13 and S-26 (adult entertainment establishment and body rub parlour), or any provision of this by-law in relation to an adult entertainment establishment licence or body rub parlour licence, and any director or officer of a corporation who concurs in such contravention, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or both. **(By-law 133-2006)**
- (2) Where a corporation is convicted of an offence under Section 75 (1), the maximum penalty that may be imposed on the corporation is \$50,000. **(By-law 133-2006)**

INTERPRETATION (By-law 133-2006)

76. The Schedules and Appendices to this by-law shall form part of this By-law. **(By-law 133-2006)**
77. The provisions of the *Interpretation Act* shall apply to this by-law. **(By-law 133-2006)**
78. If what is known as "Daylight Saving Time" has been generally adopted in the Brampton area for any period of the year under any Statute, Order in Council, By-law, Resolution or Proclamation, whether the same is effective in law or not, such time shall be held to be the time referred to during such period in any reference to time in this by-law. **(By-law 133-2006)**
79. In the event of conflict between any of the general provisions of this by-law and any provisions set out in the schedules hereto, the provisions of the Schedule shall prevail. **(By-law 133-2006)**

Read a First, Second and Third Time and Passed in Open Council on the 14th day of January 2002 AND
Reenacted by By-law 275-2006 which was read a first, second and third time and passed in Open Council on the 25th
day of September 2006.

THE CORPORATION OF THE CITY OF BRAMPTON

Original By-law 1-2002 signed by:
Susan Fennell, Mayor
Leonard J. Mikulich, Clerk

SCHEDULE M-1 TO BY-LAW 1-2002

Relating to Persons who Carry on the Business of Teaching Persons to Operate Motor Vehicles, including Truck Driving Schools, and Driving Instructors Employed in Such Business (amended by By-law 134-2006)

1. For the purpose of this Schedule:

"employed" includes any business relationship between an operator and instructor, whether on a salary, hourly wage, commission or independent contract or other basis, and the terms "employee" and "employment" have a corresponding meaning

2. Council may issue the following types of licences in connection with the driving instruction:

- (1) an instructor's licence;
- (2) a driving school operator's licence; and
- (3) a licence for the vehicle used in instruction.

3. Every applicant for a driving school operator's licence shall file with the Licence Issuer:

- (1) a completed application accompanied by the appropriate fee;
- (2) articles of incorporation of business registration;
- (3) written statement of all rates and charges for services provided by the school.

DUTIES

4. Every person shall:

- (1) when giving instruction to any student driver place the licence with the photo ID card in the vehicle, in such a location that it is plainly visible to the student driver;
- (2) when giving driving instruction, ensure that the vehicle is equipped with an extra rear view mirror for the use of the instructor;
- (3) while giving driving instructions ensure that the vehicle is equipped with extra braking equipment in good working condition placed in a position for ready use by the instructor;
- (4) ensure that every student driver produces a current Ontario driver's licence or a current Ontario temporary driver's licence, or, in the case of a student driver who has not resided in Ontario for more than thirty (30) days, a subsisting driver's licence in accordance with the laws of the province;
- (5) shall ensure that any vehicle being used for instruction bears all signs and plates required by this schedule; and
- (6) advise the Licence Issuer forthwith when he ceases to use any licensed vehicles and when he proposes to use any additional vehicles, and return to the said Licence Issuer all plates issued in respect of vehicles which he has ceased to use in the business;
- (7) employ as an instructor only a person licensed under this by-law;
- (8) use or permit to be used in his business only vehicles that bear the following:
 - (a) the provincial motor vehicle permit number plate of the vehicle; and
 - (b) a sign or signs of such nature, size and location on the roof of the vehicle as to be readily legible at a distance of at least 15 metres both from the front and from the rear of the vehicle, which sign shall bear the business name of the operator.

5. No instructor shall give driving instruction:

- (1) to any student driver when any person other than himself, the student driver, operator or an appointee of such owner connected with the school staff is in the vehicle in which the instruction is being given but, where all the students are under the age of twenty-five years, this provision shall not apply to any course of driving

instruction meeting the standard set for such driving course by the Ministry of Transportation (Ontario);

- (2) to any student driver whose driving ability he knows, or has reason to suspect, is impaired by the use of alcoholic beverages, drugs or narcotics;
- (3) if he has, within the previous six hours, taken or consumed any alcoholic beverages, or if the use of alcoholic beverages by him is apparent in any way;
- (4) in any vehicle until the same has been approved and licensed by the Licence Issuer;
- (5) to any student driver who is not registered as a student at the driving school where the driving instructor is employed;
- (6) without a Driving Instructor's Licence issued pursuant to the Highway Traffic Act R.S.O. 1990, as amended.

6. Every driving school operator shall:

- (1) keep a permanent record of the name and address of each student, the date of the commencement of instruction, the date, time and name of the instructor for each lesson and the number of the student's motor vehicle operator's temporary instruction permit or a motor vehicle operator's licence, or, in the case of a student driver who has not resided in Ontario for more than thirty (30) days, the number, date and place of issue, and the date of expiry of the student's subsisting driver's licence in accordance with the laws of the province;
- (2) allow the Licence Issuer to have access to all premises, vehicles, equipment, books and records used in the business and submit any such vehicle for inspection whenever required;
- (3) notify the Licence Issuer in writing of the name and address of each driving instructor employed by him and of the date of commencement of such employment, such notification to be given not later than seventy-two (72) hours after the employment has commenced;
- (4) notify the Licence Issuer in writing of the name and address of each driving instructor whose employment by him has terminated, and of the date of the termination of such employment, such notification to be given not later than seventy-two (72) hours after the employment has terminated;
- (5) before instruction is given:
 - (a) furnish each student with a written statement of all rates and charges for services provided by the school, which statement shall be in a form approved by the Licence Issuer, and shall commence with the words, "The following is a complete Schedule of rates and charges for all services provided by (name of driving school) and no other rates or charges shall be demanded or received by the school or by any of its instructors;"
- (6) adhere to the rates and charges indicated in the published statement and give fifteen (15) days advance notice to the Licence Issuer of any new statement of rates and charges which he proposes to publish in lieu of an existing statement;

7. Areas where driving instruction prohibited (**By-law 134-2006**)

- (1) No instructor shall give driving instructions on any public road or highway in the areas hatched and marked "Restricted Area" in Appendix F (**By-law 134-2006**);
- (2) No driving school operator may cause or permit driving instruction to be given in any area described in Section 7(1) (**By-law 134-2006**);
- (3) Despite Section 7(1), an instructor may give instruction to a student who lives in the Restricted Area, provided that the student carries with him or her proof of the student's residence and presents it on demand to any municipal law enforcement officer, peace officer or police officer (**By-law 134-2006**).

SCHEDULE M-2 TO BY-LAW 1-2002

Relating to Owners, Operators, and Drivers of Vehicles from which Refreshments are Sold for Consumption by the Public (amended by By-law 142-2002, 243-2005)

1. For the purposes of this Schedule:

“special event” shall mean an event which is sponsored, authorized or conducted by the City of Brampton, or on behalf of the City of Brampton, or on behalf of a registered not-for-profit or registered charity or other community group with the approval of the City of Brampton. **(By-law 142-2002)**
2. A refreshment vehicle licence may be issued restricted to one or more of the following classifications:

Class A: A refreshment vehicle from which the food or refreshments sold are prepared in a commissary or a place other than the refreshment vehicle, but which is not exclusively a vendor of factory pre-packaged frozen products.

Class B: A refreshment vehicle which is non-motorized and does not require a health certificate from the Region’s Medical Officer of Health because it is exclusively a vendor of factory pre-packaged frozen products.

Class C: A refreshment vehicle which is stationary in a permanent location and from which any food or refreshment sold is prepared or apportioned at the vehicle.

Class D: A motorized refreshment vehicle which sells soft or hard ice cream prepared or apportioned at the vehicle but which is not stationary in a permanent location. **(By-law 243-2005)**
3. No owner or operator of a refreshment vehicle shall permit or allow any person other than a licensed driver employed by him to drive his refreshment vehicle.
4. Every owner and operator of a class (A) refreshment vehicle shall ensure that the licensee’s phone number is visibly displayed on both sides of the refreshment vehicle.
5. No person shall stop any refreshment vehicle to sell refreshments within 100 metres of the entrance or exit to any school grounds, public park, or intersection, or within 30 metres of any school ground, or public park.
6. No person shall stop any refreshment vehicle on a highway to sell refreshments unless servicing a construction site or work crew, and in no case shall the duration of such stop exceed ten (10) minutes.
7. No person shall stop a Class D refreshment vehicle to sell refreshments on any property zoned residential.
 - (1) Notwithstanding any other provision in by-law, a licensed Class D refreshment vehicle may sell in a public park subject to the following:
 - That the licensee has entered into a signed agreement with the City of Brampton; and
 - That the site specific location from which the vehicle is permitted to sell be approved by the Commissioner of Community Services and form part of the agreement with the City of Brampton; and
 - That the hours operation form part of the agreement with the City of Brampton
 - (2) No person shall sell or offer for sale refreshments in contravention of the signed agreement with the City of Brampton.
8. No person shall locate any Class C refreshment vehicle to sell refreshments on any property without the written permission of the property owner or occupant, clearly identifying the location and zoning of the property and confirmation from the occupant of the property that the licensee has full access to the washroom facilities.
9. All refreshments sold from a refreshment vehicle shall be clean, fresh and wholesome.
10. Every person selling or handling refreshments shall wear clean clothes, be clean and neat in appearance, and have clean hands.
11. Every refreshment vehicle shall be equipped with either:

- (a) a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or
 - (b) a disposable litter container which shall be replaced daily, and such containers shall be used for the disposal of all refuse.
12. Every refreshment vehicle and all parts and equipment thereof for use in the dispensing of refreshments shall, at all times, be kept in a clean and sanitary condition and in good repair.
13. Every owner, operator or driver of a refreshment vehicle shall comply with the provisions of this Schedule.
14. Every Class A refreshment vehicle:
- (a) shall be sufficiently sound construction to provide reasonable protection against dust, dirt, flies, and other injurious matter or things;
 - (b) shall have a light coloured interior, and shall be repainted or refinished as often as the Licence Issuer may require; and
 - (c) shall have all surfaces covered with a suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition.
15. Every owner or operator of a Class A refreshment vehicle shall ensure that all sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies, and other similar foods shall be wrapped and sold in individual servings, and the date of preparation shall be clearly and legibly marked as such on or affixed to the wrapper of all such foods.
16. No person licensed in respect of a Class A refreshment vehicle shall sell any refreshments not prepared, assembled and wrapped in a commissary approved by the Medical Officer of Health.
17. Every owner and every operator of a refreshment vehicle to which a Class A licence has been issued shall:
- (a) at the time he receives his licence, specify to the Licence Issuer the source of supply of all refreshments to be sold from the vehicle;
 - (b) notify the Licence Issuer forthwith of any change in such source of supply;
 - (c) refrain from selling or permitting to be sold from the vehicle any refreshments from a source of supply other than that specified by him to the Licence Issuer; and
 - (d) produce from the Medical Officer of Health an approval for the vehicle to which the licence is issued.
18. Every owner and every operator of a refreshment vehicle to which a Class C or Class D licence has been issued shall produce from the Medical Officer of Health an approval for the vehicle to which the licence is issued.
19. No person licensed in respect of a Class C refreshment vehicle shall sell any meat product that is not pre-cooked.
20. Every owner and every operator in respect of a Class A, Class C and Class D refreshment vehicle shall ensure that:
- (a) all condiments, shall be dispensed from containers approved by the Licence Issuer;
 - (b) only single-service disposable cups, plates, containers, forks, spoons and serviettes provided in dispensers approved by the Licence Issuer or individually wrapped shall be used in the sale of refreshments;
 - (c) all milk and any cold perishable foodstuffs sold from the vehicle shall be kept in dry storage at a temperature no higher than 5 degrees Celsius and shall be sold only in individual, disposable containers;
 - (d) the vehicle shall be equipped so as to maintain hot prepared foods at a temperature of not less than 66 degrees Celsius and such foods shall be kept so heated; and
 - (e) no prepared foods other than those kept in unopened cans shall be sold more than twenty-four (24) hours after their preparation.

21. No person shall solicit business to a refreshment vehicle through the use of any noise-making device.
22. No person shall locate any Class C refreshment vehicle to sell refreshments on any property located within the area identified as the Brampton Downtown Business Area as indicated on Appendix 1 to Schedule M-2. **(By-law 142-2002)**
23. **(By-law 142-2002)**
 - (1) A licence may be issued in conjunction with a Special Event ; provided all relevant criteria of the Licensing By-law are met;
 - (2) An applicant for a license issued in conjunction with a Special Event shall file with the Licence Issuer a letter from the Special Event Organizer confirming that the refreshment vehicle will operate in conjunction with the Special Event, and indicating where and when the Special Event will occur;
 - (3) A licence issued in conjunction with a Special Event is valid only for the duration of the Special Event, and where the Special Event occurs periodically throughout the year, the license is valid only on those periodic occasions;
 - (4) Notwithstanding sections 5, 8 and 22 a person who holds a licence with respect to a Special Event may sell refreshments on the property on which the Special Event occurs.

**SCHEDULE M-3 TO BY-LAW 1-2002
(amended by By-law 57-2002, 243-2005)**

Relating to owners, operators and drivers of tow trucks

DRIVER'S LICENCE ISSUANCE - PREREQUISITES

1. For the purpose of this Schedule:

"collision" means where a vehicle has been in a collision with another vehicle(s) or struck an object or was struck by an object, or turned over, and in all cases did receive damage or was damaged, and or was disabled by fire.

"dolly" means a four-wheeled carriage used in towing to support the trailing end of the towed vehicle.

"flat bed" means a platform body with a winch for loading.

"gross vehicle weight rating (GVWR)" means the maximum total vehicle rated capacity, as rated by the chassis manufacturer specification stamp on the vehicle.

"owner" means the owner or lessee of a tow truck licensed pursuant to this Schedule.

"tow bar" means a device for positioning a towed vehicle behind a towing vehicle.

"tow sling" means a device used for lifting and towing vehicles with a partial load supported on rubber belts.

"underlift" means a device used for towing vehicles by lifting one end of the towed vehicle from under the axle or structural member of the towed vehicle.

"wheel lift" means a device used for towing vehicles by lifting one end of the towed vehicle by the wheels.

"wrecker body" means a recognized manufacturer's wrecker unit designed to be attached to the frame of a cab and chassis and used with an underlift, tow bar or tow sling or wheel lift or flat bed carrier or other similar device and which is equipped and maintained in a manner to ensure the safe lifting and conveying of a vehicle to be towed.

2. No corporation may be licensed as a driver pursuant to this by-law.

PLATE OWNER'S LICENCE REQUIREMENTS

3. Prior to being licensed as a plate owner, every applicant for a plate owner's licence shall:

- (1) complete and submit an application in the form provided by the licensing section, along with the appropriate fee;
- (2) hold a current motor vehicle permit (ownership), issued in the name of the applicant or leaser of the vehicle. Where the vehicle permit is issued to a leaser, the applicant shall provide the plate portion of the vehicle permit;
- (3) (Repealed) (**By-law 243-2005**)
- (4) File a letter from a licensed owner, stating that he has tested the applicant and found the applicant competent to operate a tow truck and its equipment (**By-law 57-2002**)

4. Where the applicant has any interest, either directly or indirectly, in any building, yard or place used for the storage or impounding of vehicles or in any business or operation involving the storage or repair and servicing of vehicles, full information as to the location and type of facilities in which such applicant has an interest, and the nature and extent of the interest shall be disclosed to the licence issuer.

5. Every owner shall return to the Licence Issuer the licence issued to such owner and the licence plate for a tow truck if such owner disposes of or is no longer operating or using that tow truck.

PROHIBITIONS

6. No person shall drive a tow truck, or act as a driver, unless a vehicle licence has been issued in respect of that tow truck.

7. No person shall attach a vehicle licence plate to any tow truck other than the tow truck for which the licence plate was issued.
8. No owner or driver shall use or operate a tow truck unless the tow truck is equipped in accordance with the requirements of this by-law, and all such equipment is in good condition and fully operational.
9. No driver shall commence to tow or move any vehicle, or hook, lift or connect the vehicle to the tow truck, or perform any other services unless authorized to do so by the person in control of the vehicle.
10. No driver shall stop or park within two hundred (200) metres of the location of a collision, unless there are fewer tow trucks at the collision location than the number of vehicles for which the services of a tow truck are required or unless the driver has been summoned to the collision location by the customer.
11. No person shall approach a customer or offer or make available for hire the services of the driver or the tow truck of the driver, unless permitted to do so in accordance with this by-law.
12. No owner or driver shall interfere with the contract of hiring of any other owner or driver.
13. No owner or driver shall demand or request payment for the services rendered or to be rendered other than in accordance with the applicable Schedule of Rates filed with the Licence Issuer.
14. No owner shall alter or amend the Schedule of Rates filed with the Licence Issuer until thirty (30) days after having provided to the Licence Issuer written notice of the changes.
15. Where an estimate is given of the cost of service or equipment to be provided by an owner or a driver, the charge to the person contracting for such service or equipment shall not exceed the charges set out in the Schedule of Rates filed with the Licence Issuer, or the amount of the estimate, whichever is lower, except that this provision shall not apply to collision recovery.
16. Prior to towing or conveying any vehicle, the owner or driver shall provide a copy of his current Schedule of Rates to the customer.
17. Prior to towing any vehicle that has been involved in a collision, the tow truck owner or driver shall ensure that an Authorization To Tow A Vehicle Form, as provided by the Licence Issuer, is completed in its entirety and is duly signed by both the owner or authorized agent of the vehicle to be towed and the tow truck owner or driver at the time of the collision.
18. No owner or driver shall charge a customer for time lost due to a breakdown of the tow truck or its equipment.
19. No owner or driver shall demand, request, accept or receive, directly or indirectly, any charge, gift, payment, drop fee, thing or other consideration from any person who owns or has an interest, directly or indirectly, in any motor vehicle pound, motor vehicle body shop, public garage or any other yard, shop, building or place, used for the storage, repair or servicing of motor vehicles, in respect of or in consideration for the towing or conveying of a motor vehicle to such building or place.
20. No owner or driver of a tow truck, while conducting the business of towing, shall permit any passenger (ride-along) in the tow truck unless that person is the owner or authorized agent of the vehicle being towed or the passenger or is a tow truck driver in training and as such has recently applied for a tow truck driver's licence. This training period shall not exceed a total of thirty (30) days commencing from the date the application was filed with the Licensing Section.

OBLIGATIONS

21. Where the owner ceases to operate the tow truck, he shall immediately notify Licence Issuer and shall return the plate forthwith..
22. Every owner shall provide and maintain on, for every tow truck owned or leased by such owner, the equipment set out in Part II of this Schedule.
23. Every owner shall ensure that the name under which the tow truck plate owner's licence has been issued is clearly indicated on both sides of the tow truck, in a location acceptable to the Licence Issuer, in letters and figures not less than eight (8) centimetres in height;

RATES

24. Every owner shall file with the Licence Issuer a Schedule of Rates to be charged by the towing company for each of its services.
25. The Schedule of Rates filed with the City shall be based only on the factors set out in this Schedule.
26. Where rates are to vary with the time of day or location served, or in accordance with some other factors, the formula for determining exactly the rates to be charged shall be set out in the Schedule of Rates filed with the Licence Issuer.
27. The provisions of this Schedule do not prohibit an owner from entering into a written agreement with any person, group or company to provide towing services at rates lower than those shown in the Schedule of Rates filed, provided that a copy of such written contract or agreement is filed with the Licence Issuer at least ten (10) days before any services to which such contract or agreement applies are to be provided.
28. Before demanding payment for any services, an owner or driver shall present to the person for whom the services were performed, a numbered bill itemizing the cost of all services and equipment.
29. Every owner and driver of a tow truck who tows or offers to tow a passenger vehicle, light van or truck from a collision not exceeding 2,725 kgs. (6,000 lbs.) in towing weight, shall only charge or cause to be charged an all inclusive flat rate towing fee of two hundred dollars (\$200.00), no more or no less, with no other additional service charges other than the applicable federal and provincial taxes.
30. Every owner and driver shall keep a daily record of the work performed by the tow truck owned or driven by such owner or driver, either on a continuous log sheet or with consecutively numbered bills or invoices, showing, in every instance:
 - (1) the name of the person for whom work was done;
 - (2) a description and licence plate number of the vehicle towed or conveyed;
 - (3) from where and to where the vehicle was towed or conveyed; and
 - (4) the rate charged and the total fee collected thereon.
31. Every owner and driver shall maintain the log sheets, bills or invoices for a minimum of one (1) year.
32. Every driver shall:
 - (1) keep with him at all times while operating a tow truck, the tow truck driver's licence issued to such driver;
 - (2) be properly dressed and well groomed;
 - (3) behave courteously; and
 - (4) at a collision, wear a reflective safety vest as approved by the Licence Issuer.
33. Every driver shall:
 - (1) clean up and remove any debris, fragments of glass, vehicle parts, or other materials (excluding loads dumped during collisions) from any highway or roadway prior to towing any vehicle from the scene;
 - (2) take due care of all vehicles and property delivered to or entrusted to such driver for towing;
 - (3) tow a vehicle by the most direct route reasonably possible in the circumstances, and in the most expeditious manner, unless otherwise directed by the customer; and
 - (4) comply with all reasonable instructions of the customer.
 - (5) take the vehicle to a licensed vehicle facility or the customers home, and when the preferred licensed vehicle facility is closed, the tow truck driver must take the vehicle to its own licensed vehicle facility and may only charge the mileage rate plus the one-day storage fee with no additional charge for a re-tow to the original preferred licensed vehicle facility when it re-opens.

TOW TRUCK EQUIPMENT AND VEHICLE REQUIREMENTS

34. No owner or operator shall operate or permit to be operated a tow truck with a gross vehicle weight rating of less than 4,536 kg (10,000 lbs.).
35. No owner or operator shall operate or permit to be operated, a tow truck without a wrecker body.
36. Every owner and driver shall ensure that all tow trucks are equipped with the following:
 - (1) A winching or hoisting device of sufficient capacity to safely lift the motor vehicle to be towed;
 - (2) A Wheel lift or an underlift equipped and maintained in a manner to ensure the safe lifting and conveying of a vehicle to be towed;
 - (3) One device for securing the steering wheel of a vehicle;
 - (4) At least two (2) 2.27 kg., chemical fire extinguisher having an effective total rating equivalent to at least "3A-40B, C", C certified annually; (By-law 150-2003)
 - (5) At least two (2) tow safety chains having a minimum length of 2.7 metres (8 feet) each with links of at least 21 mm steel;
 - (6) Four (4) safety pylons, at a minimum height of 28 cm (12 inches);
 - (7) A Push Broom;
 - (8) Square Shovel;
 - (9) A garbage container of a minimum capacity of ten (10) litres (2.5 gallons);
 - (10) Absorbent material capable of absorbing or removing any vehicle fluid product from the road surfaces;
 - (11) First Aid Kit;
 - (12) An intermittent amber warning light system consisting of at least one (1) light which would be clearly visible in all directions and permanently mounted on the top of the vehicle;
 - (13) Prybar at least 1.5 metres (5 feet) in length with a tapered end;
 - (14) Two (2) wheel blocks;
 - (15) Eight (8) Red Highway Fuse/Flares with a minimum twenty (20) minute duration;
 - (16) Wheel wrenches;
 - (17) A Dolly
 - (18) Portable Tow Light (By-law 57-2002)

FACTORS FOR DETERMINING RATES

37. With the exception of collision towing, the following factors may be used in determining a schedule of rates for towing:
 - (1) Time and distance required to reach location after being hired;
 - (2) Time required to perform services;
 - (3) Standby time after being hired;
 - (4) Time and distance vehicle is towed or conveyed;
 - (5) Weight and size of vehicle towed or conveyed;
 - (6) Additional services:
 - (a) changing more than one wheel;

- (b) disconnecting driveshaft;
- (c) uprighting overturned vehicle;
- (d) moving vehicle to towing position;
- (e) opening locked vehicle without keys;
- (f) provision and use of dolly;
- (g) other specified services.

SCHEDULE M-4 to BY-LAW 1-2002

A By-law to provide for licensing, regulating and governing limousines, limousine drivers and owners.

1. No corporation may be licensed as a driver pursuant to this Schedule.

PLATE ISSUANCE – PREREQUISITES

2. Every applicant for a plate owner's licence must:
 - (1) maintain an Ontario business registration; or Articles of Incorporation

PLATE OWNER'S RESPONSIBILITIES

3. (1) Every plate owner is, at all times, responsible for the maintenance and safety of his limousine;
- (2) Every plate owner shall ensure that any driver of his limousine complies with the provisions of this by-law;
- (3) Every plate owner shall ensure that there be a signed contract and the contract shall include:
 - (a) client identification;
 - (b) driver identification;
 - (c) service rendered;
 - (d) rate charged; and
 - (e) date and time of service.

DRIVER'S CONDUCT

4. Every driver shall:
 - (1) upon request of the Licence Issuer, produce his licence and any other relevant documents required under this by-law;
 - (2) be professionally attired;
 - (3) report any mechanical defects or physical damage of the limousine promptly to the plate owner;
 - (4) identify himself to any passenger upon request by producing his licence and any other identification required;
 - (5) produce the limousine rate sheet on request;
 - (6) take due care of all property, delivered or entrusted to him for conveyance, and immediately upon his termination of any hiring engagement shall carefully search the vehicle for any property lost or left therein; and, all property or money left in the vehicle shall be forthwith delivered over to the person owning the property or money and if the owner of the property or money cannot at once be found, the driver shall deliver the property or money to the nearest police station with all the information in his possession regarding the property or money, and immediately notify the plate owner.
 - (7) Upon request of the Licence Issuer every driver shall produce a signed contract.

GENERAL PROHIBITIONS

5. (1) No person shall operate or permit to be operated as a limousine, any vehicle which is not licensed pursuant to this by-law;
- (2) No person shall operate or permit to be operated as a limousine any vehicle in respect of which the Licence Issuer has required an examination or inspection be

carried out, prior to such examination or inspection being passed to the satisfaction of the Licence Issuer;

- (3) No person shall operate a limousine or permit a limousine to be operated as a taxicab;
- (4) No person shall solicit or accept passengers without a pre-arranged contract of hire; and
- (5) No person shall carry a greater number of passengers than is set out in the manufacturer's seat capacity rating for such limousine vehicle;
- (6) No person shall place in, hang on or attach to the limousine vehicle any luggage or object, in a manner that might obstruct the driver's view;
- (7) No person shall equip a limousine vehicle with a two-way radio, fare meter, or roof sign; and
- (8) No person shall display any advertising on the exterior of the limousine vehicle, except the name of the limousine company may be affixed to the rear of the vehicle or the rear window in lettering not exceeding two (2) inches, in a manner approved by the Licence Issuer.

INSPECTIONS

6. Upon request of the Licence Issuer every licensee shall provide the Licence Issuer with access to any books of account, vouchers, correspondence or other business documents relevant to the business of the operation of the limousine.

RATES

7. (1) Every plate owner shall file with the Licence Issuer annually, a copy of the rates to be charged for the use of the limousine;
- (2) Every plate owner shall abide by the rates he has filed with the Licence Issuer;
- (3) Any change in rates will not be effective until the Licence Issuer is notified; and
- (4) No passenger shall be required to pay an amount for service that exceeds the amount set out in the rates filed by that limousine plate owner with the Licence Issuer.

**SCHEDULE M-5 to BY-LAW 1-2002
(amended by By-law 51-2002, 52-2002, 173-2002, 90-2003)**

A By-law to provide for licensing, regulating and governing taxicabs and taxicab brokers, owners and drivers

GENERAL ADMINISTRATIVE PROVISIONS AND LICENSING REQUIREMENTS:

DEFINITIONS

1. In this Schedule:

"accessible driver" means a driver of an accessible taxicab;

"accessible owner" means an owner of an accessible taxicab plate;

"accessible taxicab" means an accessible vehicle which is licensed as a taxicab used for the transportation of passengers and/or goods for hire or reward;

"accessible taxicab plate" means a metal number plate issued to a person licensed as a plate owner with respect to an accessible vehicle;

"accessible vehicle" means a vehicle originally constructed or subsequently modified to permit the loading, transportation and off-loading without transfer of persons confined to a wheelchair or other similar device used to assist the disabled, and which vehicles comply with all relevant provincial legislation;

"broker" means any person who carries on the business of accepting calls in any manner and of dispatching taxicabs in any manner including his own;

"disabled" means a person who is unable, because of a mental or physical impairment, to use an other form of transport;

"dispatcher" shall mean any person who is employed by a licensed broker and dispatches vehicles for a brokerage;

"fare" means the amount displayed on the taxicab meter at the conclusion of a trip, or the flat rate allowed pursuant to this by-law for the trip, together with any additional charges allowed pursuant to this by-law;

"meter" means a measuring device used in a taxicab to calculate the fare payable for the trip;

"office manager" refers to any person who is employed by a licensed broker who operates, manages, runs or controls the taxi brokerage;

"plate owner" includes any lessee of that plate;

"priority list" means a list of applicants for a plate owner's licence which is maintained by the licensing section;

"tariff card" means a card, issued by the City of Brampton showing the rates, as approved by Council;

"taxicab" means a vehicle used for the transport of goods and passengers for hire or reward with a minimum of four (4) passenger doors;

"taxicab stand" means an area designated by the property owner and approved by the Licence Issuer to be used by a taxicab while waiting for or picking up goods or passengers;

"transfer" means an arrangement between a plate owner and another, whereby the plate owner permanently assigns all interest in the plate to the other;

"trip" means the distance and time travelled or the distance and time to be travelled, measured from the time and point at which the passenger first enters the taxicab to the point at which the passenger finally leaves the taxicab;

"trip record" means a daily written record of the details of each trip.

TAXI DRIVER'S LICENCE REQUIREMENTS

2. No corporation may be licensed as a driver pursuant to this by-law.
3. Prior to being licensed as a driver, every applicant for a driver's licence shall successfully score 80% on a verbal test. The applicant must score a minimum of 75% on a written test, which test shall be set by the Licence Issuer and shall deal with the requirements of this by-law and the geography of the city (such as the location of hospitals, transit terminals, etc.). Anybody found attempting to cheat on his test will not be allowed to rewrite the test for a period of six (6) months.
4. On an application for renewal of a licence there shall be returned with the application the licence issued for the period immediately preceding the period for which the licence renewal is sought, along with any owner's plate.
5. Every application for renewal of a licence shall be delivered to the licensing section fourteen (14) days prior to the expiry date of the licence.

SPECIAL REQUIREMENTS REGARDING ACCESSIBLE VEHICLES

6. Every applicant for an accessible taxi driver's licence shall:
 - 1) be licensed under this by-law as a taxi driver;
 - 2) submit proof of successful completion of a training program dealing with transportation of the disabled;
 - 3) produce to the Licence Issuer his taxi driver's licence for endorsement as a licensed accessible driver by the Licence Issuer.
7. Every driver of an accessible taxicab shall securely fasten all wheelchairs so that they are prevented from moving when in motion.
8. No vehicle may be operated as an accessible taxicab unless it has approved wheelchair tie downs and complies with all applicable legislation and regulations.
9. Every broker shall:
 - (1) when dispatching to accessible taxicabs, keep accurate records of the number of trips each such vehicle has made for disabled and non-disabled passengers which shall be available for inspection by the Licence Issuer on a monthly basis;
 - (2) where service requested is of a type which would require an accessible taxicab and the broker is unable to provide such service, direct the person requesting such service to a brokerage which can provide such service; and
 - (3) where the brokerage provides accessible taxicabs and such service is requested by a disabled person, provide priority service for such request;
 - (4) ensure prompt and courteous service to the public.
10. An accessible taxicab plate priority list shall be established and maintained by the Licence Issuer.
11. No more than ten (10) accessible taxicab plates shall be issued annually unless otherwise determined by Council from time to time.
12. Accessible taxicab plates shall not be transferred in any manner.
13. Every accessible taxicab plate owner shall ensure that run sheets are maintained in the format prescribed by the Licence Issuer, and such run sheets shall be provided to the Licence Issuer for inspection when requested.
14. Every accessible taxicab vehicle, driver, plate owner and lessee is subject to the general provisions of this by-law and schedule, unless these conflict with the specific provisions of the 'Accessible Vehicle' sections, in which case the specific provisions shall prevail.

CORPORATE APPLICANTS AND LICENSEES

15. Every corporate applicant shall file a copy of the incorporating documents, along with any amending documents, and the most recent annual filing, if any.

16. No corporation may hold a broker's licence or plate owner's licence unless a licensed driver controls at least fifty-one percent (51%) of the voting rights attached to the shares of such corporation.

PLATE OWNER'S LICENCE REQUIREMENTS

17. Prior to being licensed as a plate owner, every applicant for a plate owner's licence shall hold a current, valid Brampton taxi driver's licence issued pursuant to this by-law; but where a corporation is a plate owner, a director of the corporation who owns at least fifty-one percent (51%) shall hold a valid Brampton taxi driver's licence;

(17.1) Despite section 17, where a plate owner is unable to continue to qualify for a driver's licence for medical reasons for any period of time, which satisfactory medical documentation is provided, the requirement to hold a valid driver's license shall be waived for that period. **(By-law 90-2003)**

18. Every plate owner shall record and maintain a daily list of all drivers and the respective vehicle driven including time and date of each trip.

VEHICLE MARKINGS, EQUIPMENT AND MAINTENANCE

19. When a person uses a taxicab for transportation of passengers not for gain or reward, the driver must comply with the following regulations:

- (1) remove the roof sign from the taxicab; and
- (2) put the meter in a non-recording mode.

20. Every person who operates or permits the taxi cab to be operated, shall ensure that the following vehicle markings and equipment are in place:

- (1) roof sign with indicator light approved by the Licence Issuer, which operates in conjunction with the meter;
- (2) no smoking signage in accordance with municipal requirements;
- (3) if affiliated with a broker, the broker's name and/or phone number shall be on the roof sign; if not affiliated with a broker the roof sign must indicate in a manner approved by the Licence Issuer that the vehicle is a taxicab;
- (4) The plate number shall be affixed to the front fenders in a location and manner approved by the Licence Issuer. The numbers shall be six (6) inches in height, either black or white in colour in contrast to the vehicle colour, and of materials approved by the Licence Issuer.
- (5) a meter which shall register distances travelled, record trips and units, and compute fares to be paid; and which meter shall be:
 - (a) submitted for the testing, inspection and sealing by the Licence Issuer at such times as required by the licensing section;
 - (b) when the Licence Issuer is not available to seal the taxicab meter, the owner or driver who has had the meter altered, repaired or replaced in the taxicab may operate the taxicab on week ends for a period up to 72 hours and, for a period up to 48 hours during the week, provided that the driver has in his possession a certificate or receipt for the repair or installation of the meter signed by the person who made the repairs or installation, and setting out the date, time and nature of the repair or installation;
 - (c) illuminated between sunset and sunrise;
 - (d) in a raised position in plain view of the passengers and approved by the Licence Issuer;
 - (e) adjusted in accordance with the rates prescribed by Tariff;
 - (f) tested by running the taxicab to which it is attached over a measured track or distance before being sealed, or by such mechanical means as the Licence Issuer may approve;
 - (g) used only when the seal thereon is intact;

- (h) kept in good working condition at all times and not used when defective in any way; numbered, and, subject to the provisions of the by-law, shall be of a make and model approved by the Licence Issuer; and
 - (6) be capable of accepting major credit card or debit card payments ;
 - (7) the vehicle is equipped with an extra tire, wheel, wrench (By-law 52-2002) and jack which are ready for use;
 - (8) all propane and natural gas vehicles operating as taxicabs shall have annual inspections and shall have affixed to the vehicle a valid windshield sticker issued by a qualified propane or natural gas inspector;
 - (9) where the Licence Issuer believes a licensed vehicle may be mechanically defective or unsafe, he may require the owner or driver to submit the vehicle for inspection by the licensing section, or for examination by a qualified mechanic, or he may remove the plate and require the owner or driver to submit his vehicle forthwith for examination by a mechanic;
 - (10) the vehicle is equipped with an in car surveillance camera that is maintained and in operating condition at all times that the vehicle is used;
 - (11) the vehicle is equipped with an emergency light system that can be activated by a driver in emergency situations;
 - (12) the vehicle shall not be equipped with after market tint or window marking of any kind other than those approved by the Licence Issuer;
 - (13) the Licence Issuer may require any vehicle to be re-examined by a mechanic of the Licence Issuer's choice;
 - (14) no vehicle shall be licensed under this by-law as a taxicab unless the model year of the vehicle is not older than five (5) years (By-law 173-2002);
 - (15) a plate owner may apply for an extension of up to three (3) years on the model year as set out in this by-law provided the vehicle meets all of the vehicle marking, equipment and maintenance provisions of this by-law, and the vehicle successfully completes all required inspections on a semi-annual basis (By-law 51-2003)
21. No person who operates a taxicab shall display any emblem, decal, advertisement or other markings on or in the taxicab which has not been approved as to form and location by the Licence Issuer.

DISPOSAL OF TAXICAB

22. (1) Where the plate owner or lessee ceases to operate a motor vehicle as a taxicab he shall immediately remove from such motor vehicle:
- (a) the roof sign with indicator light;
 - (b) the meter;
 - (c) all identifying decals or markings;
 - (d) fender numbers; and
 - (e) any other markings which would identify the vehicle as a taxicab.
- (2) Where the plate owner or the lessee ceases to operate a motor vehicle as a taxicab he shall immediately notify the Licence Issuer.

TARIFF CARD AND TRIP RECORDS

23. Every plate owner or licensee shall obtain from the licensing section a tariff card that shall be displayed in a conspicuous place clearly visible to the public.
24. (1) Every driver shall keep a trip record and such record shall be completed prior to the commencement of the next following trip and shall include the following:
- (a) the Ontario Motor Vehicle Permit number of the motor vehicle used;
 - (b) the name, address and identification number of the driver;

- (c) the date, time and location of the beginning and end of each trip;
 - (d) the amount of the fare collected for each trip
- (2) Every driver shall turn over a copy of all trip records pertaining to his work shift to the owner, broker or lessee;
 - (3) Every driver shall retain all trip records for at least three (3) years;
 - (4) A driver shall not obstruct traffic while writing up the trip record;
 - (5) Every plate owner, driver, and lessee shall retain for a period of at least three (3) years, all trip records for all motor vehicles owned or operated by him and shall make these records available for inspection by the Licence Issuer.

TRANSFER

25. No plate shall be transferred except with the written consent of the Licence Issuer.

26. Every plate owner who transfers his plate shall:

- (1) complete and file a declaration, in the form provided by the licensing section;
- (2) provide to the licensing section a fully executed copy of the complete transfer agreement with respect to the plate being transferred; and
- (3) return to the licensing section the owner's licence and plate which are being transferred.

27. No plate may be transferred to any person who does not meet all other relevant requirements of this by-law.

LEASE OF PLATE

28. (1) Every plate owner who leases his plate shall:

- (a) file forthwith with the Licence Issuer a copy of the lease agreement by which the plate is leased, and shall pay any fee required by this by-law;
- (b) ensure the Licence Issuer is informed of any change in the status of the lease;
- (c) ensure that the lease agreement requires the lessee to comply with the provisions of this by-law, and every lease agreement is deemed to contain a provision to this effect;

(2) Every lessee must meet all requirements of this by-law pertaining to plate owners, and must provide the Licence Issuer with any documents required by this by-law.

PLATE OWNER'S PRIORITY LIST

ISSUANCE OF PLATE FROM PRIORITY LIST

29. (1) Whenever a plate is to be issued, it shall be issued to the person whose name appears first chronologically on the priority list and qualifies;

(2) Plates shall be issued in accordance with the following formula:

Based on the 1996 Statistics Canada census that indicates that the population of Brampton for 1996 was less than 269,000, new plates shall be issued at a ratio of one plate per 1800 additional residents in excess of the population of 269,000 as indicated in the 1996 census.

(3) Whenever Council intends to issue a plate from the priority list, it shall first publish notice of its intention to issue and shall publish the names of the persons, shown to be entitled to the issuance of the plate, according to the priority list;

(4) The notice shall be published once, in a newspaper of general circulation in the City of Brampton; and

(5) Where a plate is issued to an applicant whose name is on the priority list, the name of that applicant shall be removed from the list by the Licence Issuer.

OBJECTION

30. (1) Any person objecting to the issuance of a taxi plate or placement on the priority list, must file his objection within ten (10) days following the date of publication of the notice, except that no objection may be brought in respect of any name which has been on the list for more than two (2) years;
- (2) Objections will be heard by the By-law Committee at the next meeting following the expiry of the time for objections; and
- (3) The person objecting to the issuance of the licence shall be the appellant on the hearing, and shall have the onus of proof before the By-law Committee.

PLACEMENT ON THE PRIORITY LIST

31. Where a completed application along with the appropriate fee for a plate owner's licence is received by the Licence Issuer, which meets all the requirements of this by-law, but where a licence cannot be issued because of the limitation on the number of licenses set out herein, the applicant's name shall be placed on the priority list by the Licence Issuer for the issuance of owner's plates provided the following requirements are met:
 - (1) the applicant has been licensed as a driver for at least 12 months prior to the date that the application for the plate owner's licence is filed with the licensing section; and
 - (2) the applicant has been driving a taxicab in the City of Brampton for an average of at least twenty-four (24) hours a week for forty (40) weeks of the twelve (12) month period immediately preceding the date the application is filed with the licensing section, and has filed supporting documentation to that effect to the satisfaction of the Licence Issuer which documentation may include trip records.
32. Any person who transfers an owner's plate shall relinquish their present position on the priority list and shall reapply as a new applicant.
33. A dispatcher shall work a minimum of twenty-four (24) hours per week for forty (40) weeks of the year during twelve (12) months immediately preceding his application.
34. For the purposes of this section, no corporation shall be allowed on the priority list.

STAYING ON THE PRIORITY LIST

35. (1) Every person whose name has been placed on the priority list shall, on or before the 31st day of May in every year after his name has been so placed, file with the Licence Issuer:
 - (a) a statement in writing signed by every person by whom the applicant was employed or to whom the applicant provided service as a taxicab driver, taxi dispatcher or taxi brokerage office manager, that the applicant worked as such, for at least twenty-four (24) hours per week for forty (40) weeks during the preceding twelve (12) months.
 - (b) a copy of the applicant's relevant T4 Slips and Income Tax Return for the preceding year in the form in which it was submitted to the Federal Government; and
 - (c) copy of trip records for the preceding year;
 - (d) and pay the appropriate fee.
- (2) Any person whose name is placed on the priority list fails to provide satisfactory documentation required herein shall have his name removed from the priority list.
- (3) Where an applicant whose name has been placed on the priority list, is unable to continue to meet the criteria on account of illness, injury or other medical reasons, his name may nevertheless remain on the list provided:
 - (a) he files medical documentation satisfactory to the Licence Issuer establishing that throughout the period during which he did not drive a taxicab, he was physically unable for medical reasons to drive a taxicab; and

- (b) such period of time does not exceed two (2) years.
- (4) Where an applicant's name has been on the priority list for four years his name may remain on the list while the applicant attends, on a full time basis, an Ontario Educational Institution which is recognized by Council, provided such attendance does not exceed twenty-four (24) months and provided the applicant files proof of enrolment in such institution; and the applicant files proof of enrolment and completion at such institution to the satisfaction of the License Issuer.

INSPECTION OF PRIORITY LIST

36. The priority list shall be available for inspection during business hours, at the office of the Licensing Section.

HEARING

37. Where an applicant fails to continue to meet the requirements of this by-law, the Licence Issuer may recommend to Council that the applicant's name be removed from the priority list and the applicant shall be notified in writing of the recommendation at his last known address and the applicant may request a hearing on the recommendation before the By-law Committee and the provisions of this by-law respecting hearings shall apply to such a hearing.

DESIGNATED AGENT/ MANAGER

38. (1) A plate owner may designate a person who is a driver, plate owner or broker as his agent in respect of his plate;
- (2) A notice of designated agent shall include:
- (a) the full name of the plate owner;
 - (b) the number of the licence and plate(s) for the taxicab to which such designation relates;
 - (c) the term for which the person designated therein is granted authority by the owner in respect of the taxicab; and
 - (d) the terms of the agency agreement, including any consideration paid therefor.
- (3) If the authority of an agent designated under this section terminates before the end of the term set out in the notice, the plate owner shall forthwith file a written notice thereof with the licensing section, and for the purposes of this by-law, the obligations and requirements applicable to such authorized agent shall cease upon the filing of such notice;
- (4) No person shall act as an agent for a plate owner in respect of a taxicab except as permitted by this section;
- (5) The designation of an agent by a plate owner pursuant to this section shall not be deemed to be a lease for the purposes of this by-law unless the agent operates the taxicab, in which case the provisions of this by-law shall apply;

PLATE OWNER OR LESSEE TERMINATION WITH BROKER

39. Where a plate owner or lessee ceases to operate through a broker he shall forthwith:
- (1) remove from his vehicle the broker roof sign, telephone number, colour scheme and any decals or other broker markings; the radio crystals of the taxicab broker; and
 - (2) return all business cards and other equipment belonging to the broker.

BROKER'S REQUIREMENTS

40. Every taxicab broker shall:
- (1) maintain a permanent business office within the City of Brampton;

- (2) keep his licence conspicuously posted on the premises and produce the licence for inspection upon request of the Licence Issuer;
 - (3) require all plate owners, lessees and drivers who have entered into arrangements with the broker for the provisions of brokerage services to use a design of roof sign approved by the Licence Issuer;
 - (4) provide the licensing section with a list of all current shareholders, officers and directors, where the broker is a corporation;
 - (5) provide the licensing section with a list of all owners to whom the broker dispatches or with whom the broker has entered into any arrangement for services. Such list shall include every motor vehicle to whom the broker dispatches and shall identify all vehicles plate numbers;
 - (6) notify the licensing section, in writing, within three (3) days of any additions to or deletions from the list provided above;
 - (7) carry on the brokerage business twenty-four (24) hours a day during the term of his licence, unless otherwise directed by Council;
 - (8) not accept calls for, or in any way dispatch or direct calls to taxicabs other than those whose owners are licensed under this by-law, unless otherwise approved by Council;
 - (9) not accept calls for, or in any way dispatch or direct calls to taxicabs where the activity would be an illegal or an unlawful act;
 - (10) supply the licensing section with a copy of the broker's Federal Radio Licence "call" sign and frequency number;
 - (11) serve customers in a "first come, first served" basis;
 - (12) inform customers of the approximate time of day where delay is anticipated before accepting the order;
 - (13) dispatch only to drivers licensed under this by-law.
41. No broker shall be compelled to accept an order from a person who has not made payment for any previous trip.

DRIVER'S DUTIES AND CONDUCT- GENERAL

42. Every driver shall:

- (1) before operating a motor vehicle licensed as a taxi cab, examine the motor vehicle for mechanical defects or interior or exterior damage to the vehicle, and report forthwith any defects found, to the owner of the vehicle and the broker;
- (2) each day upon completion of the operation of a motor vehicle, return the vehicle to his employer and examine the motor vehicle as provided above and report all defects in the motor vehicle and all collisions to the owner of the vehicle and the broker;
- (3) carry the licence issued under this by-law and the driver's licence issued under the Highway Traffic Act R.S.O. 1990, c.H.8 as amended, with him at all times when operating a licensed vehicle;
- (4) maintain good grooming, and proper hygiene;
- (5) behave courteously;
- (6) comply with the City of Brampton smoke free by-law;
- (7) provide passengers with a receipt showing the driver's name, licence number and an identifying number for the motor vehicle, whenever requested or whenever there is a dispute over the fare;
- (8) display his driver's photograph card in the holder provided; and
- (9) where the destination of a trip extends beyond the boundaries of the City of Brampton, make an agreement before the trip with the passenger as to a flat rate, but where the driver so agrees the meter must be engaged while the taxicab is within the City of Brampton;

43. No person shall:

- (1) carry in any motor vehicle licensed under this by-law, a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such motor vehicle;
- (2) drive a motor vehicle licensed under this by-law, with luggage or any object placed in, hung on, or attached to the motor vehicle in such manner as will obstruct the driver's view of the highway;
- (3) take, consume or have in his possession any alcohol, drugs or intoxicants while he is in charge of a motor vehicle for which he is licensed as a driver under this by-law;
- (4) take on any additional passenger(s) except with permission of the passengers already in the vehicle;
- (5) when a passenger enters a motor vehicle and gives the driver the destination, the driver shall take the shortest possible route to the destination desired, unless the passenger designates otherwise;
- (6) induce any person to engage his taxicab by any misleading or deceiving statement or representation about the location or distance to any destination;
- (7) publish or use any tariff other than the tariff which has been authorized by this by-law;
- (8) recover or receive any fare or charge from any passenger or person who has demanded their services which is greater or lesser than the fare or charge authorized by this by-law;
- (9) recover or receive any fare or charge from any person to whom he has refused to show the tariff card or Schedule of rates as filed with the City of Brampton;
- (10) make any charge under this by-law for time lost through defects or inefficiency of the motor vehicle or the incompetence of the driver; or
- (11) make any charge for the time elapsed due to early arrival of the vehicle in response to a call for vehicle to arrive at a fixed time.

44 Every driver shall:

- (1) if he wants to enter a taxicab stand with his taxicab, do so by taking his position at the end of any line formed by taxicabs already in the stand;
- (2) if he is not the first taxi in line at the stand, he must direct the fare to the first taxi in line;
- (3) while waiting in the taxicab at a taxicab stand or at any public place not obstruct or interfere in any way with the normal use of the taxicab stand or the public place or interfere with the surrounding traffic patterns;
- (4) while waiting at a taxicab stand or public place be sufficiently close to his taxicab to have it under constant observation;
- (5) while waiting with a taxicab at a taxicab stand or public place, not wash the taxicab;
- (6) while waiting with a taxicab at a taxicab stand or public place, not make repairs to the taxicab unless such repairs are immediately necessary;
- (7) not push or bump any other taxicab at the taxicab stand;
- (8) when a vacancy occurs any driver waiting at the taxicab stand must fill the vacancy by advancing his taxicab;
- (9) not pick up any passenger within two-hundred (200) metres of a taxicab stand when there is one or more taxicabs upon the stand, except, where an arrangement has been previously made with the passenger to pick him up at that location;
- (10) serve the first person requiring the service of his taxicab, any place within the City of Brampton, at any time;
- (11) punctually keep all of his appointments, and shall not make any appointments if a previous engagement would prevent him from fulfilling it;

- (12) immediately engage the meter when a passenger first enters the taxicab, which meter shall remain engaged throughout the trip;
- (13) at the conclusion of a trip, charge only the fare shown on the meter, which shall be brought to the passengers attention when in the hold position, except that between the hours of 8:00 pm and 6:00 am the driver may require a deposit not exceeding \$20.00 or the estimated cost of the trip which ever is less.

45. No driver shall be compelled to:

- (1) accept a fare where a person is disorderly, refuses to give his destination or pay any deposit as required by this bylaw;
- (2) accept an order from a person who owes him for a previous fare or service.

TRANSITIONAL PROVISIONS

- 46. (1) All licences heretofore issued pursuant to By-laws 77-74 and 295-89, as amended, shall, during the period for which the same have been issued, remain in full force and effect unless for some other reason the same are terminated, suspended, forfeited or revoked, and the repeal of By-laws 77-74 and 295-89 shall not effect any offence committed against the By-laws 77-74 and 295-89, as amended, nor any penalty incurred in respect thereof, nor any investigation, legal proceeding or remedy thereunder; and
- (2) Any penalty incurred, any investigation, legal proceeding or remedy under By-law 77-74 may be continued or enforced as if the said By-law 77-74, as amended, had not been repealed.

**SCHEDULE S-1 TO BY-LAW 1-2002
(amended by By-law 90-2003)**

Relating to Electrical, Plumbing and Heating Contractors

1. Every electrical contractor, plumber, plumbing contractor, drain contractor, heating contractor, steam or hot water heating installer and warm air heating installer shall file with the Licence Issuer a copy of his Provincial trade certification.
2. Every person who conducts business or offers any services for which a license is required under this Schedule under a name other than his personal name shall register his business name with the Ministry of Consumer and Commercial Relations.
3. Every electrical contractor, plumber, plumbing contractor, drain contractor, heating contractor, steam or hot water heating installer and warm air heating installer shall provide to every person who requests a service from said contractor a schedule of rates, as well as a written estimate or written contract duly signed prior to the commencement of any work.

SCHEDULE S-2 TO BY-LAW 1-2002 – Repealed by By-law 380-2002

Relating to Plumbing Contractors, Plumbers, Master Plumbers and Drain Contractors

SCHEDULE S-3 TO BY-LAW 1-2002 – Repealed by By-law 380-2002

**Relating to Heating Contractors, Master Steam Hot Water Heating Installers, and
Master Warm Air Heating Installers**

**SCHEDULE S-4 TO BY-LAW 1-2002
(amended by By-law 390-2004)**

**Relating to a place where food intended for
human consumption is made, stored or offered
for sale to the public**

1. For the purpose of this Schedule:

“food handler” includes every premises where food intended for human consumption is made, stored or offered for sale to the public including food stores, snack bars and restaurants, except where the only food items offered for sale are non-hazardous, pre-packaged “snack/convenience” type items such as chocolate bars, potato chips and canned/bottled beverages, considered “low risk” according to the Hazard Assessment Critical Control Point Protocol under the Food Safety Mandatory Program utilized by the Region of Peel Health Department. **(By-law 390-2004)**

3. No person shall be licensed under this by-law that does not meet the requirements of the Medical Officer of Health.
2. Every person licensed pursuant to this Schedule, shall provide a sufficient number of litter containers in number sufficient, satisfactory to the Licence Issuer for refuse caused by the sale of food at the premises.

SCHEDULE S-5 TO BY-LAW 1-2002

Relating to Places of Public Assembly and Amusement

DEFINITIONS:

1. For the purpose of this Schedule:

“Place of public assembly and amusement” shall mean any place open to the public or particular members of the public, other than a personal residence, place of worship and public educational facilities, including but not limited to Public Halls, Banquet Halls, Private Clubs, Billiard Halls, Driving Ranges, Golf Courses, Mini Golf, Exhibitions, Arcades, Bowling Alleys, Skating Rinks, Laser Arcades, Cinemas & Theatres.

“arcade” shall mean any place of public assembly and entertainment which contains more than three contrivances;

“billiard hall” shall mean any place of public assembly and entertainment which contains more than two pool tables;

“contrivance” includes and is not limited to any pool or bagatelle table, any pay as you play electronic or mechanical or other game or device.

CATEGORIES OF PLACES OF PUBLIC ASSEMBLY AND AMUSEMENT:

2. A place of public assembly and amusement licence may be issued for one or more of the following categories and the licence issued pursuant to this by law is restricted to the categories identified on the licence.

Class A - Public Hall / Banquet Hall / Bingo Hall

Class B - Golf Course / Driving Range / Mini Golf

Class C - Bowling Alley / Cinema & Theatre

Class D - Billiard Hall

Class E - Arcade & Laser Arcade

Class F - Carnival

Class G - Other

3. Every person licensed pursuant to this by-law shall provide adequate public washroom facilities.
4. No person shall be granted a licence to keep for hire or gain a billiard, pool or bagatelle table until he shall produce and file with his application for such licence a certificate of the Medical Officer of Health showing that the premises in respect to which he desires a licence are in proper sanitary condition and provided with proper conveniences.
5. Every person licensed under this by-law shall be responsible for the orderly conduct of all patrons at all times while on his premises.
6. No person shall permit loitering of any persons on the premises or place of business, or any portion thereof or permit them to cause undue noise or create a disturbance in any way.
7. When the applicant is not the owner of the property, he shall produce a letter from the owner authorizing the use of the property for this event.
8. Every application shall be accompanied by a certificate issued by the fire chief or his designate, indicating compliance with fire code standards with respect to the premises to be licensed.
9. Place of Amusement shall include any shop, building or place or part thereof, which is open to the public, in which amusement devices are installed, placed or operated as one of the principal trades.
10. Every holder of a licence issued pursuant to this Schedule shall:
 - (1) be responsible for supervising, overseeing and maintaining orderly conduct within the building or part thereof which contains the amusement devices;

- (2) not permit on the licensed premises any more amusement devices than the number for which the licence was issued;
 - (3) not permit any person to loiter, create a disturbance or cause undue noise while on the licensed premises; and
 - (4) keep the licensed premises in a clean, neat and sanitary condition, free from fire or any other hazards.
11. No owner or operator of a carnival or exhibition shall permit any contrivance, ride, or structure to be utilized until all applicable provincial standards are met.
12. Notwithstanding any other provision in this Schedule an outdoor exhibition, or carnival, shall not operate between the hours of 11:00pm and 7:00 am.

**SCHEDULE S-6 TO BY-LAW 1-2002
(amended by By-law 129-2003)**

Relating to Owners or Keepers of Circuses and Travelling Exhibitions

1. No circus, menagerie, hippodrome or other like traveling exhibition, side show, or other entertainment connected therewith, shall be exhibited in the City of Brampton for a longer period than one (1) day, unless with the permission of the Licence Issuer, and unless a new licence is taken out for each day such exhibition or show is exhibited.
2. Every applicant for a licence in respect of a traveling show, shall, when applying for such licence or licences, file with the Licence Issuer proof, in a form satisfactory to the said Licence Issuer, that those employees and workers of such traveling show who reside in the City of Brampton are protected under the provisions of The Workers' Compensation Act, and that all assessments under the said Act in respect of the said employees and workers have been paid, or that the said employees and workers are protected in some other satisfactory manner similar to the said Act.
 - (a) Every applicant for a license shall file with the Licence Issuer an Emergency Plan in a form satisfactory to the Licensing Issuer **(By-law 129-2003)**
3. No person or persons owning or having control or charge of any traveling show shall locate same anywhere in the City of Brampton or commence to assemble or erect in the said area any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus or mechanical device or ride, or any other structure or erection until the requirements of section 2 hereof have been complied with, and no licensee of a public hall in the said area who has leased or rented such public hall or authorized the use of the same by a traveling show, shall permit or allow such traveling show to assemble or erect in such public hall any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus or mechanical device or ride, or any other structure or erection until the requirements of section 3 hereof have been complied with.

**SCHEDULE S-7 TO BY-LAW 1-2002
(amended by By-law 90-2003, 103-2006)**

Relating to Persons Who for Hire or Gain Deal in Second Hand Goods

1. For the purpose of this Schedule:

“drop box” shall mean a box or container placed in public view for the express purpose of collecting second hand goods **(By-law 90-2003)**

“second hand goods” shall include used clothing and household items, precious metals, electronics, sporting goods and jewellery.**(By-law 90-2003)**

2. Notwithstanding the forgoing, no person who deals exclusively in used clothing, books, baby paraphernalia, furniture or appliances shall be required to obtain a licence pursuant to this by-law unless drop boxes are utilized as a means of collecting such goods.**(By-law 90-2003)**
3. No person shall purchase, take in exchange, or receive any second hand goods from any person who appears to be under the age of eighteen (18) years, or from any person who appears to be under the influence of any intoxicating substance.
4. No person licensed pursuant to this by-law shall transact any business between the hours of eleven o'clock (11:00) in the evening and seven o'clock (7:00) in the morning.
5. The licence holder must maintain an up to date register, a record of all second hand goods purchased or taken in exchange and such register shall include, the make, model, name, serial number and any other uniquely identifying marks. Where articles are taken in bulk each article must be individually itemized in the register. The entry must be made at the time of purchase or exchange or immediately thereafter, and shall include, in addition to the date and hour of the purchase or exchange, a full description of the second hand good, the price paid therefor, and the name, address, telephone number, gender, date of birth and description of the person from whom the purchase or exchange was made.
6. The licence holder must notify the Police of the name and description of any person who offers him any goods or articles of any kind which he has cause to believe may have been stolen or unlawfully obtained.
7. Notwithstanding any other provision in this by-law, no licence shall be required by persons engaged in any of the trades, callings, businesses or occupations to which this schedule relates for charitable purposes.
8. Every person requiring a licence under the provisions of this schedule shall obtain a separate licence in respect of each and every shop, store or other place used for the transaction of business or for taking in or storing of second-hand goods
9. No person to whom this schedule relates shall alter, repair, dispose of, or in any way part with any goods or articles purchased or taken in exchange until after the expiration of thirty (30) clear days, exclusive of Sundays and holidays, from the date of purchase or such exchange, and during these thirty (30) days the goods or articles so obtained shall remain on the premises in respect to which the licence is issued and be kept in a separate location from goods previously purchased, and shall be subject to inspection at any time during business hours by the Chief of Police or any police officer or any person duly authorized by the Licence Issuer.
10. Where any drop box is placed or permitted to be placed in contravention of this by-law, the City may require the owner of the property or the licensee to remove such drop box. **(By-law 90-2003)**
11. Where the City provides written notice to any property owner that placement of a drop box is in contravention of this by-law, and such drop box is not removed within a reasonable time, the City may remove the drop box at the expense of the property owner. **(By-law 90-2003)**

SCHEDULE S-8 TO BY-LAW 1-2002

Relating to Pawnbrokers

1. Every applicant for a licence under this By-law and Schedule shall file with his application cash or a letter of credit in the amount of \$2,000.00 which shall be held by the City of Brampton as a guarantee of the applicant's compliance with this By-law and this Schedule and the provisions of The Pawnbrokers Act R.S.O. 1990 c. p 6, as amended.
2. Every person licensed under this By-law and Schedule shall carry on his business in accordance with the provisions of The Pawnbrokers Act R.S.O. 1990 c. p 6, as amended.

**SCHEDULE S-9 TO BY-LAW 1-2002
(amended by By-law 129-2003)**

**Relating to Keepers of Shops or Places where Animals or Birds for use as Pets are Sold
or Kept for Sale**

1. For the purpose of this By-law:

“animal” shall include all non-human species and shall include birds, reptiles. **(By-law 129-2003)**

2. A separate licence shall be taken out for each pet shop.
3. No pet shop shall keep or sell any animal prohibited by any by-law of the City of Brampton.
4. Every applicant for a licence shall file with his licence application a certificate that the premises to which the licence applies meets the requirements of the Animal Services Section.
5. Every owner of a pet shop shall comply with and ensure compliance with, the following requirements in the operation of the pet shop kept by him:
 - (1) the pet shop shall be maintained at all times in a sanitary, well-ventilated, clean condition, and free from offensive odours;
 - (2) every animal and bird shall be kept in sanitary, well-bedded, well-lighted, clean quarters, kept at a temperature appropriate for the health requirements of the type of species of animal housed therein;
 - (3) all cages, tanks, containers or other enclosures in which animals are housed on the premises shall be located in such a way as to provide maximum comfort to satisfy the known and established needs for the particular species so housed and shall be provided with safeguards to prevent extreme environmental changes and to prevent undue direct physical contact with such animals by the general public;
 - (4) where the quarters used for the housing of any animal form part of or are physically attached to a building used for human habitation or to which the public have access, such quarters shall have a concrete or other impermeable floor with a drain opening hooked to a sanitary system, and such floor shall be thoroughly cleaned and washed with water at least once each day, or more often than once if necessary to keep the said floor clean;
 - (5) every cage or other container used for the keeping or housing of any animal or bird shall:
 - (a) be of adequate size to permit any such animal or bird to stand normally to its full height, to turn around, and to lie down in a fully extended position;
 - (b) in the case of all other cages or containers, have a floor of either solid or wire mesh construction or any combination thereof, provided that:
 - (i) all spaces in wire mesh shall be smaller than the pads of the foot of any animal confined therein;
 - (ii) any such wire mesh shall be of a thickness and design adequate to prevent injury to any such animal; and
 - (iii) such floor shall be of sufficient strength to support the weight of any such animal.
 - (c) be equipped with receptacles for food and for water, so mounted or situated that they cannot be easily overturned or contaminated.
 - (6) water shall be provided daily to every animal or bird in sufficient quantity to maintain at all times a potable supply available to such bird or animal;
 - (7) animals and birds shall be fed periodically each day in accordance with the particular food requirements of each type or species of animal kept in the said pet shop;
 - (8) light in the premises shall be appropriate for the species kept there;
 - (9) each cage containing birds shall be of sufficient size and dimension to enable all birds to have sufficient perch space to permit full extension of their wings in every direction.

6. The owner shall ensure that all persons responsible for the care, feeding or cleaning of birds or animals are adequately instructed and supervised in the handling and care of all such birds and animals.
7. No owner of a pet shop shall:
 - (1) keep his stock of animals in crowded quarters or cages;
 - (2) sell any diseased animal;
 - (a) any one of the following inflections shall render an animal unfit for sale or release:
 - (i) infectious diseases such as distemper, hepatitis, leptospirosis, rabies, or other similar diseases;
 - (ii) nutritional deficiencies, including rickets or emaciation;
 - (iii) parasites;
 - (iv) fractures or congenital abnormalities affecting the general health of the animal.
 - (3) display any animal in a shop or display window which causes uncomfortable living conditions.
8. Every owner of a pet shop shall ensure that any animal indicating signs of sickness or disease is examined and appropriately treated within twenty-four (24) hours of the onset of illness, by a veterinarian and that such animal is kept in a quarantine area, separate from all other animals until such illness has been cured.
9. No owner of a pet shop shall sell, permit to be sold, offer for sale or give away, any dog or bitch under the age of eight (8) weeks.
10. Incompatible animals of different species shall not be confined or displayed in the same cage.
11. Whenever an owner of a pet shop sells or otherwise disposes of a dog, bitch or cat, he shall give to the purchaser a receipt showing the name and address of the vendor and the purchaser, the date of the sale, the sale price, and the breed or cross-breed, sex, age and description including colour and placing of markings, if any, of the dog, bitch or cat.
12. (1) Every owner of a pet shop shall keep a register in which shall be entered a record of each animal, excluding fish, purchased or otherwise obtained. Each entry shall be made at the time each animal comes into such owner's possession, and shall include, in addition to the date of purchase, a full description of the animal, together with the name, address and description of the person from whom it was purchased or otherwise obtained.
 - (2) Every owner of a pet shop shall ensure that the aforesaid register is not mutilated or destroyed and shall keep it open to inspection by the Licence Issuer at all times during business hours and shall make it available to be removed at any time for inspection or for use in the courts, if necessary. The owner shall not be responsible for neglecting to make the necessary entries in the said register while it is removed from the premises for this reason.
 - (3) The owner shall provide a copy of such register to City of Brampton Animal Services quarterly and shall retain the register in respect of each such transaction for the period of twelve (12) months thereafter. **(By-law 129-2003)**
13. A Medical Officer of Health or such of his staff as he may designate, and every other person authorized by the Licence Issuer, may inspect any pet shop.
14. An owner shall ensure that whenever he is absent from the pet shop or from the part of the premises used for the keeping or housing of animals, there is an attendant in charge of and responsible for the care and safe keeping of his pet stock.
15. No owner of a pet shop shall sell or permit the sale of any chick, duckling, live poultry, or other livestock.
16. No licence shall be required for the following operations **(By-law 129-2003)**:
 - (i) an animal shelter operated by or on behalf of a public authority;
 - (ii) a veterinary hospital/clinic
 - (iii) a publicly funded educational institute;

(iv) any facility in which animals are placed for care pursuant to the Pounds Act R.S.O.,
1990 c.P.17

**SCHEDULE S-10 TO BY-LAW 1-2002
(Amended by By-law 151-2003)**

Relating to owners and operators of vehicle facilities

1. For the purpose of this By-law:

“vehicle facility” shall include parking lot, place where vehicles are hired, kept, or used for hire or sold ,or kept for sale, service stations, repair shops, and a car wash.

2. A vehicle facility licence may be issued to one or more of the following classifications and the licence issued pursuant to this by- law is restricted to the categories identified on the licence:

Class A: Service/Repair Shop - includes any combination of the following:

- any place where gasoline, oil, or lubrication is dispensed;
- any place where vehicles are sold or kept for hire or leased;
- any place where any work is performed on any part of a vehicle.

Class B: Public Parking Facility - means:

- any place where vehicles may be parked for a fee which is paid exclusively for the privilege of parking.

Class C: Cleaning Facility - includes any combination of the following:

- any place where vehicles are washed or cleaned by mechanical means;
- any place where vehicles are washed or cleaned by other than mechanical means.

Class D: Storage Pound Facility – means:

- any place where vehicles or equipment which has been seized, towed or otherwise impounded for a fee **(By-law 151-2003)**

3. No person in a licensed vehicle facility shall commence any proceedings in relation to a vehicle without preparing a written and sequentially numbered work order without written consent of the owner. **(By-law 151-2003)**

4. No vehicle facility licence shall be issued pursuant to this by-law unless the applicant satisfies the Licence Issuer that all provincial laws and regulations have been complied with.

5. No person licensed under this by-law shall use or permit his premises to be used for the purpose of servicing or repairing vehicles except while in an enclosed building.

6. No person licensed under this by-law shall store or park or allow to be stored or parked any trailer used for human habitation while so stored or parked.

7. Every person licensed under this by-law, shall comply with all relevant legislation pertaining to the storage and disposal of hazardous materials on the premises and no person shall: **(By-law 151-2003)**

- (1) Charge an administrative fee that exceeds \$50.00, all-inclusive, other than the applicable Federal and Provincial Taxes; **(By-law 151-2003)**
- (2) Charge a hazardous waste fee that exceeds \$10.00, all-inclusive, other than the applicable Federal and Provincial Taxes; **(By-law 151-2003)**

8. Every applicant for a vehicle facility shall include in his application a site plan setting forth:

- (1) the location and dimensions of the lands and buildings in respect of which he seeks such licence;
- (2) the maximum number of motor vehicles proposed to be parked or stored at or upon such premises at any one time;

9. Every person licensed under this by-law shall:

- (1) if he engages in driving, operating, or moving motor vehicles parked or stored at or upon the licensed premises, be the holder of a valid Ontario driver's licence, and

shall not employ any person or permit any employee to drive or operate such motor vehicles unless such person is the holder of an Ontario driver's licence;

- (2) if the licensed premises is open to the public, display in a conspicuous place at or upon the licensed premises, the rates or charges for parking or storing motor vehicles and the hours during which the licensed premises is open for business;
 - (3) whenever any motor vehicle remains continuously without lawful excuse at or upon the licensed premises, forthwith prior to removal report to the police the make and provincial permit number or vehicle identification number of such vehicle.
- Notwithstanding the previous sections, a person operating a Class D Vehicle Facility shall be subject to the following:
 - (1) Every owner of a Class D Vehicle Facility shall only charge or cause to be charged an all-inclusive fee of thirty-five (\$35.00) dollars a day storage fee with no other additional service charges, other than the applicable Federal and Provincial taxes.
 - (2) Notwithstanding the above, every owner of a Class D Vehicle Facility which is a 24-hour facility may charge or cause to be charged an all-inclusive fee of sixty dollars (\$60.00) day storage fee with no other additional service charges, other than the applicable Federal and Provincial taxes
 - (3) Every owner of a Class D Vehicle Facility shall file with the License Issuer a schedule of the fees charged for the operation of a Class D Vehicle Facility.
 - (4) Every owner of a Class D Vehicle Facility shall erect a proper fence and install a secure lock on the fence to protect the vehicles and vehicle contents stored in his facility.
 - (5) Every owner of a Class D Vehicle Facility shall allow only a tow truck licensed with the City of Brampton to remove a vehicle from the vehicle facility
 - (6) Every owner of a Class D Vehicle Facility shall ensure that a contract is signed, by the vehicle owner, for the storage of a vehicle or for any work to be done on the vehicle;
 - (7) Every owner of a Class D Vehicle Facility shall charge or cause to be charged only a fee for the days the facility is open for business and the owner shall not charge or cause to be charged a fee for the days in which the customer can not have his car released.

10.1 Where a fee is regulated on a daily basis under this by-law, a 'day' shall be a period not less than 24 hours.

RELATING TO OWNERS OF DRIVE-SELF RENTAL MOTOR VEHICLES

11. No licensee under this schedule shall commence any proceedings in relation to a vehicle rental until the customer is made fully aware of rates and charges prior to entering into a contract.
12. Every rental transaction shall be subject to a contract.

SCHEDULE S-11 TO BY-LAW 1-2002

Relating to Owners or Keepers of Salvage Shops or Salvage Yards

DEFINITIONS

1. In this Schedule:

“salvage shop” and “salvage yard” mean respectively any place where used metal, including vehicles and appliances, are brought or kept for resale or disposal.

2. A salvage shop or salvage yard owned or operated by a public authority is exempt from this Licensing By-law.

3. The licence holder must maintain an up to date register of all vehicles, vehicle parts and appliances brought to or kept at his salvage yard or salvage shop, which shall include the make, model and serial number of the item, the time and date of purchase, and name and address of the person from whom the item was purchased or otherwise acquired.

**SCHEDULE S-12 TO BY-LAW 1-2002
(amended by By-law 90-2003)**

Relating to Building Renovators

1. Every person who conducts business or offers any services for which a licence is required under this Schedule under a name other than his personal name, shall register his business name with the Ministry of Consumer and Commercial Relations.
2. Every person licensed under this by-law as a building renovator shall observe or cause to be observed before commencing any work the following regulations:
 - i. before commencing any work, a building renovator shall enter into a written contract with the person for whom the work is to be performed to be signed by the building renovator and such person, and the contract shall set out the work to be performed, the start date, the estimated date of completion, the cost and the quality of materials to be used.
 - ii. The building renovator shall complete the contract in as much detail as may be practical as to the quality and quantity of material and the number of hours of labour involved and the rate thereof and as to all other dimensions and measurements relating to the work to be done.

SCHEDULE S-13 TO BY-LAW 1-2002

Relating to Adult Entertainment Parlours

1. For the purposes of this Schedule:
 - (1) "permitted area" means that area of the City which is zoned for industrial or commercial use, and where the use of land as an adult entertainment parlour has not been specifically prohibited;
 - (2) "to provide" when used in relation to services includes to furnish, perform, solicit, or give such services, and "providing" and "provision" have corresponding meanings;
 - (3) "services" includes activities, facilities, performances, exhibitions, viewings and encounters;
 - (4) "services designed to appeal to erotic or sexual appetites or inclinations" include:
 - (a) services of which a principal feature or characteristic is the nudity or partial nudity of any person; and
 - (b) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or picture, symbol or representation having like meaning or implication is used in any advertisement.
 - (5) "entertainer" 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 entertainment parlour.
 - (6) "sexual contact" includes the kissing, fondling, and sucking of breasts or genitals, digital penetration, fellatio, cunnilingus, masturbation, ejaculation or intercourse.
2. No person shall operate an adult entertainment parlour unless it is licensed under this Schedule.
3. (1) No licence will be issued or renewed under this by-law unless:
 - (a) the adult entertainment parlour is located in a permitted area and is not located closer than 500 metres measured on a continuous path over the shortest distance from a dwelling unit or a residential zone; and
 - (b) the applicant is a holder of a licence under the Liquor Licence Act (R.S.O. 1990, c. L.22, as amended).
- (2) The provisions of subsection (1)(a) do not apply to a person who was carrying on the business of an adult entertainment parlour on March 29, 1982; and
- (3) The provisions of subsection (1)(a) shall not apply so as to prevent the renewal of a licence when, subsequent to the valid issuance of a licence under this by-law, a dwelling unit has been located or a residential zone created within 500 metres of the adult entertainment parlour for which the licence was granted;
4. In addition to the provisions of the Sign By-law, no person shall:
 - (1) display, or cause to be erected or displayed, a sign or advertising device used for the purpose of promoting an adult entertainment parlour, where such sign or advertising conveys a message through the use of pictures, graphics or any means other than by the use of words;
 - (a) has any animation;
 - (b) has flashing lights; or
 - (c) is designed to revolve on an axis.
 - (2) for the purpose of this section, "animation" shall mean any motion of a display or part thereof whether by mechanical action or the flashing on and off of its lights; and
 - (3) where there is a conflict between the provisions of this Schedule and the provisions of the Sign By-law, the provisions of this Schedule shall apply.
5. No person licensed under this Schedule shall:

- (1) permit any individual under the age of eighteen (18) years to enter or remain in the adult entertainment parlour for which the licence has been obtained, or any part thereof;
 - (2) employ or otherwise use the services of individuals under the age of eighteen (18) years;
 - (3) operate an adult entertainment parlour except on Mondays to Saturdays inclusive, between the hours of 11:00 a.m. and 2:00 a.m. of the following day and on Sunday between the hours of 4:00 p.m. and 2:00 a.m. of the following day, and where "Daylight Saving Time" has been adopted in the City of Brampton for any period of the year under any statute, Order-in-Council, by-law, resolution or proclamation, whether the same is effective in law or not, such time shall be held to be the time referred to in this paragraph;
 - (4) notwithstanding the above, operate an adult entertainment parlour on Christmas Day, Good Friday or Easter Sunday;
 - (5) permit any person to loiter, create a disturbance or cause undue noise while on the licensed premises; and
 - (6) construct or equip or permit the construction or equipping of the premises containing an adult entertainment parlour in such a manner as to hinder or prevent the enforcement of this Schedule.
6. Every person licensed under this Schedule shall keep his premises in a clean and sanitary condition.
7. (1) No owner or operator shall, in respect to any adult entertainment parlour owned or operated by him, permit any entertainer to make any physical contact with the breasts, buttocks, genital or pubic areas of any other person or have sexual contact with any person.
- (2) No entertainer, while providing services as a dancer, shall allow any other person to touch, kiss, or make any physical contact with their breasts, buttocks, genital or pubic areas or have sexual contact with any person.
8. All services provided by an entertainer shall be provided within view of the main stage without obstruction by walls, curtains, or any other enclosure.
9. (1) Every person who owns or operates an adult entertainment parlour shall:
- (a) require an entertainer, prior to performing in the adult entertainment parlour, to complete in full a registration form in the form approved by the License Issuer;
 - (b) retain with the completed registration form a photocopy of the identification provided by the entertainer;
 - (c) upon request of a police officer or by-law enforcement officer, provide forthwith to the officer a valid, completed registration form for any and all entertainers, together with photocopies of their identification.
 - (d) retain all completed registration forms and photocopies of identification for a period of two years from the date of completion;
 - (e) where an entertainer is continually performing at the licensed premises, have the entertainer complete a registration form at least once a year or where any change in information occurs.
- (2) A registration form is valid for one year from its completion.
10. (1) Every person who contravenes any provision of this Schedule and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00 or to imprisonment for a term not exceeding one year, or to both;
- (2) Notwithstanding foregoing, where a corporation is convicted of an offence, the maximum penalty that may be imposed on the corporation is \$50,000.00 and not as provided therein;
- (3) Where a person is convicted of operating an adult entertainment parlour without a licence, the court shall order that the premises or part thereof be closed to any use for any period not exceeding two years; and

- (4) Where a person is convicted of a contravention of any of the provisions of this Schedule other than operating an adult entertainment parlour without a licence, the court may order that the premises or part thereof be closed to any use for any period not exceeding two (2) years.

**SCHEDULE S-14 TO BY-LAW 1-2002
(amended by By-law 148-2003)**

Relating to Owners and Operators of Businesses from which Adult Videos are Sold or Rented

1. For the purposes of this Schedule:
 - (1) "adult video" means any video including video digital display, the content of which is designed or held out as designed, to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter and adult video includes the cover or box of such video;
 - (2) "adult video area" means an identifiable part of any premises, which part is used for the provision of adult video;
 - (3) "adult vide store" means any premises:
 - (a) used for the carrying on of the business of the provision of adult video; or
 - (b) in which adult videos are provided in the pursuance of a business and to which premises entry by persons under the age of eighteen (18) years is prohibited, or in respect of which premises it is advertised or notice is given that such entry is prohibited; or
 - (c) in which adult videos are provided in the pursuance of a business and in respect of which it is advertised, or notice is given either by signs or other advertising devices on or in the premises, or otherwise, that the premises are an "adult video store", an "adult video rental store", or are otherwise described by words of like meaning;
2. No licence will be issued or renewed under this Schedule unless the adult video store is located in a permitted area and is not located closer than 500 metres measured on a continuous path over the shortest distance from a dwelling unit or a residential zone;
3. The provisions of Section 2 do not apply to a person who was carrying on the business of an adult video store on March 28, 1994.
4. The provisions of Section 2 shall not apply so as to prevent the renewal of a licence when, subsequent to the valid issuance of a licence under this Schedule, a dwelling unit has been located or a residential zone created within 500 metres of the adult video store for which the licence was granted.
5. Every person shall ensure that no person under the age of eighteen (18) years is permitted to enter or remain in such store.
6. No person shall employ in an adult video store, or in that part of any video store in which adult videos are displayed and provided, any person who is under the age of eighteen (18) years.
7. Every licensee shall post and keep posted at every entrance to any adult video store operated by such licensee, and in a prominent location inside such store, signs sufficient to indicate clearly to any person approaching or entering the store, and to every person in the store, that no person under the age of eighteen (18) years is permitted to enter or remain in such store or any part thereof.
8. Every licensee shall ensure that exterior signs and advertisements relating to the provision of adult videos, including any signs, advertisements or other graphics which are visible to passersby from the outside of the store are restricted to the words "adult videos" or "adult video sales or rentals" and do not include pictorial representation of body areas or sexual or erotic activities.
9. In addition to the provisions of the City of Brampton Sign By-law, as amended, being a by-law to regulate the use and erection of signs in the City of Brampton, no person shall:
 - (1) display, or cause to be erected or displayed, a sign or advertising device used for the purpose of promoting an adult video store, where such sign or advertising conveys a message through the use of pictures, graphics or any means other than by the use of words:
 - (a) has any animation;
 - (b) has flashing lights; or

- (c) is designed to revolve on an axis.
 - (2) for the purpose of this section, "animation" shall mean any motion of a display or part thereof whether by mechanical action or the flashing on and off of its lights; and
 - (3) where there is a conflict between the provisions of this Schedule and the provisions of the City of Brampton Sign By-law, as amended, passed by the Council of the City of Brampton under authority of the Municipal Act, or any predecessor thereto, the provisions of this Schedule shall prevail.
10. Every person who operates a video store, whether or not he or she is required to be licensed under this Schedule, shall, in the carrying on of such business, comply with the regulations contained in this Schedule relating to the provision of adult videos.
11. Every person referred to in Section 12 shall ensure that employees working in such video store comply with all requirements of this Schedule relating to the provision of adult videos and the prohibition to all or part of the premises to persons under the age of eighteen (18) years, as required by this Schedule.
12. (1) No person who operates a video store in which adult videos are provided, shall permit any person under the age of eighteen (18) years to enter or remain in any part of such store where adult videos are provided, or within three (3) metres of any adult video unless such adult video is located in an adult video area;
- (2) Every person who operates a video store in which any adult video is provided, shall affix, in a prominent location inside such store and at every entrance to any adult video area, a sign or signs sufficient to indicate clearly to persons in the store, that no person under the age of eighteen (18) years is permitted to enter or remain in any adult video area in accordance with this Schedule;
- (3) Every person who operates a video store, including an adult video store, and every person working in such store, shall ensure that no person under the age of eighteen (18) years is permitted to enter an adult video store, or any adult video area, in accordance with this Schedule;
- (4) Every person who operates a video store and every person working in such store shall ensure that no adult video, or container for an adult video shall be displayed in such a manner so as to be visible from the outside of the store; and
- (5) Every person who operates a video store and every person working in such store shall ensure that no adult video, or container for an adult video, shall be displayed in a video store that is not an adult video store, in a location where it can be seen by persons in the store, unless such adult video or container is in a separate location in such store to which persons under the age of eighteen (18) years are not permitted to enter, and such adult video or container is displayed in a location where it cannot be seen from outside such area.
13. Despite the provisions of this by-law, an Adult Video License may be issued to the following locations, provided that the primary retail business is adult novelty products, the sale and/or rental of adult video stores is accessory to the primary business, admittance to the store is restricted to persons (18) years of age or older, and that the amount of floor space of the premises which may be used for the rental and/or sale of adult videos shall not exceed the square footage set out below: **(By-law 148-2003)**
- i) "Aren't We Naughty" located at 130 Main Street North (100 square feet of total retail floor area of 646 square feet); and **(By-law 148-2003)**
 - ii) "Whispers" located at 74 Queen Street West (336 square feet of total retail floor area of 2603 square feet). **(By-law 148-2003)**

SCHEDULE S-15 TO BY-LAW 1-2002

**Relating to the owners and operators of stores
and shops where tobacco, cigars and cigarettes
are sold by retail**

1. Every person licensed under this by-law shall be bound by the provisions of the Tobacco Control Act S.O. 1994 c.10
2. No person shall sell or supply to any person who is less than nineteen (19) years of age any tobacco product;
3. No person shall sell tobacco products from a vending machine.

**SCHEDULE S-16 TO BY-LAW 1-2002 –
(New Schedule - By-law 284-2002, amended by By-law 103-2006)**

**Relating to vendors, and other persons going
from place to place or to a particular place with
items or products for sale**

1. For the purposes of this Schedule:

"vendor" shall mean any person who goes from place to place or to a particular place with items or products for sale and shall include the person under whose Provincial vendor's permit the seller operates, but shall not include any such person whose items or products constitute refreshments within the meaning of this by-law.
2. Every vendor who goes from place to place shall file with the Licence Issuer the following:
 - (1) a description of the goods or items being sold; and
 - (2) identification satisfactory to the Licence Issuer.
 - (3) Business Registration and/or Articles of Incorporation
 - (4) Goods and Services Tax registration
 - (5) Provincial Sales Tax Registration
 - (6) Certificate of Insurance
 - (7) Written permission of the property owner from which the vendor intends to sell his products to be accompanied by a drawing of the property clearly identifying the exact location on which the vendor will set up; and
 - (8) Zoning Department approval
3. Every vendor shall conspicuously display his license and identification card issued by the Licence Issuer .
4. Every applicant for a vendor's licence shall ensure that the proposed location meets the following criteria:
 - (1) no portion of the location shall form part of the highway
 - (2) no portion of the location shall be directly in front of a building entrance or exit; and
 - (3) a location must be on lands zoned to permit a commercial or industrial use
 - (4) no location shall be within 500 metres of any business establishment or other licensed vendor's location from which similar products are sold
 - (5) no location shall be within the Brampton Downtown Business Area as identified on Appendix to Schedule M-2 By-law 1-2002;
 - (6) the location provides for adequate parking for customers
 - (7) no location shall be within the sight triangle of a signalized intersection
 - (8) every location shall be set back at least one (1) metre from any adjacent highway
5. No vendor's license shall be required if:
 - (1) the products are sold by a registered charitable organization or a local Brampton Service Club;
 - (2) the products are sold in conjunction with and as part of a community festival and the vendor has received written permission from the organizers of the community festival to sell during a specified time and within a specified area;
 - (3) Subject to Clause 7 below, establishments whose primary business is the sale of fresh flowers (By-law 103-2006).
6. A license issued under this schedule shall be valid for one location, for one event to a maximum period of 72 hours.
7. For establishments whose primary business is the sale of fresh flowers, the sale of fresh flowers adjacent to the roadside, on Valentine's Day, Mother's Day and on Easter week-end, shall be permitted, subject to the following (**By-law 103-2006**):
 - a) The location of the sales shall be in close proximity (within sight) to the flower shop's main premise; and (**By-law 103-2006**),
 - b) The location of the sales shall be such that it will not encourage drivers to stop, and/or park, their vehicles on the road, thereby creating a hazardous condition; and (**By-law 103-2006**),
 - c) The vendor shall have written permission from the property owner, and shall produce this permission upon request by an enforcement officer; and (**By-law 103-2006**),
 - d) The vendor shall have written confirmation identifying the flower shop on the flower shops' letterhead, and shall produce this confirmation upon request by an enforcement officer (**By-law 103-2006**).

SCHEDULE S-17 TO BY-LAW 1-2002

Relating to persons maintaining and operating markets

1. For the purposes of this Schedule:
 - (1) "market" means that area, whether enclosed by a building or not, in which individual stalls are rented to vendors other than those who own the premises, for the purpose of individually exposing new or used goods and wares for sale and includes the type of establishment commonly referred to as a "flea market".
 - (2) "owner of a flea market" includes any person who operates a flea market or manages the property in which the market is situated
 - (3) "stall" shall include a table, booth, counter or other similar sales facility, whether within or outside of a building and whether the table, booth, counter or other similar sales facility is or is not readily identifiable as a separate selling unit, and whether or not the table, booth, counter or other similar sales facility has any degree of permanence, which is, in fact, being used by an individual vendor within the market.
2. Every owner of a market shall maintain a register in which is kept a comprehensive record of all vendor's names, addresses, phone numbers, and shall comply with the following requirements:
 - (1) make all entries at the time of rental or immediately thereafter;
 - (2) not knowingly make any false entries in the register;
 - (3) preserve all records for at least one (1) year; and
 - (4) keep the register available for inspection at any reasonable time when requested by the Licence Issuer or Peace Officer.
3. Every owner of a flea market shall pay a licence fee as set out in the fee schedule, which shall be calculated based on the number of stalls.

SCHEDULE S-18 TO BY-LAW 1-2002

Relating to fireworks

DEFINITIONS

1. In this Schedule:

"Act" means the Explosives Act, R.S.C., 1985, c. E-17.

"Fire Chief" shall include the Fire Chief's designate.

"Consumer fireworks" has the same meaning as in the Act, namely consumer fireworks are fireworks that are designed for recreational use by the public. They are classified as type F.1 or 7.2.1. More information may be found at www.nrcan.gc.ca/mms/explosif.

"Display fireworks" has the same meaning as in the Act, namely high hazard fireworks generally used for recreation such as rockets, serpents, shells, bomb shells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and firecrackers.

"Distributor" means is a person who sells consumer fireworks to a retailer or another distributor. A distributor is also a person who sells directly to the public from an establishment that is not open to the public (such as by mail order or over the internet).

"Federal law" means the Act, the Regulation and other applicable law of Canada and "federal permission" has a like meaning.

"Permanent retail outlet" means a place or building in which fireworks are sold that is not a temporary retail outlet.

"Regulation" means Regulation C.R.C., c. 599, pursuant to the Act.

"Temporary retail outlet" means a place or building in which fireworks are sold that is not affixed to the ground and includes a temporary structure, a storage unit or shed, tent, trailer, a vehicle and a shipping container.

2. In this Schedule, a reference to a quantity of fireworks means the net mass of the fireworks. If the net fireworks quantity cannot reasonably be determined for a consumer fireworks article, the net explosives quantity is calculated as 25% of the gross mass of the article.

REQUIREMENT OF LICENCE

3. No person shall sell or offer to sell consumer fireworks to the public without obtaining a licence from the Licence Issuer.

WHO RETAILER MAY SELL TO

4. A retailer may only sell a person consumer fireworks on the following conditions:
 - a. the quantity sold for one purchase may not exceed 100 kg;
 - b. the purchaser must be at least 18 years old.

Quantities above 100 kg require federal permission.

5. No person shall sell or supply fireworks to a person who appears to be under eighteen years of age.
6. No person shall knowingly sell or supply fireworks to a person who is not buying them for his or her personal use but for a person who is under eighteen years of age.
7. Every retailer must give a copy of Annex 2 to every person who acquires consumer fireworks. Other documents that include the same information are also acceptable.

RETAIL OUTLETS

8. A retailer may sell consumer fireworks only from inside a permanent structure or a temporary structure such as a trailer or other shelter. Tents, even those made with flame retardant material, are not permitted.
9. A retail outlet must be secure from unauthorized access when it is not open for business.

LOCATION OF RETAIL OUTLETS

10. Every temporary retail outlet, including all detached storage units, must be located at least 6 metres from any combustible material, any building or any other temporary retail outlet. It must also be located at least 3 metres from any parking space or parked vehicle.

NEAR FLAMMABLE SUBSTANCES

11. Every permanent and temporary retail outlet, including all detached storage units, must be located at least 15 metres from any of the following:
 - a. Gas pumps at a gas station;
 - b. Retail propane dispensing tanks;
 - c. Above-ground storage tanks for flammable liquid or flammable gas;
 - d. Compressed natural gas dispensing facilities.
12. Every permanent and temporary retail outlet, including all detached storage units, must be located at least 100 metres from all aboveground bulk storage tanks for flammable substances.
13. Sections 14 and 15 shall come into force on a day to be proclaimed by Council.

STRUCTURAL REQUIREMENTS FOR PERMANENT RETAIL OUTLETS

14. Every permanent retail outlet and every detached storage unit that contains more than 100 kg of consumer fireworks must have:
 - a. An exterior wall fire resistance rating of at least 1 hour and an exterior wall opening protection rating of at least $\frac{3}{4}$ hour, if it is located 3 metres or more from an adjacent permanent building or structure; or
 - b. An exterior wall fire resistance rating of at least 2 hours and an exterior wall opening protection rating of at least $1\frac{1}{2}$ hour, if it is located less than 3 metres from an adjacent permanent building or structure.

MULTI TENANT BUILDINGS

15. A permanent retail outlet that is located in a multi tenant building or a building that includes a dwelling must be separated from the other units or the dwelling by a fire separation that has no openings and a fire resistance rating of at least 2 hours.

ATTACHED STORAGE UNITS

16. A storage unit that is attached to an area where fireworks are on display for sale must be either:
 - a. equipped with an automatic sprinkler system that meets the requirements of the National Fire Protection Association Standard NFPA 13: Installation of Sprinkler Systems, 2002 edition; or
 - b. separated from the display area by a fire separation that has a fire resistance rating of at least 1 hour.

CONSTRUCTION OF STORAGE UNITS

17. A storage unit must be constructed to prevent unauthorized access and to protect the contents from weather. It must be adequately ventilated to prevent deterioration of consumer fireworks.

NO SELLING FROM DWELLINGS

18. No consumer fireworks may be sold from or stored for sale in a dwelling.

25 KG LIMIT IN MULTI-TENANT BUILDINGS

19. No more than 25 kg of consumer fireworks may be stored in a retail outlet that is located in a multi-tenant building or a building that includes a dwelling.

250 KG LIMIT IN RETAIL OUTLET

20. No more than 250 kg of consumer fireworks may be stored in a stand-alone retail outlet, including all detached storage units. Out of the 250 kg, a total of 25 kg may be displayed for sale.

STORAGE GREATER THAN 250 KG

21. Any quantity of consumer fireworks greater than 250 kg must be stored according to federal law.

PUBLIC TOUCHING OF FIREWORKS

22. Only consumer fireworks that are packaged in family or blister packs may be displayed for sale in those areas of a retail outlet to which the public has access. They must be displayed at least 1 metre from the floor. Those that are not in family or blister packs must be kept behind the sales counter or locked up (for example, in a display case) and may be handled only by an employee up to the point of sale.

ATTENDING THE STOCK

23. Consumer fireworks on display for sale must be attended when the retail outlet is open to the public. All storage units must be attended when they are unlocked. Fireworks in a temporary retail outlet must be attended at all times.

CONTENTS AND MAINTENANCE OF STORAGE UNITS

24. Consumer fireworks must not be stored in the same storage unit as any other type of explosive. Storage units must be kept clean, dry and organized.

PROTECTION FROM IGNITION AND DETERIORATION OF FIREWORKS

25. Consumer fireworks on display for sale or in a storage unit must be kept well away from flammable and combustible substances and from any source of heat or substance that could cause ignition, such as open flames or lit cigarettes. They must not be exposed to heat or dampness that could cause them to deteriorate.

WARNING SIGN

26. A clearly visible sign that has the word "Fireworks" and prohibits smoking must be posted in letters or symbols at least 10 cm high in the area where the fireworks are on display for sale and on each storage unit. However, a sign is not required in the display area if a sign that prohibits smoking has already been posted.

PRECAUTIONS TO SLOW THE SPREAD OF FIRE

27. Consumer fireworks on display for sale must be separated into lots not exceeding 10 kg each. Each lot must be separated by a flame break to slow the spread of fire from one lot to another. The lots must also be separated from flammable and combustible goods such as fuels, paints and solvents, to prevent fire from spreading rapidly from the goods to the fireworks.

EVACUATION IN THE EVENT OF FIRE

28. A retail outlet must have at least 2 unobstructed exits to ensure that employees and the public can quickly evacuate the outlet in the event of fire. Also, all aisles that contain fireworks must be at least 1.2 metres wide and must not be blocked at either end.

WHO MAY ACQUIRE CONSUMER FIREWORKS

29. The following eligible persons may acquire consumer fireworks provided that the conditions in column 3 are met.

	Column 2	Column 3
(1)	Less than 25 kg	A person who is at least 18 years old may acquire up to 25 kg of consumer fireworks.
(2)	More than 25 kg	A person who wishes to acquire more than 25 kg of consumer fireworks must comply with federal law.

LICENCE REQUIREMENTS

30. Every application for a licence shall:

- a. supply to the Licence Issuer a letter from the owner of the property granting them permission to sell fireworks;
 - b. supply, when required by the Licence Issuer, a compliance letter from the Zoning Department;
 - c. submit to an inspection by the Licence Issuer of each premises to be licensed and all inventory to be sold; and
 - d. submit, if required, proof of recent inspection by the Fire and Building Departments.
31. The amount of general commercial liability insurance required by every applicant for a licence under this schedule is five million dollars instead of the amount set out in Section 8 of the by-law. In addition, the Corporation of the City of Brampton and the Regional Municipality of Peel must be added as additional insureds.

Annex 2

Safety instructions for consumers / Consignes de sécurité à l'intention des consommateurs

Please refer to Part 12 of the Explosives Regulations for additional safety standards for consumer fireworks.

Pour plus de renseignements sur la sécurité, consulter la partie 12 du Règlement sur les explosifs.



PEOPLE UNDER 18 YEARS OLD who use consumer fireworks must be supervised by an adult.

LES PERSONNES DE MOINS DE 18 ANS qui utilisent les pièces pyrotechniques à l'usage des consommateurs doivent être sous la surveillance d'un adulte.



CHOOSE a wide, clear site away from all obstacles (for example, 30 m x 30 m for firing roman candles).

CHOISIR un emplacement bien dégagé, loin de tout obstacle. (Par exemple un terrain de 30 m x 30 m pour des chandelles romaines.)



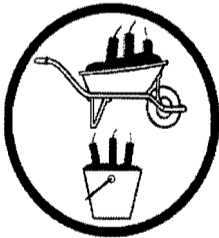
DO NOT FIRE IN WINDY CONDITIONS.

NE PAS ALLUMER LES PIÈCES PYROTECHNIQUES PAR TEMPS VENTEUX.



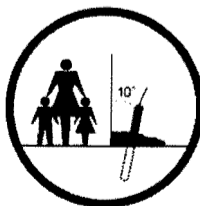
READ all instructions on the fireworks. PLAN the order of firing before you begin.

LIRE toutes les directives sur les pièces pyrotechniques. PLANIFIER l'ordre d'allumage.



USE A GOOD FIRING BASE such as a pail, a box or a wheelbarrow filled with earth or sand.

UTILISER UNE BONNE BASE D'ALLUMAGE: seaux, boîtes ou brouettes remplis de terre ou de sable.



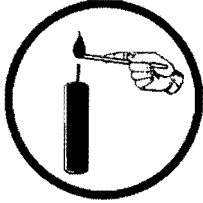
BURY fireworks that do not have a standing base HALFWAY unless the label on the firework indicates otherwise. Set them at a 10-degree angle, pointing away from people.

ENFOUIR À MOITIÉ les pièces pyrotechniques qui ne possèdent pas de base, sauf indication contraire sur l'emballage. Les installer à un angle de 10 degrés à l'opposé des spectateurs.



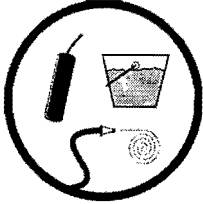
NEVER try to light a firework or hold a lit firework in your hand, other than a sparkler.

NE JAMAIS tenir dans la main les pièces pyrotechniques qui sont allumées ou celles que vous tentez d'allumer, sauf les étincelleurs.



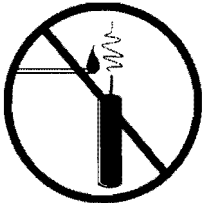
LIGHT CAREFULLY: Always light the fuse at its tip.

ALLUMER PRUDEMMENT : Toujours allumer l'extrémité de la mèche.



KEEP WATER NEARBY: Dispose of used fireworks (including debris) in a pail of water.

GARDER DE L'EAU À PORTÉE DE LA MAIN : Jeter les pièces pyrotechniques utilisées ainsi que les débris dans un seau d'eau.



NEVER try to **RELIGHT** a firework that did not go off. **NEVER** try to fix a firework that is defective. **WAIT** at least 30 minutes before approaching what appears to be a 'dud' firework.

NE PAS TENTER DE RALLUMER une pièce pyrotechnique qui n'a pas fonctionné et **NE JAMAIS** tenter de réparer une pièce qui semble défectueuse. Attendre 30 minutes avant d'approcher d'une pièce ratée.



KEEP fireworks in a cool, dry, ventilated place, out of the reach of children.

CONSERVER les pièces pyrotechniques dans un endroit sec, frais, aéré et inaccessible aux enfants.

SCHEDULE S-19 TO BY-LAW 1-2002

Relating to bingo lotteries, raffle lotteries and lottery schemes

1. In this Schedule:
 - (1) "Act of God" means an act occasioned exclusively by violence of nature without the interference of any human agency.
 - (2) "bazaar lottery" means a lottery scheme held at a charitable function, exhibition or fair;
 - (3) "bingo lottery" means a game of chance where players are awarded a cash prize or other prizes for being the first to complete a specified arrangement of numbers on pre-printed bingo cards from numbers selected at random.
 - (4) "bingo sponsors' association" means an association formed by licensees conducting regular bingo events within a bingo hall. The purpose of this association is to assist organizations in administering bingo events, the sale of break open tickets, super jackpot games and other licensed games within the bingo hall for its members.
 - (5) "bonafide member" means a member in good standing of the licensee who has other duties, beyond conducting lotteries, within the organization and shall include parents and guardians. Members of convenience whose only duty is to assist with the raffle lottery are not considered bona fide members.
 - (6) "caller" means a person who calls out the bingo ball numbers and declares a bingo;
 - (7) "charitable organization" shall be a registered organization or an incorporated body and shall include both non-profit and charitable organization;
 - (8) "event" means any lottery scheme;
 - (9) "lottery" means a scheme that involves a prize, a chance to win a prize, and consideration, directly or indirectly in any form whatsoever, for a chance to win a prize;
 - (10) "Minister" means the Minister of Consumer and Commercial Relations for the Province of Ontario;
 - (11) "raffle" means a lottery scheme where tickets are sold for a chance to win a prize at a draw and includes 50/50 draws, elimination draws, calendar draws, sports pools and rubber duck races
 - (12) "regulations" means the regulations under the Gaming Control Act, R.S.O. 1992, S.O. 1992, c.24
 - (13) "runner" or "floor checker" means a person who assists caller in verifying a bingo;
2. No licence shall be granted to an applicant unless it meets the following criteria:
 - (1) the applicant is a charity or non-profit group which is a registered charitable organization or incorporated body;
 - (2) the proceeds from any lottery scheme licensed by the City of Brampton will benefit Brampton residents; and
 - (3) the majority of members of the organization reside in the City of Brampton.
3. Any person may conduct a raffle lottery in the City of Brampton without first obtaining a licence pursuant to this by-law provided that person is the holder of a valid lottery licence issued by another municipality in the Province of Ontario and provided permission of the City of Brampton's Licence Issuer has been obtained or that person is the holder of a valid provincial lottery licence issued by the Alcohol and Gaming Commission of Ontario.
4. No person shall conduct or manage a bingo lottery or lottery scheme within the City of Brampton until such person or organization has obtained a licence.
5. The licensee shall be responsible and accountable for the overall management and conduct of the lottery.

6. The licensee shall ensure that:
- (1) all funds are held in a separate approved account or an approved lottery trust account into which only funds generated pursuant to licences issued by the City of Brampton are held and records are maintained for a four (4) year period;
 - (2) on any approved lottery trust account, an annual audited statement must be provided at the request of the licence issuer;
 - (3) all transactions shall be conducted by cheque drawn on the separate account, excluding honorariums;
 - (4) all expenditure of funds are documented and may be subject to an audit;
 - (5) any sales commission paid does not exceed five per cent (5%) of the price of each ticket sold;
 - (6) only the type of game or games provided for in the licence shall be conducted or performed;
 - (7) the licence be produced upon demand;
 - (8) a copy of each licence shall be conspicuously displayed at the place where the event is to be conducted and at all times during the conduct thereof;
 - (9) there is compliance with all the terms and provisions set out in the application for the licence;
 - (10) the lottery is conducted in accordance with the information supplied on the application and approved by the Licence Issuer;
 - (11) the gross receipts derived from the lottery shall be used for the charitable or religious object or purpose as set out by the licensee in the application for licence, less the cost of the prizes awarded and such reasonable and necessary administrative expenses actually incurred in the management and conduct of the lottery, provided the expenses do not exceed such limits as provided for in the regulations;
 - (12) itemized invoices and proof of payment are obtained for each expense incurred and where any single expenditure exceeds \$500.00, these shall be submitted with the lottery licence report;
 - (13) a detailed record of all charitable donations made is kept;
 - (14) a detailed record of how profits from the lottery have been dispersed is maintained;
 - (15) a lottery licence report, in a form acceptable to the Licence Issuer, is submitted to the Licence Issuer with respect to each event.
 - (16) books, records and other documents in support of all financial reports or statements are maintained and these records shall be kept up to date and be retained for no less than four (4) years from the date of the lottery;
 - (17) the amount or value of each prize awarded or the money or other valuable consideration paid to secure a chance to win a prize or the total value of all prizes to be awarded, as the case may be, does not exceed the amount specified in this by-law for the class of licence applied for;
 - (18) pyramiding of games or prizes is not permitted.
7. The licensee shall not:
- (1) where only one approved lottery trust account is maintained, deposit monies received from any source other than lottery events conducted by the licensee into the designated trust account;
 - (2) where an approved lottery trust account for lotteries has been established, deposit monies received from any other source in the designated lottery account; or
 - (3) close the approved lottery trust account until all monies have been donated to approved charitable purposes and a report has been submitted to the Licence Issuer on an original application for a licence.

8. An original application for a licence shall be made to the Licence Issuer no later than thirty (30) days prior to the date or the first date on which the bingo lottery, raffle lottery or bazaar lottery is to be held.
9. The licensee shall deliver to the Licence Issuer, upon request, all books and records of the licensee pertaining to the nature, management, and conduct of the event for which the licence has been granted.
10. The Licence Issuer may require clearances from the following with respect to an original or annual application or if there has been a change in officers from what was on the application:
 - (1) the Peel Regional Police Department;
 - (2) the Ministry of Consumer and Business Services.
11. A licence issued under this by-law is not transferable.
12. Licence fees paid to the municipality are non-refundable.
13. A licence may be suspended, cancelled or renewal refused by the Licence Issuer for breach of any provision of this by-law.
14. Where the Licence Issuer refuses to issue the licence applied for, or recommends revocation of a licence the applicant or licensee may appeal.
15. No person shall sell, give away, or distribute raffle tickets on the premises where, and on the occasion on which a bingo is conducted.
16. Where requested, the licensee shall provide a financial statement to the Licence Issuer within one-hundred and twenty (120) days of the request or such other time limit as may be imposed by the Licence Issuer.
17. The licensee may use lottery proceeds to pay for expenses related to the preparation of the yearly financial statements. This expense shall not be included in any expense maximum within the provisions of this by-law.

BINGO LOTTERIES

18. No charitable organization shall be granted a licence to conduct more than fifty-two (52) bingo lottery events in any calendar year.
19. A new applicant will be permitted a maximum of thirteen (13) events.
20. No licence for the conduct of any game of bingo shall be effective for a period of more than six (6) months from the date of original issuance.
21. The licence shall specify the place where the bingo lottery is to be operated, the date or dates of operation and the starting and finishing times.
22. The licensee shall not permit any person apparently under the age of eighteen (18) years of age to play any game of bingo.
23. The licensee shall ensure that every place except a school or a church where a bingo lottery is proposed to be conducted and is conducted shall be licensed under the provisions of this by-law respecting public halls and under the requirements of the Gaming Control Act.
24. The licensee shall have a minimum of three (3) bona fide members present continuously during the conduct of each bingo event, one of whom must be a designated member as outlined in this schedule. A bona fide member of the licensee shall be responsible for the reconciliation of all cash transactions.
25. The licensee may use employees of a bingo hall owner/ operator registered in accordance with the Gaming Control Act, to assist in the conduct of the bingo as runners and/or as the caller. Payment for these services shall be the responsibility of the bingo hall owner/operator.
26. The licensee may pay an honorarium, not to exceed three per cent (3%) of the prize board for people working the bingo. Honorariums may be paid by cash.
27. Every licensee shall keep and maintain a record of all persons employed to assist and the amount of remuneration paid to each person for each occasion.

28. The licensee may use the services of a person to assist in the conduct of the bingo event provided the person is registered in accordance with the Gaming Control Act, or is otherwise exempt.
29. The licensee shall ensure that where the bingo hall owner/ operator provides the licensee with runners and the caller, the gross receipts from the bingo shall be distributed as follows:
 - (1) The payment of prizes, licence fee, honorariums to members and advertising costs shall be deducted first from the gross receipts;
 - (2) The licensee shall retain a minimum of sixty per cent (60%) of the remaining proceeds;
 - (3) The licensee may pay the bingo hall owner/operator a maximum of forty per cent (40%) of the remaining proceeds up to a maximum of fifteen per cent (15%) of the gross receipts, whichever is less;
 - (4) In the event of a loss, the licensee shall be responsible for a maximum fifty per cent (50%) of the loss incurred. The bingo hall owner/operator is responsible for the remainder;
 - (5) Cash shortages incurred as a result of an error on the part of the bingo hall owner/operator or its employees shall be deducted from the fee paid to the bingo hall owner/operator; and
 - (6) Goods and services tax on the hall rental shall be paid from the proceeds retained by the licensee.
30. The licensee shall ensure that where the bingo hall owner/ operator does not provide the licensee with runners and/or the caller, the gross receipts from the bingo shall be distributed as follows:
 - (1) The payment of prizes, licence fee, honorariums to members and advertising costs authorized by the Licence Issuer shall be deducted first from the gross receipts;
 - (2) The licensee shall retain a minimum of sixty per cent (60%) of the remaining proceeds;
 - (3) The licensee may pay the bingo hall owner/operator a maximum of forty per cent (40%) of the remaining proceeds up to a maximum of fourteen per cent (14%) of the gross receipts, whichever is less;
 - (4) In the event of a loss, the licensee shall be responsible for a maximum fifty per cent (50%) of the loss incurred. The bingo hall owner/operator is responsible for the remainder; and
 - (5) Goods and services tax on the hall rental shall be paid from the proceeds retained by the licensee.
31. The licensee shall appoint at least two (2) bona fide members to be in charge of and responsible for the conduct of the bingo. The appointed member(s) in charge shall be at least eighteen (18) years of age and shall be responsible for:
 - (1) supervising all activities related to the conduct of the bingo;
 - (2) completing and filing the required financial report on the results of the event within fifteen (15) days of the event;
 - (3) ensuring that all terms and conditions of the licence and any additional conditions imposed by the Licence Issuer are complied with;
 - (4) keeping all required records and depositing all monies into the approved lottery account; and
 - (5) directing complaints to the proper authority.
32. Where a licence has been issued, the licensee shall not thereafter without the consent of the Licence Issuer substitute another person as a designated member.
33. No licensee shall distribute, cause to be distributed or consent to or allow the distribution of free bingo cards.
34. No caller or floor checker in a bingo lottery shall participate where he has a pecuniary interest, directly or indirectly with any other participant.

35. Notwithstanding any other provision of this by-law, no licensee shall conduct and manage a bingo lottery unless it provides a method or system satisfactory to the Licence Issuer by which players can at any time stop the game fully and completely in order that the board of the caller may be checked.
36. The licensee shall ensure that the particular arrangement of numbers required in order to win the game and the amount of the prize for each game is clearly and audibly described to the players immediately before each game is begun.
37. The licensee shall ensure that a verification of the numbers appearing on the winning card at the time a winner is determined is made by audible call back in the immediate presence of one or more neutral players.
38. After a winner has been declared, the caller shall enquire clearly and audibly three times of the players whether there are any other players claiming to be winners of that game. If there are no other winners, at that time, the licensee shall ensure that the game is declared closed.
39. No claim of a player to have won a game shall be valid if made after the game has been declared closed by the caller.
40. The designated member in charge of the bingo event shall provide, in a form approved by the Licence Issuer, a record outlining the order in which the numbers were called for each game held during the bingo event. This shall constitute the official record of the games. In the event of an error in verification of a card resulting in a game being declared closed, the game shall be reconstructed, using the official record to identify the numbers previously called and the game shall continue until won by a player. The record shall be retained for thirty (30) days following the bingo event.
41. Where a person calls bingo but during verification is found not to have won the game respecting which call was made, a bonafide member shall direct that the same game be resumed.
42. No person shall offer, give or permit to be offered or given or otherwise provide directly or indirectly, other than the prizes advertised or otherwise represented for the bingo game, any incentives or inducements to play bingo games including, but without restricting the generality of the foregoing, bingo cards, door prizes or other prizes or benefits.
43. No licensee shall provide or allow to be provided, by contract or otherwise, transportation of patrons to or from the place where any game of bingo is conducted unless prior written authorization is obtained from the Licence Issuer. Application for this authorization must be in writing and must establish to the satisfaction of the Licence Issuer that the licensee has good cause for such request. Any authorization granted by the Licence Issuer may be suspended or revoked by such authority if it determines that there is no further need for such transportation or that, in the opinion of the Licence Issuer, the transportation of patrons to and from bingo games should no longer be authorized.
44. The licensee shall ensure that the total value of all prizes awarded in the operation of a single occasion bingo lottery for which a licence has been issued under this by-law shall not exceed \$5,500.00 cash, notwithstanding prize splits.
45. No licensee shall offer a non-monetary prize without the approval of the Licence Issuer.
46. The licensee shall not charge nor shall it permit any other person to charge or collect any consideration for admission to the premises where bingo games are to be played.
47. The licensee shall, within two (2) banking days of the licensed event, deposit in the account all monies received from the conduct of each bingo lottery less the amount awarded in cash prizes.
48. Each licensee shall submit a report on the results of the bingo event as set out in the prescribed Bingo Lottery Report Form within fifteen (15) days of the conclusion of the event. Copies of all deposit slips shall accompany the financial report form, if requested.
49. If the licensee determines that the number of persons attending or who may attend at the commencement of a bingo is, or would be insufficient to provide sufficient revenue to cover the cost of the prizes and other expenses incurred in connection with the operation of the bingo event because of an Act of God or other such extreme condition, which is beyond the control of the licensee, it shall have the option of proceeding with the event(s), with the prizes as originally offered or of canceling the entire bingo event. If the bingo event has commenced, the licensee shall conduct the event to its conclusion, as originally offered. Insufficient attendance of players alone does not constitute authority to cancel a bingo occasion. If the bingo event has commenced and is canceled due to an

Act of God situation, the licensee shall issue refunds to all persons who have purchased bingo paper pro rated based on the number of games which have been played.

50. The Licence Issuer may refuse to issue a lottery licence to any person or organization whose cost of conducting and managing bingo lottery events under licences issued under the provisions of this by-law exceeded the terms and conditions set out in this by-law for each of the last three (3) events, unless the applicant for a new licence arranges, to the satisfaction of the Licence Issuer, a reduction in proposed expenses to permit compliance with this by-law.

RAFFLES

51. The licensee shall ensure that expenses are directly related to the conduct of the raffle lottery.
52. The licensee may pay sales commissions to volunteer ticket sellers, provided such commission does not exceed five per cent (5%) of the price of each ticket sold.
53. The licensee shall not permit any person apparently under the age of eighteen (18) years old to purchase a ticket.
54. The licensee shall produce the licence upon demand.
55. Each licensee shall submit a report on the results of the raffle within one-hundred and twenty (120) days of the conclusion of the raffle and shall ensure that copies of all deposit slips, upon request, and a list of winners accompany the financial report form.
56. The licensee shall obtain receipts, upon request, for each expense incurred and shall ensure that a copy of these receipts are submitted with the financial report.
57. The licensee shall ensure that the winners of the prizes are determined and publicized in the manner set out in the application.
58. The licensee shall print only the number of tickets indicated and approved in the application for licence.
59. The licensee shall ensure that tickets are consecutively numbered.
 - (1) The licensee shall have tickets printed in two parts in which the buyer's portion shall contain the following information:
 - (a) the licence number;
 - (b) the name of the licensee;
 - (c) the location(s), date(s) and time(s) of the draw(s);
 - (d) a description, including the nature, number and value of the prize(s) to be awarded;
 - (e) the price of each ticket; and
 - (f) the number of the ticket.
 - (2) The licensee shall ensure that on the part retained by the organization (for draw or record purposes), there appears:
 - (a) the number of the ticket;
 - (b) the licence number and the name of the licensee; and
 - (c) adequate space for the name, address and telephone number of the ticket purchaser.
60. The licensee shall ensure that if tickets are to be discounted from the regular price, then the prices shall be indicated and printed on each ticket.
61. The licensee shall provide a sample of the ticket.
62. The licensee shall not use any type of 'scratch and win' ticket.
63. Where prizes are donated, and the donor and the licensee agree, the donor name or company name may be included on the ticket, provided that the name of the licensee is more prominent.

64. The licensee shall ensure that tickets do not bear any coupon, promotional or advertising material unless it is promoting the licensee and is approved by the licence issuer.
65. Only the licensee, and no other person, may advertise or place advertisements through any medium with respect to the event authorized by the licence, unless approved by the Licence Issuer.
66. The licensee shall ensure that advertisements shall clearly state the name of the licensee and the licence number.
67. The licensee shall supply samples of advertising and promotional materials to be used in connection with the raffle if requested to do so for approval by the Licence Issuer.
68. The licensee shall ensure that the total retail value of all prizes awarded in the operation of a raffle lottery for which a licence has been issued under this by-law shall not exceed fifty-thousand (\$50,000.00) dollars.
69. The licensee shall provide a letter of guarantee if the prize(s) exceed(s) \$5,000.00.
70. The licensee shall appoint at least two (2) bona fide active members to be in charge of and responsible for the conduct of the raffle. The designated members in charge shall be at least eighteen (18) years of age and be responsible for:
 - (1) supervising all activities related to the conduct of the raffle;
 - (2) completing and filing the required financial report on the results of the event;
 - (3) ensuring that all terms and conditions of the licence and any additional conditions imposed by the Licence Issuer, are complied with;
 - (4) supervising all ticket sellers;
 - (5) keeping all required records and depositing all monies into a separate account or an approved lottery trust account; and
 - (6) reconciling all tickets.
71. The licensee may use the services of a person to assist in the conduct of the raffle provided the person is registered under the Gaming Control Act , R.S.O., 1992, S.O. 1992, c.24 and Regulations, as amended, or is otherwise exempt.
72. The licensee shall be responsible for awarding all prizes and for making all reasonable efforts to contact the prize winner(s) within thirty (30) days.
73. The licensee shall ensure that any prizes which are not claimed are secured or placed in safekeeping for a period of one (1) year from the date of the draw. If at that time the prize has still not been claimed, the licensee shall ensure that the prize or monies equivalent to the fair market value of the prize are donated back to the organization with notification to the Licence Issuer.
74. The licensee shall ensure that only the prize(s) as described and approved in the licence application are awarded.
75. The licensee shall ensure that the value of the prize(s) includes the amount of any duty, tax, sales tax or other cost and that the prize(s) is awarded free and clear of any mortgage, lien or any other encumbrances.
76. The licensee shall ensure that a serial number record is maintained showing the distribution of tickets, including the names of sellers, and the return of ticket stubs, cash, unsold or returned tickets to reconcile all tickets and cash at the end of the raffle.
77. The licensee shall retain all unsold tickets, and stubs or counterfoils of sold tickets for a period of one (1) year from the date of the (last) draw.
78. The licensee shall provide officers appointed by the Licence Issuer and all peace officers unencumbered access to all books and records related to the conduct of the raffle and shall deliver these documents to the Licence Issuer when requested. The books and records may be retained by the Licence Issuer for audit and investigation purposes.

BREAK-OPEN TICKETS

79. Licensees selling break–open tickets in conjunction with bingo events in a Class A or Class B bingo halls as defined under the Gaming Control Act, R.S.O., 1992, S.O. 1992,

c. 24 and Regulations, as amended, shall do so only as a member of a Bingo Sponsors' Association.

80. Notwithstanding the Bingo Sponsors' Association, break-open tickets shall not be sold during any bingos which are being conducted by organizations which are not members of the association which administers break-open ticket sales.
81. The licensee shall appoint at least one (1) bona fide active member to be in charge of and responsible for the conduct of the break open ticket lottery. The appointed member(s) in charge shall be at least eighteen (18) years of age and be responsible for:
 - (1) supervising all activities related to the conduct of the break open ticket lottery;
 - (2) completing and filing the required financial report on the results of the event;
 - (3) ensuring that all terms and conditions of the licence and any additional conditions imposed by the Licence Issuer are complied with; and
 - (4) keeping all required records and reconciling all deposits made into a separate approved account or an approved lottery trust account.
82. The licensee shall ensure that the person whose services are used to assist in the conduct of the break open ticket lottery is registered under the Gaming Control Act , S.O., 1992 and Regulations, as amended, or is otherwise exempt.
83. The licensee shall purchase break open tickets only from the registered gaming supplier(s) as approved in the application for licence or upon subsequent notification to the Licence Issuer within five (5) working days.
84. The licensee shall provide the gaming supplier with a copy of the licence issued when ordering or purchasing tickets.
85. The licensee shall be responsible for ensuring the payment of all prizes when directly involved in the sale of the tickets.
86. The licensee shall ensure that break open tickets are kept secure when directly involved in the sale of the tickets.
87. The licensee shall ensure that the following information appears on each ticket;
 - (1) the licence number;
 - (2) the name (or abbreviation) of the licensee;
 - (3) the price of the ticket;
 - (4) the name of the manufacturer; and
 - (5) the serial number of the ticket;
88. The licensee shall ensure that tickets do not bear any coupon, promotional or advertising material unless approved by the Licence Issuer.
89. No person directly involved in or responsible for the conduct of the break open ticket lottery shall purchase a ticket related to that lottery.
90. The licensee shall not allow any person apparently under the age of eighteen (18) years of age to purchase a ticket. The licensee shall ensure that a sign outlining this requirement is posted at the premises where break open tickets are being sold.
91. The licensee shall only sell tickets which have been approved for sale by the Licence Issuer.
92. A licensee may sell break open tickets from any location on the premises indicated on the licence application.
93. The licensee shall only sell tickets from a transparent container which is large enough to hold at least one and one half (1-1/2) full units of break open tickets. Tickets in the container shall be thoroughly mixed but shall not be pre-bundled.
94. The licensee shall ensure that the container is kept in view of the purchasers at all times. The licensee shall ensure that ticket purchasers do not remove tickets from the container.
95. All winning tickets shall be defaced by the seller at the time of prize pay out.

96. No person shall sell break open tickets other than by cash transaction.
97. The licensee shall ensure that all prizes and expenses incurred as a result of conducting the break open ticket lottery are deducted and paid out from the gross receipts derived from the break open ticket lottery. The licensee shall not use monies from any other source to pay for expenses related to the break open ticket lottery.
98. The licensee shall ensure that expenses are directly related to the conduct of the break open ticket lottery.
99. The licensee shall ensure that total expenses, not including the licence fee do not exceed the following:
- (1) Licensees selling tickets from their own premises

Total expenses, including shortages and all taxes but not including the licence fee, shall not exceed ten per cent (10%) of the gross receipts derived.
 - (2) Licensee selling tickets through a registered break open ticket seller (third party location)
 - (a) Total expenses, including all taxes but not including the licence fee, shall not exceed thirteen and one half per cent (13 1/2%) of the gross receipts derived;
 - (b) The licensee shall not pay more than a maximum sales commission of five per cent (5%) of the gross receipts derived to the registered break open ticket seller (third party location);
 - (c) The licensee shall not pay more than a maximum fee of four per cent (4%) of the gross receipts derived to a registered gaming service supplier;
 - (d) Any shortages incurred are the responsibility of the break open ticket seller and shall be deducted from the sales commission; and
 - (e) The licensee has the option of receiving its proceeds from the sale of break open tickets at the time the tickets are delivered for sale to the break open ticket seller.
100. The licensee shall ensure that each expense is individually calculated and paid separately by cheque, drawn on a separate approved account or an approved lottery trust account described in the banking and financial provisions of this by-law. The licensee shall pay each gaming supplier separately.
101. The licensee shall ensure that honorariums, if paid by cash, are supported by a receipt. The financial report shall be filed within thirty (30) days of the expiry of the licence. The Licence Issuer may request additional documents deemed necessary to substantiate the particulars of the event which may include receipts for each expense incurred.
102. Where the licensee has completed the sale of tickets prior to the expiry date on the licence, then the licence shall be deemed to have expired and the financial report shall be due within thirty (30) days, after termination of the licence.
103. Unsold tickets are not transferable and cannot be credited to another licence.

SCHEDULE S-20 TO BY-LAW 1-2002

Relating to driveway paving contractors

1. No person shall commence or undertake any driveway paving for another person unless a written contract has been signed between the driveway paving contractor and the person on whose behalf the work is being done.
2. Every contract for paving work shall set out:
 - (a) the name, address and phone number of the driveway paving contractor;
 - (b) the name, address and phone number of the person for whom the paving is being done;
 - (c) the address where the work is to be performed;
 - (d) a description of the materials and services to be supplied;
 - (e) an estimate of the total cost of the proposed work;
 - (f) the terms of payment;
 - (g) details of warranties or guarantees extended by the driveway paving contractor;
 - (h) start and completion dates.

SCHEDULE S-21 TO BY-LAW 1-2002

For regulating the placement and securing of newspaper boxes

1. Every person who causes a newspaper box to be placed on the highway shall do so in a manner and location satisfactory to the Commissioner and in accordance with the terms and conditions of this by-law.
2. Every licensee shall indemnify and hold harmless the City and the Regional Municipality of Peel ("the Region"), from and against all actions, suits, claims and demands which may be brought against the City or the Region arising out of the location or disposition of a newspaper box
3. Every licensee shall, at his own expense, install and locate each box.
4. In addition to the insurance requirements under the general provisions of this by-law, every licensee shall provide proof of insurance satisfactory to the City of Brampton, licence issuer, indicating an amount of not less than \$2,000,000 in a form satisfactory to the City of Brampton, naming the City of Brampton and the Region of Peel as additional insureds and endorsed to the effect that the Licence Issuer shall be given at least ten (10) days' notice in writing by registered mail of any cancellation, expiration or variation in the amount or conditions of the policy.
5. The licence granted thereunder shall not be transferred or assigned and such licence shall immediately terminate in the event that the licensee ceases to be the owner of the newspaper box for which the licence is issued.
6. Nothing in this by-law shall be construed as giving to the licensee anything more than permission to install and maintain a newspaper box in accordance with the terms of this by-law and until such time as notice may be given to the licensee to remove the box.
7. In determining whether to issue a licence to allow the placement of a newspaper box on any highway, the Commissioner shall consider locational, site feasibility, site preparation and maintenance criteria.
8. Notwithstanding all placement criteria, if in the opinion of the City or the Region, a newspaper box placement adversely affects pedestrian or vehicular traffic flow, the newspaper boxes shall be removed by the licensee immediately upon receiving notification from the City of Brampton and the licensing fee be refunded on a prorated basis.
9. Every licensee shall remove any box upon receiving written notice to do so, and shall replace and restore the highway to a safe and proper condition.
10. In the event a licensee fails to remove any newspaper box upon receiving written notice to do so, the City may require the removal of the box at the licensee's expense.
11. In the event a licensee fails to restore the highway to a safe and proper condition within five (5) days of receiving written notice, the City may cause such restoration at the licensee's expense.
12. A licensee required to remove newspaper boxes pursuant to the provisions of this by-law, shall make no claims against the City on account of such removal.
13. In the event that the City or any Public Utility Company or the Regional Municipality of Peel must remove any box for the purpose of making repairs to, maintaining or constructing additional public services, the licensee shall reimburse the City, the Public Utility Company or the Regional Municipality of Peel, as the case may be, for the additional costs, if any, incurred by reason of the placement of the newspaper box.
14. No person shall, without a valid licence, place or maintain or permit to be placed or maintained, any newspaper box of any highway in the City of Brampton.
15. Within the area identified on Appendix A to this Schedule, being the Brampton Downtown Business Area, newspaper boxes shall not be permitted except as specific sites as designated on Appendix A.

SCHEDULE S-22 TO BY-LAW 1-2002

Relating to pool installation contractors

1. Every applicant for a pool installation contractor's licence shall post a bond, letter of credit or other security, satisfactory to the Licence Issuer, which shall be valid for the term of the licence in the amount of \$10,000.
2. No person shall commence or undertake any pool installation for another person unless a written contract has been signed between the pool installation contractor and the person on whose behalf the work is being done.
3. No person shall commence installation of a swimming pool unless all requisite permits have been obtained.

SCHEDULE S-23 TO BY-LAW 1-2002

Relating to owners and operators of horse riding establishments

DEFINITION

1. In this Schedule:

“assistant instructor” means a person who has attained the age of sixteen (16) years and has at least three (3) consecutive years’ experience with horses in the immediately preceding five (5) years who is supervised by an instructor.

“assistant trail guide” means a person who has attained the age of sixteen (16) years and has at least three (3) years’ experience riding and working with horses at a horse riding establishment where trail riding is provided, in the preceding seven (7) years.

“drug” means a substance as listed in Schedules I, II, III, IV or V to the Controlled Drugs and Substances Act S.C. 1996, c.19, as may be amended from time to time.

“horse riding establishment” means the carrying on of a business in the equine industry and is further divided into the following disciplines:

“trail riding establishment” means the carrying on of a business where horses are let out for hire for recreational riding for payment, either at a permanent or temporary location;

“instructional riding establishment” means the carrying on of a business where horses are let out for hire providing instruction for payment, either at a permanent or temporary location or where instruction is provided in horse riding where the horse is owned and boarded or part boarded or brought in by the day.

“head trail guide” means a person who has attained the age of eighteen (18) years and has at least three (3) consecutive years experience in assisting or leading trail rides during the immediately preceding five (5) years.

“horse” means any animal of the equine species.

“instructor” means a person who has attained the age of eighteen (18) years and has a least five (5) consecutive years’ experience riding or horse training in the immediately preceding seven (7) years or a person who has been certified by the Ontario Equestrian Federation, Canadian Equestrian Federation, Canadian Therapeutic Riding Association, Certified Horseman’s Association or the British Horse Society or other credited Equine Association or Institution, or been a member of the Canadian Equestrian Team.

“lead line rider” means a single horse led by a person who is walking deemed capable by the licensee.

LICENCE REQUIREMENTS

2. In addition to the insurance requirements under the general provisions of this by-law, every licensee shall provide proof of insurance, satisfactory to the City of Brampton, licence issuer, and indicating proof of commercial general liability insurance with an inclusive limit of not less than \$2,000,000 (2 million), and providing that at least 10 (ten) days’ notice will be provided to the City of Brampton in writing by registered mail of cancellation, expiration or variation in the amount or conditions of the policy.

REGULATIONS OF CARRYING ON BUSINESS

3. No person licensed pursuant to the schedule shall:
- (1) rent a horse to a person under the age of eighteen (18) years unless that person is wearing a designated riding helmet which is properly fitted and fastened securely upon the rider’s head by an attached harness, at all times while that person is mounted on a horse;
 - (2) rent a horse to a person unless that person is wearing properly fitting, hard and smooth soled footwear with a minimum half inch heel or proper riding footwear with a minimum half inch heel;
 - (3) conduct trail riding with less than one (1) head trail guide for the first six (6) persons and an assistant trail guide for every additional six (6) persons;
 - (4) conduct trail riding without a head trail guide or assistant trail guide carrying, at all times, a two-way communication device where its signal will be received by

another head trail guide or assistant trail guide who is not also on the same trail ride;

- (5) permit more than one person to ride a horse at the same time except for disabled riders with special needs within a designated controlled environment;
- (6) rent a horse unless that horse is known to be safe, sound and schooled for the purposes intended and appropriately suited to the rider's size and ability;
- (7) rent a lame, sick or blind horse;
- (8) rent a horse unless the horse is a minimum of five (5) years of age and the horse has one (1) year of schooling unless that person is the owner of that horse. All the medical records of all horses for hire shall be available on the premises including a pictorial description;
- (9) permit any person with less than fifty-two (52) hours' riding experience to mount or dismount a horse for the purpose of trail riding unless that horse is held at the bridle by an employee or volunteer of the person carrying on the business and who is supervised by a head trail guide;
- (10) rent a person to ride a horse where that person is taking, consuming, possessing or is, or appears to be, intoxicated by alcohol or a drug on any premises used for the carrying on of the business of a horse riding establishment where trail riding is provided.

4. No person licensed pursuant to this schedule, where instructional riding is provided, shall:

- (1) instruct a person under the age of eighteen (18) years to ride a horse unless that person is wearing a designated riding helmet which is properly fitted and fastened securely upon the rider's head by an attached harness, at all times while that person is mounted on a horse;
- (2) for the purpose of dressage or precision riding performed as part of a special event where ceremonial dress is worn by all riders, the requirements under section 4(1) will not apply;
- (3) rent a horse to a person unless that person is wearing properly fitting, hard and smooth soled footwear with a minimum half inch heel;
- (4) permit more than one person to ride a horse at the same time except for special needs instructions for disabled riders;
- (5) rent a horse unless that horse is known to be safe, sound and schooled for the purposes intended and appropriately suited to the rider's size and ability;
- (6) rent a lame, sick or blind horse;
- (7) instruct a person to ride a horse unless the horse is a minimum of three (3) years of age and the horse has one (1) year of schooling unless that person is the owner of that horse and provided that horses rented between three (3) years of age and six (6) years of age shall have proof of an annual dental inspection by an equine dentist or veterinarian;
- (8) permit any person with less than fifty-two (52) hours riding experience to mount or dismount a horse for the purpose of instructional riding unless that horse is held at the bridle by an employee or volunteer of the person carrying on the business and who is supervised by an instructor;
- (9) rent to a person to ride a horse where that person is taking, consuming, possessing or is, or appears to be intoxicated by alcohol or a drug on any premises used for the carrying on of the business of a horse riding establishment where instructional riding is provided.

FOOTWEAR EXCEPTION

5. Sections 3(2) and 4(c) of this schedule shall not apply where a rider has been provided with proper functioning and appropriately sized hooded stirrups, safety stirrups which are designed to prevent a rider's foot from passing through or becoming wedged in the stirrup or stirrups which are designed to break-away when a rider falls from the horse.

INSTRUCTOR'S MINIMUM QUALIFICATIONS

6. No person shall instruct persons in the riding of horses at a horse riding establishment where instructional riding is provided unless:

- (1) such person has attained the age of eighteen (18) years and has had at least five (5) consecutive year's experience in riding or training horses during the immediately preceding seven (7) years; or
- (2) such person has attained the age of eighteen (18) years and has been certified by the Canadian Equestrian Federation, Ontario Equestrian Federation, Canadian Therapeutic Riding Association, Certified Horseman's Association or British Horse Society or other credited Equine Association or Institution or been a member of the Canadian Equestrian Team.

ASSISTANT INSTRUCTOR'S MINIMUM QUALIFICATIONS

7. Notwithstanding the provisions of section 6 of the schedule, a person shall be permitted to assist in the instruction of persons in the riding of horses at a horse riding establishment where instructional riding is provided where:
 - (1) such person has attained the age of sixteen (16) years;
 - (2) such person has at least three (3) consecutive years' experience with horses in the immediately preceding five (5) years; and
 - (3) such person is under the supervision of an instructor who meets the qualifications as provided for in section 6 of this schedule.

HEAD TRAIL GUIDE'S MINIMUM QUALIFICATIONS

8. No person shall conduct or lead a trail ride at a horse riding establishment where trail riding is provided unless the person conducting or leading the trail riding is provided must hold a current certification in first aid and cardiopulmonary resuscitation and shall maintain a fully stocked first aid kit on the premises.

ASSISTANT TRAIL GUIDE'S MINIMUM QUALIFICATIONS

9. No person shall assist the head trail guide on a trail ride at a horse riding establishment where trail riding is provided unless he has attained the age of sixteen (16) years and has at least three (3) consecutive years' experience riding or working with horses at a horse riding establishment where trail riding is provided in the immediately preceding five (5) years. All assistant trail guides employed by a horse riding establishment where trail riding is provided must hold a current certification in first aid and cardiopulmonary resuscitation.

PROHIBITION FROM CONSUMING ALCOHOL OR DRUGS

10. No person in the performance of their duties at a horse riding establishment shall take, consume, possess or be intoxicated by alcohol or a drug.

MINIMUM AGE FOR HORSE RIDING ESTABLISHMENTS WHERE TRAIL RIDING IS PROVIDED

11. No person shall carry on the business of a horse riding establishment where trail riding is provided and rent to a person under the age of ten (10) years a horse for the purpose of trail riding.

LEAD LINE RIDING WHERE TRAIL RIDING IS PROVIDED

12. Notwithstanding the provisions of section 11 of the schedule, a person who carries on the business of a horse riding establishment where trail riding is provided may rent to a person who has attained the age of at least six (6) years to lead line ride a horse where the horse is led by a person on foot who is deemed capable by the licensee, and where the person under the age of six (6) years, the lead line rider will be led by a person deemed capable by the licensee and accompanied by another person.

CONDITION OF GROUNDS

13. No person shall carry on the business of a horse riding establishment on premises without keeping that portion of the said premises ordinarily used for the riding of horses clear of all ground and overhanging obstructions. Where said obstructions cannot be cleared, the person carrying on the business of a horse riding establishment shall barrier these obstructions such that horses and riders will not come into contact with them.

CONDITION AND FIT OF TACK

14. Prior to beginning instruction or conducting or leading a trail ride, the instructor, head trail guide or an assistant instructor assigned to that instruction or ride as the case may be, shall examine the condition and fit of all equipment to be used by each rider to ensure that it is clean, supple, well-fitting, secure and fully functional.

INITIAL INFORMATION FOR TRAIL RIDING

15. Prior to conducting or leading a trail ride, the head trail guide or an assistant trail guide assigned to the ride as the case may be, shall provide basic information on the handling of a horse and the basics of riding a horse.

SIGNAGE

16. The licensee of a horse riding establishment where trail riding is provided shall erect on the premises in a location clearly visible to all patrons, a sign to be created and erected at the expense of the licensee, with lettering a minimum of one-half (1/2) inch in height in the form prescribed in Appendix 1 to this schedule.
17. The licensee of a horse riding establishment where instructional riding is provided shall erect on the premises in a location clearly visible to all patrons a sign, to be created and erected at the expense of the licensee, with lettering a minimum of one-half (1/2) inch in height in the form prescribed in Appendix 2 of this schedule.

FIRST AID CERTIFICATION

18. The licensee of a horse riding establishment shall:
- (1) ensure that all head trail guides and assistant trail guides employed have a current certification in first aid and cardiopulmonary resuscitation; and
 - (2) maintain a fully stocked first-aid kit on the premises.
19. The licensee of a horse riding establishment where instructional riding is provided shall:
- (1) ensure a qualified first aid provider, with current certification in first aid and cardiopulmonary resuscitation, is available whenever lessons are being conducted; and
 - (2) maintain a fully stocked first-aid kit on the premises.

FALSE INFORMATION PROHIBITED

20. No person shall give false information when applying for a licence under this by-law.

APPENDIX 1 – SCHEDULE S 23

SIGN TO BE POSTED ON LICENCED PREMISES OF A HORSE RIDING ESTABLISHMENT WHERE TRAIL RIDING IS PROVIDED

The following regulations are imposed by The Corporation of the City of Brampton By-law which governs the operation of this business.

Patrons are advised that even with this safety equipment, horse riding contains inherent risks which may result in serious injury or death.

- Maximum six (6) riders per leader;
- Minimum age for trail riding is ten (10) years;
- Lead line riding is permitted for children under the age of ten (10);
- Approved riding helmets to be worn by all persons under age eighteen (18) and strongly recommended for persons eighteen (18) and over;
- Hard and smooth soled shoes with a minimum half inch heel must be worn by all riders unless using hooded, safety or break-away stirrups;
- Inexperienced riders are required to identify themselves to a trail guide;
- Patrons must disclose any medical problem or condition which may cause risk during the trail ride to a trail guide.

APPENDIX 2 – SCHEDULE S-23

**SIGN TO BE POSTED ON LICENCED PREMISES OF A HORSE RIDING
ESTABLISHMENT WHERE INSTRUCTIONAL RIDING IS PROVIDED**

The following regulations are imposed by The Corporation of the City of Brampton By-law which governs the operation of this business.

Patrons are advised that even with this safety equipment, horse riding contains inherent risks which may result in serious injury or death.

- Approved riding helmets to be worn by all persons under age eighteen (18) and strongly recommended for persons eighteen (18) and over;
- Hard and smooth soled shoes with a defined heel must be worn by all riders unless using hooded, safety or break-away stirrups;
- Patrons must disclose any medical problem or condition which may cause risk during instructions to an instructor.

SCHEDULE S-24 TO BY-LAW 1-2002

Relating to operators of day nurseries

1. Every applicant for a licence to operate a day nursery shall file with his application the following:
 - (1) a licence in good standing from the Provincial Minister of Community and Social Services;
 - (2) a certificate of the Medical Officer of Health showing that the premises to be licensed are in proper sanitary condition;
 - (3) a certificate from Fire and Emergency Services showing that the premises to be licensed have been inspected and meet all relevant Fire Safety Standards;
 - (4) if required, a certificate from the Property Standards administration showing that the premises to be licensed have been inspected and meet all relevant Property Standards provisions;
2. Where the applicant is not the owner of the property, he shall produce a letter from the owner authorizing the use of the property for this purpose.
3. Every holder of a licence issued pursuant to this Schedule shall:
 - (1) be responsible for supervising the orderly conduct with the building or part thereof being used as a day nursery;
 - (2) keep the licensed premises in a clean, safe and sanitary condition, free from fire or any other health or safety hazards.

SCHEDULE S-25 TO BY-LAW 1-2002

Relating to Owners and Operators of Sign Distributing Companies for the Installation and Erecting of Permanent and Portable Signs

1. No person shall erect or install any sign unless all requisite permits have been obtained.
2. Every person who erects or installs a sign shall abide by the provisions of the Sign By-law as amended.
3. Any person who contravenes a provision of the Sign By-law or the Licensing By-law may have his licence revoked pursuant to this by-law.

**SCHEDULE S-26 TO BY-LAW 1-2002
(amended by By-laws 377-2002, 149-2003)**

Relating to Body-Rub establishments

1. For the purposes of this Schedule:

"Owner" and "Operator" mean respectively, an owner or operator of a body-rub parlour, licensed as such or required to be licensed as such under this by-law.

2. (1) On every application for an owner's/operator's licence or the renewal thereof, the applicant shall attend in person and not be an agent, at the office of the Licensing Section and shall complete the prescribed forms and shall furnish to the Licensing Section such information as the Licensing Section may direct.
 - (2) In the case of a body-rub parlour owned or operated by a partnership, the attendance required under this section shall be by one of the partners and in the case of a body-rub parlour owned or operated by a corporation such attendance shall be by an officer of the corporation.
 - (3) Every applicant for an owner's licence shall, at the time of making his application, file with the Licensing Section a list showing the names, addresses and birth dates of all operators and body-rub attendants.
 - (4) Every individual, partner, or other person referred to in this section, shall file with or produce to the Licensing Section proof of age, if required to do so by the Licence Issuer, and no such licence shall be issued unless the Licence Issuer is satisfied that every such person is of the full age of eighteen years.
 - (5) Every applicant for a Body Rub Attendant license shall file with the license issuer **(By-law 149-2003)**:
 - a) a completed application, which shall be personally delivered, accompanied the appropriate fee; **(By-law 149-2003)**
 - b) a copy of their photograph taken by the licensing section; **(By-law 149-2003)**
 - c) a Peel Regional Police Criminal Record Search as approved by the licensing section; **(By-law 149-2003)**
 - d) a medical certificate as required by the licensing section; **(By-law 149-2003)**
 - e) proof of status of Canadian citizenship, immigration status or other valid work authorization **(By-law 149-2003)**
 - (6) A registration form is valid for one (1) year from its completion.
3. It shall be the duty of every member of a partnership to advise the Licensing Section immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business including the names, addresses and birth dates of all new partners which are required to be filed with the Licensing Section and Council may, at its discretion, determine whether the licence or licences shall be revoked.
4. A separate owner/operator's licence shall be taken out in respect of each body-rub parlour.
5. (1) No owner of a body-rub parlour shall permit any person other than a licensed operator to operate such body-rub parlour.
 - (2) No operator shall operate the said body-rub parlour unless the owner of the said body-rub parlour is duly licensed as an owner under this by-law.
 - (3) No operator may operate a body-rub parlour unless he first notifies the Licensing Section of the name of the owner whose body-rub parlour he intends to operate and has endorsed upon his licence the said owner's name accordingly, and every operator, before operating any other body-rub parlour, shall notify the Licensing Section of his intention so to do and have his licence endorsed accordingly.

- (4) No owner shall permit any person except a person who holds a valid body rub attendants' license to perform any body rub at a body rub parlour; (By-law 149-2003)
 - (5) No owner or body rub attendant shall offer or allow a service designed to appeal to erotic or sexual appetites or inclinations. (By-law 149-2003)
 - (6) No owner shall permit the body rub parlour to be open for business unless the owner or operator or his designate is in attendance; (By-law 149-2003)
6. Every owner and operator shall keep his licence, issued in respect of that body-rub parlour, exposed in a conspicuous place in the interior of the said premises at all times during the currency of the licence.
 7. Every owner or operator who changes his address shall, within four (4) days after such change, attend at the office of the Licensing Section and notify the Licensing Section of such change of address and produce his licence for the change to be entered thereon.
 8. No owner or operator shall perform or provide any service or services or permit the performing or providing of any service or services in any body-rub parlour which is constructed or equipped so as to hinder or prevent the enforcement of this by-law.
 9. Every owner or operator shall ensure that each door to every room or cubicle where body-rubs are or may be provided, has a window that is a minimum 4 cm by 4 cm at a height of 1.5 metres in the middle of the door in size and remains unobstructed at all times. (By-law 377-2002)
10. (1) Every body-rub or other service performed in a body-rub parlour shall be given in an individual room or cubicle, but no owner or operator shall cause or permit the door or other means of access to any room or cubicle where body-rubs are or may be provided, to be equipped or constructed with a locking device of any kind, or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such room or cubicle.
 - (2) No person shall permit the obstruction, hindrance or delay of any person attempting to gain entry into a room or cubicle in a body-rub parlour in which a service is or may be provided in respect of such body-rub parlour.
11. Every owner who operates his own body-rub parlour and every operator of a body-rub parlour, in the operation of the body-rub parlour, shall ensure that:
 - (1) adequate toilet and washroom accommodations are provided in accordance with the Building Code as amended from time to time issued pursuant to the Building Code Act, 1992, S.O. 1992 c.23.
 - (2) the body-rub parlour is kept in a clean and sanitary condition;
 - (3) every table, mat or other surface upon which persons lie or sit while being given or provided with a body-rub shall be clean and in good repair, and shall have a top surface of impervious material;
 - (4) every table mat or other surface referred to herein shall be covered with a fresh, clean individual paper or cloth sheet before any person receives a body-rub thereon;
 - (5) every sheet or towel shall, immediately after being used by any person, be deposited in a receptacle reserved for that purpose and shall not be utilized again for any purpose before being freshly laundered.
 - (6) all exterior signs and advertisements relating to the body-rub parlour shall comply with all applicable law; and
 - (7) the signage referred to herein shall not contain any offensive words or graphics.
 12. Every owner or operator of a body-rub parlour shall post and keep posted in a prominent location inside the body-rub parlour, signs sufficient to indicate clearly to every person in the body-rub parlour, that no person under the age of eighteen (18) years is permitted to remain in such body-rub parlour or part thereof.
 13. No owner, operator or body-rub attendant shall perform or permit to be performed a body-rub in any body-rub parlour by or upon any person whom he has reasonable cause to suspect has been exposed to or is suffering from any communicable disease, including any communicable skin disease.

14. Every owner, operator, body-rub attendant or other person performing services in, at or upon a body-rub parlour or in attendance at a body-rub parlour in pursuance of trade, calling, business or occupation carried on by the owner, or operator of such body-rub parlour, shall, upon a request made to him by any peace officer, by-law enforcement officer or public health inspector acting under the direction of the Medical Officer of Health, provide his name and residential address, and if he is licensed under this by-law in respect of any trade, calling, business or occupation relating to such body-rub parlour, he shall produce his said licence.
15. A peace officer, licensing inspector, by-law enforcement officer, or public health inspector acting under the direction of the Medical Officer of Health, may enter and inspect all areas of a body-rub parlour, at any time of the night or day, for the purposes of carrying out the enforcement of this by-law.
16. The offering, selling, giving, performing or soliciting of any service and the selling, giving, trading or offering of any goods in a body-rub parlour, shall comply to all applicable law.
17. (1) No person under the age of eighteen (18) may be or act as an owner or operator of a body-rub parlour or provide any services in a body-rub parlour.
- (2) No one may provide a body-rub or any other services in a body-rub parlour to a person who is under the age of eighteen (18) years.
- (3) No owner or operator shall permit any person under the age of eighteen (18) to enter or remain in any body-rub parlour owned or operated by him.
18. No licence will be issued or renewed under this by-law unless:
 - (1) the body-rub parlour is located in a permitted area and is not located closer than 500 metres on a continuous path over the shortest distance from a dwelling unit or a residential zone.
19. A maximum of eight (8) body rub parlour licenses shall be issued for the City of Brampton (By-law 149-2003);
 - (1) Despite section 19, any body rub parlour, which has a current, valid license on June 2, 2003 will be permitted and such license will continue to be renewed, if in compliance with all other applicable law. **(By-law 149-2003)**
20. In addition to the provisions of the Sign By-law, no person shall:
 - (a) display, or cause to be erected or displayed, a sign or advertising device used for the purpose of promoting a body rub establishment, where such sign or advertising conveys a message through the use of pictures, graphics or any means other than by the use of words; has any animation; has flashing lights; or is designed to revolve on an axis. **(By-law 149-2003)**
 - (b) for the purpose of this section, "animation" shall mean any motion of display or part thereof whether by mechanical action or the flashing on and off of its lights; and **(By-law 149-2003)**
 - (c) where there is conflict between the provisions of this Schedule and the provisions of the Sign By-law, the provisions of this Schedule shall apply. **(By-law 149-2003)**
21. ~~No owner operator shall permit a Body Rub Parlour to operate other than between the hours of 10:00 a.m. and 10:00 p.m. (By-law 149-2003 – quashed by court decision)~~
22. ~~Every body rub attendant, every customer and every other person at a body rub parlour shall be clothed in a manner by which such person's pubic area and in the case of a women, her breasts, are fully covered by opaque material. (By-law 149-2003 – quashed by court decision)~~
23. ~~No body rub attendant shall allow any person to touch, kiss, or make any physical contact with their breasts, buttocks, genital or pubic areas or have sexual contact with any person. (By-law 149-2003 – quashed by court decision)~~
24. ~~A license issued under this Schedule is not transferable. (By-law 149-2003 – quashed by court decision)~~

**SCHEDULE S-27 TO BY-LAW 1-2002
(amended by By-laws 379-2002, 390-2004)**

Related to Personal Aesthetic Procedures

This schedule relates to business which provide certain personal aesthetic procedures which involve exposure to blood and body fluids, such as barbers, body piercing and tattooing; the purpose of which is to ensure appropriate health, sanitary and hygiene practises are followed, to reduce any potential for infectious and blood borne disease.

1. For the purpose of this schedule, "invasive procedure" shall mean services which involve penetration of the skin including tattooing and body piercing." **(By-law 390-2004)**
2. Every owner shall ensure that:
 - (1) the establishment is kept in a clean an sanitary condition;
 - (2) work surfaces are of a smooth, impervious material and are maintained in a clean and sanitized state following each client procedure;
 - (3) work areas are well-lit and adequately ventilated;
 - (4) at least one sink is provided exclusively for employee use, maintained in a sanitary condition, with hot and cold running water, liquid soap and single use paper towels, in close proximity to the work area;
 - (5) all equipment and instruments are of durable construction, in good condition, and maintained in a clean sterile condition
 - (6) all single-use articles are disposed of immediately following use;
 - (7) sharp items are placed in regulation 'sharps' containers following use;
 - (8) that all procedures and handling of equipment and instruments conforms to all applicable guidelines established by the Province of Ontario and the Medical Officer of Health.
3. Every owner shall maintain a record of all invasive procedures for a minimum of (5) years and the record shall include:
 - (1) Name, address and telephone number of client
 - (2) Date of procedure
 - (3) Description of procedure
4. Notwithstanding Section 8. – Insurance - in the general provisions of By-law 1-2002, for establishments offering tattooing services, proof of commercial general liability insurance is required, however, a professional liability exclusion clause shall be accepted. **(By-law 390-2004)**
5. For establishments offering tattooing services, licencees shall be required to display signage, approved by the City, posted in a conspicuous location, clearly visible to the public at all times at the entrance to their establishment, advising potential customers of the high risk nature of the tattooing procedure and that the establishment does not have the requisite insurance should the client contract a blood-borne illness as a result of the tattooing procedure. **(By-law 390-2004)**

**Schedule S-27 (duplication) to By-law 1-2002
(amended by By-law 262-2004)**

Relating to Lodging Houses and Supportive Lodging Houses

1. Lodging House shall mean a dwelling in which residential accommodation is provided, with or without meals, for hire or gain, to three (3) or more lodgers, in which each lodger does not have access to all of the habitable areas of the building.
2. Supportive Lodging House shall mean a lodging house in which the owner is paid to provide guidance and assistance in daily living activities to the lodgers on a continuous basis, but excludes a group home type 1 or 2, an auxiliary group home or a supportive housing facility.
3. Owner means the registered owner of the property in which the lodging house is located, and includes any person who operates or manages the lodging house.
4. Every applicant for a lodging house or supportive lodging house shall, on an initial application, in addition to meeting all provisions set out in the General Provisions to this by-law, submit the following:
 - (a) an inspection report from the City of Brampton Fire and Emergency Services and a Property Standards inspection report indicating that no apparent violations of applicable by-laws or legislation;
 - i. an inspection from the Electrical Safety Authority;
 - ii. a complete set of floor plans showing all rooms, stairways and exits, number of bathtubs, showers, wash basins, water closets and sinks in the building, and the number of sleeping rooms available for lodgers;
 - iii. written confirmation of the maximum number of lodgers to be accommodated; and
 - iv. the name of any manager who resides on the premises, or other emergency contact person, including phone number;
 - v. a letter outlining the specific programming of the supportive lodging house, the type and age of the residents anticipated and the intended use of the property; and
 - vi. a copy of the business registration and certificate of insurance in the name of the lodging house/supportive lodging house.
5. Every applicant for a renewal of a lodging house or supportive lodging house licence shall submit:
 - (a) an inspection report from the City of Brampton Fire and Emergency Services and a Property Standards inspection report indicating that no apparent violations of applicable by-laws or legislation;
 - (b) the name of any manager who resides on the premises, or other emergency contact person, including phone number;
 - (c) where there has been a change in programming, a letter outlining the specific programming of the supportive lodging house, the type and age of the residents anticipated and the intended of the property; and
 - (d) a copy of the business registration and certificate of insurance and the name of the lodging house/supportive lodging house.
6. Every owner of a lodging house shall ensure that:
 - (a) all halls, stairways and means of entrance and egress be kept free from obstruction at all times;
 - (b) smoke detectors and/or smoke alarms be installed in the following areas:
 - (i) each sleeping unit
 - (ii) corridors
 - (iii) the top of stairwells
 - (iv) basement
 - (v) storage rooms
 - (c) every smoke detector and/or smoke alarm shall be:
 - (i) of the single station alarm type
 - (ii) equipped with visual indication and connected by the buildings electrical supplies without a disconnect wall switch or be independently (battery) powered and maintained in good working order;
 - (iii) electrically connected to other smoke al accordance with Article 9.3.4.1 of the Ontario Fire Code, or
 - (iv) installed in accordance with Subsection 9.5.4 of the Ontario Fire Code where existing as a component of a fire alarm system

- (d) adequate toilet and bathing facilities shall be provided and maintained, within at least one room, with accessories provided by means of an entrance from a common hallway or corridor, containing at least one wash-basin, one water-closet and one bathtub for each five lodgers; and
- (e) where food is prepared or intended to be prepared, adequate facilities shall be provided for the proper preparation and protection of food.

7. It shall be the responsibility of every owner of a supportive lodging house to:

- (a) ensure compliance with all aspects of the most current and up-to-date version of any relevant Ministry of Health guidelines; and
- (b) ensure there is continuous care available to the lodgers
- (c) ensure that arrangements have been made for a physician to be on call to provide emergency services;
- (d) ensure that all prescription drugs are secured in a locked cabinet; and
- (e) provide/maintain any other management and operational requirements related to safety and programming of the house.

**APPENDIX A TO BY-LAW 1-2002
(amended by By-law 390-2004, 100-2005, 148-2006)**

FEE SCHEDULE - LICENCE FEES

MOBILE LICENCE FEES

CLASSIFICATION	FEES	EXPIRY DATE
Driving Schools:		
Driving School Operator	\$125.00	Apr 30
Driving Instructor	\$75.00	Date of Birth
Driving School Plate	\$135.00	Apr 30
Vehicle Inspection Fee	\$100.00	
Photo I.D. card	\$25.00	
Limousines:		
Limousine Driver	\$75.00	Date of Birth
Limousine Plate	\$215.00	Jun 30
Vehicle Inspection Fee	\$100.00	
Photo I.D. card	\$25.00	
Refreshment Vehicles:		
Class A – Coffee Truck Operator	\$75.00	Date of Birth
Class B – Ice Cream Bike Operator	\$75.00	May 31
Class C – Hot Dog/Chip Operator	\$75.00	Mar 31
Class D – Ice Cream Truck Operator	\$75.00	Mar 31
Class A – Coffee Truck Plate	\$235.00	Mar 31
Class B – Ice Cream Bike Plate	\$190.00	May 31
Class C – Hot Dog/Chip Plate	\$190.00	Mar 31
Class D – Ice Cream Truck Plate	\$235.00	Mar 31
Special Event	\$135.00 per day to maximum of \$500.00	Last day of Special Event to a maximum of 1 year
Vehicle Inspection Fee	\$100.00	
Photo I.D. card	\$25.00	
Taxi:		
Brokerage – New	500.00	
Brokerage – Renewal	\$390.00	May 31
Taxi Plate – New	\$3,120.00	
Taxi Plate – Renewal	\$345.00	May 31
Taxi Plate – Transfer	\$3,120.00	
Accessible Taxi Plate	\$205.00	May 31
Taxi Driver	\$75.00	Date of Birth
Taxi Driver's Licence Test (each sitting)	\$50.00	
Position on Taxi Priority List – initial	\$100.00	
Position on Taxi Priority List – renewal	\$50.00	May 31
Inspection of Vehicle	\$100.00	
Extension of Vehicle Model Year	\$200.00	

Filing of Leases	\$50.00	
Replacement of Driver's Photo I.D. Card	\$25.00	
Replacement of Driver or Plate Licence	\$25.00	
Replacement of Taxi Plate	\$50.00	
Replacement of Tariff Card	\$25.00	

Tow Trucks:		
Tow Truck Plate	\$285.00	Apr 30
Tow Truck Driver	\$75.00	Date of Birth
Vehicle Inspection Fee	\$100.00	
Photo I.D. card	\$25.00	
Miscellaneous:		
Replacement Tariff Card	\$25.00	
Replacement Photo Card	\$25.00	
Replace paper Licence	\$25.00	
Replacement Plate	\$50.00	

STATIONARY LICENCE FEES

CLASSIFICATION	FEES	EXPIRY DATE
Adult Entertainment Parlour	\$3,620.00	Apr 30
Adult Video	\$1,075.00	Apr 30
Personal Aesthetic Procedures	\$140.00	Dec 31
Place of Public Assembly & Amusement: (Each to be licensed on its own or in combination):		
Class A-Public Hall / Banquet Hall / Bingo Hall	\$135.00	Dec. 31
Class B – Golf Course / Driving Range / Mini Golf	\$135.00	Dec 31
Class C – Bowling Alley / Cinema & Theatre	\$135.00	Dec 31
Class D – Billiard Hall	\$135.00	Dec 31
Class E – Arcade & Laser Arcade	\$135.00 per unit up to a maximum of \$650.00 in total.	Dec 31
Class F – Carnival	\$135.00 per unit up to a maximum of \$650.00 in total	Term of event
Class G – Other	\$1,000.00	
Body Rub:		
Body Rub Parlour	\$3,620.00	Dec 31
Body Rub Attendant	\$245.00	Dec 31
Circus/Travelling Exhibition	\$175.00/day	Per Event
Day Nursery	\$100.00	Jan 31
Contractors:		
Building Renovator	\$120.00	Dec 31
Drain Contractor	\$120.00	Dec 31
Driveway Paving Contractor	\$170.00	Jan 31
Electrical Contractor	\$120.00	Dec 31
Heating Contractor	\$120.00	Dec 31
Plumbing Contractor	\$120.00	Dec 31
Pool Installation Contractor	\$190.00	Jan 31
Sign Distributor	\$180.00	Jan. 31
Fireworks (Victoria Day, Canada Day, Diwali and New Year's Day)	\$125.00	Per Event
Flea Markets:		
1 – 50 stalls	\$7,000.00	Dec 31
51 – 100 stalls	\$14,000.00	Dec 31
101 – 150 stalls	\$21,000.00	Dec.31
Foodhandler	\$95.00	Dec 31
Horseback Riding Stable	\$105.00	Dec 31
Lodging House	\$105.00	One year from issue date

Lotteries:		
Raffles (\$1 - \$500)	\$15.00	Per Event
(over - \$500)	3% of prize payout	Per Event
Bazaars (per unit/wheel)	\$15.00	Per Event
Bingos	3% of prize payout	Per Event
Break-open Tickets	3% of prize payout	Per Event
Newspaper Boxes (Per Company)	\$105.00	Jan 31
Pawnbroker	\$180.00	Dec 31
Pet Shops	\$180.00	Dec 31
Salvage Shop and Salvage Collector	\$135.00	Dec 31
Second Hand Goods	\$250.00	Dec 31
Tobacco Sales	\$180.00	Dec 31
Vehicle Facility (Each to be licenced on its own or in combination):		
Class A: Service/Repair Shop	\$155.00	Dec 31
Class B: Public Parking Facility	\$155.00	Dec 31
Class C: Cleaning Facility:	\$155.00	Dec 31
Class D: Storage Pound Facility:	\$155.00	Dec 31
Vendor	\$350.00	Per event

APPENDIX B TO BY-LAW 1-2002 (amended by By-law 378-2002)

TAXICAB TARIFF

1. Meter Tariffs

(a) By distance:

- for the 1st 125 metres (1/8 km) \$ 2.90
- for each additional 71.43 metres or part thereof \$ 0.10

(b) Waiting Time, while under engagement:

- for each 30 seconds \$ 0.20

2. Hourly Rate

- for the first hour or part thereof \$ 20.00
- for each additional 15 minutes \$ 5.00

CERTIFICATE OF INSURANCE (GENERAL LIABILITY)

Legal Services Department

The Corporation of the City of Brampton

Licensing Enforcement

Certificate of Insurance

APPENDIX C TO BY-LAW 243-2005

**Proof of Liability Insurance will be accepted on this form only.
 IF A FACSIMILE HAS BEEN TRANSMITTED, THE ORIGINAL CERTIFICATE MUST FOLLOW**

This is to certify that the insured, named below, is insured, as described below:

NAME OF INSURED	TELEPHONE NUMBER	AREA CODE
ADDRESS OF INSURED	CITY	POSTAL CODE

TYPE OF INSURANCE	INSURER'S NAME	POLICY # (not binder)	EFFECTIVE (YR./MO./DAY)	EXPIRY DATE (YR./MO./DAY)	LIMITS OF LIABILITY BODILY INJURY & PROPERTY DAMAGE - INCLUSIVE
COMMERCIAL GENERAL LIABILITY					\$ 1,000,000.00
<input type="checkbox"/> UMBRELLA					\$
<input type="checkbox"/> EXCESS					

Commercial General Liability - Occurrence Basis, Including Personal Injury, Property Damage, Contractual Liability, Non-Owned Automobile Liability, Owner's and Contractor's Protective Coverage, Products - Completed Operations, Contingent Employers Liability, Cross Liability Clause and Severability of Interest Clause

This is to certify that the Policies of Insurance as described above have been issued by the undersigned to the insured named above and are in force at this time.

If this insurance is cancelled or changed in any manner that would affect the City of Brampton as outlined in coverage specified herein for any reason, ten(10) days prior written notice by registered mail will be given by the insurer(s) to :

**The Corporation of the City of Brampton
 Attention: Licensing Enforcement, Legal Services Dept.
 485 Chrysler Drive
 Brampton, Ontario L6S 2M3
 Phone: 905-458-3424 Fax: 905-458-3903**

This certificate is executed and issued to the aforesaid Corporation of the City of Brampton, the day and date herein written below:

DATE	YR. MO. DAY	NAME OF INSURANCE COMPANY (not broker)
NAME OF INSURANCE BROKER	AUTHORIZED REPRESENTATIVE OR OFFICIAL BY:	

***** THIS FORM MUST BE COMPLETED & SIGNED BY YOUR INSURANCE BROKER *****

CERTIFICATE OF INSURANCE (MOBILE)

Legal Services Department

The Corporation of the City of Brampton
Certificate of Insurance
 (NOTE: Insurance Company must have a minimum rating of

Licensing Enforcement

APPENDIX D TO BY-LAW 243-2005

(MOBILE)

**Proof of Insurance will be accepted on this form only.
 IF A FACSIMILE HAS BEEN TRANSMITTED, THE ORIGINAL CERTIFICATE MUST FOLLOW**

LICENCE TYPE	<input type="checkbox"/> Taxi Cab <input type="checkbox"/> Driving School <input type="checkbox"/> Tow Truck <input type="checkbox"/> Refreshment Vehicle <input type="checkbox"/> Limousine			PLATE NO. :
	Vehicle(s) Make	Year	Model	Serial Number

This is to certify that the insured, named below, is insured, as described below:

NAME OF INSURED(LESSOR, if applicable)	TELEPHONE NUMBER	AREA CODE	
ADDRESS	CITY	POSTAL CODE	
NAME OF INSURED(LESSEE, if applicable)	TELEPHONE NUMBER	AREA CODE	
ADDRESS	CITY	POSTAL CODE	

TYPE OF INSURANCE	INSURER'S NAME	POLICY NUMBER	EFFECTIVE (YR./MO./DAY)	EXPIRY DATE (YR./MO./DAY)	LIMITS OF LIABILITY
AUTOMOBILE					\$ 1,000,000 THIRD PARTY LIABILITY
LIABILITY FOR DAMAGE TO TOWED VEHICLE					\$ 100,000
CARGO					\$ 50,000

This will confirm the above vehicle insurance, with an OPCF 6A Endorsement(Taxi & Limousine Licence ONLY) is in full force and effect as of this date and issued in compliance with The Corporation of the City of Brampton, Licensing Department By-Laws. This policy may not be cancelled or altered during its term or allowed to expire except upon ten(10) days prior written notice to:

The Corporation of the City of Brampton
 Attention: Licensing Enforcement – Admin. Bldg.
 485 Chrysler Drive
 Brampton, Ontario L6S 2M3
 Phone: 905-458-3424 Fax: 905-458-3903

NOTE: In the event of a change in vehicles, a Substitution Endorsement is to be filed with the Licensing Department. This certificate is executed and issued to the aforesaid Corporation of the City of Brampton, the day and date herein written below:

DATE	YR. MO. DAY	NAME OF INSURANCE COMPANY (not broker)
NAME OF INSURANCE BROKER		AUTHORIZED REPRESENTATIVE OR OFFICIAL BY:

***** THIS FORM MUST BE COMPLETED & SIGNED BY YOUR INSURANCE BROKER *****

By-law 1-2002

- Section 8 (insurance)
- Section 9 (fail to produce licence, etc)
- Section 10 (change of information)
- Section 11 (incomplete application)
- Section 12 (grounds for refusal)
- Section 13 (incomplete application)
- Section 14 (no drivers licence)
- Section 15 (vehicle not maintained)
- Section 16 (no vehicle inspection)
- Section 17 (vehicle fails inspection)
- Section 19 (malfunctioning vehicle)
- Section 20 (maintain current licence in vehicle)
- Section 21 (unlicensed driver)
- Section 22 (fail to report suspension)
- Section 23 (wrong plate)
- Section 24 (uninspected vehicle)
- Section 25 (plate transfer)
- Section 26 (non affixed plate)
- Section 31 (discontinued brokerage business)
- Section 32 (suspend for administrative requirements)
- Section 33 (fail to submit to inspection)
- Section 34 (further documentation)
- Section 35 (administrative requirements)
- Section 52 (fail to obey Licence Issuer's order)

SCHEDULE M-1 TO BY-LAW 1-2002

(Relating to persons who carry on the business of teaching persons to operate motor vehicles, including truck driving schools and driving instructors employed in such business)

- Section 2 (loss of licence associated with business)
- Section 4 (various mechanical or plate offences)
- Section 5 (unapproved vehicle)
- Section 6 (2) (fail to show books)

SCHEDULE M-2 TO BY-LAW 1-2002

(Relating to owners, operators and drivers of vehicles from which refreshments are sold for consumption by the public)

- Section 3 (unlicensed driver)
- Section 4 (improper display of owner's name)
- Section 5 (sell in prohibited zone)
- Section 6 (sell on highway)
- Section 7 (sell in residential zone)
- Section 8 (locate on private property without consent)
- Section 9 (unwholesome food)
- Section 11 (no refuse container)
- Section 12 (unsanitary vehicle)
- Section 13 (fail to comply with schedule)
- Section 14 (vehicle not in good condition)
- Section 15 (improperly packaged foods)
- Sections 16,17,18 (no approval of MOH)
- Section 19 (meat not cooked)
- Section 20 (improperly stored foods)
- Section 21 (noise making devices)
- Section 22 (sales in downtown Brampton)
- Section 23 (special event requirements)

SCHEDULE M-3 TO BY-LAW 1-2002

(Relating to owners, operators and drivers of tow trucks)

- Section 3 (incomplete information)
- Section 5 (fail to return plate)
- Section 6 (unlicensed driver)
- Section 7 (improper plate)
- Section 8 (malfunctioning vehicle or equipment)
- Section 14 (revise rates without notice)
- Section 20 (unauthorized passenger)
- Section 21 (fail to return plate)
- Section 22 (improper equipment)
- Section 23 (improper signage)
- Section 24 (fail to file rates)
- Section 30 (no log)
- Section 31 (logs not maintained for 1 year)
- Section 32 (fail to keep licence with driver)
- Section 34 (weight restriction)
- Section 35 (no wrecker body)
- Section 36 (equipment)

SCHEDULE M-4 TO BY-LAW 1-2002

(Relating to limousines, limousine drivers and owners)

- Section 3 (plate maintenance, etc)
- Section 4 (produce licence, etc)
- Section 5 (1) (operate without licence)
- Section 5 (2) (no vehicle examination)
- Section 5 (3) (limousine operated as taxi cab)
- Section 5 (5) (number of passengers exceeds capacity)
- Section 5 (6) (driver's view obstructed)
- Section 5 (7) (no radio, etc)
- Section 5 (8) (advertising prohibited)
- Section 6 (fail to furnish documents)
- Section 7 (fail to file rates)

SCHEDULE M-5 TO BY-LAW 1-2002

(Relating to taxicabs, brokers, owners and drivers)

- Section 4 (fail to return plate)
- Section 6 (accessible taxi driver requirements)
- Section 8 (no wheel chair tie downs)
- Section 9 (broker records, etc)
- Section 12 (unauthorized transfer of plate)
- Section 13 (maintain run sheets)
- Section 15 (corporate records)
- Section 17 (no drivers licence)
- Section 18 (log of driver)
- Section 19 (unauthorized private transport)
- Section 20 (vehicle markings and equipment)
- Section 21 (unauthorized emblems, etc)
- Section 22 (deceptive operation)
- Section 23 (no tariff card)
- Section 24 (fail to keep trip record)
- Section 25 (unauthorized plate transfer)

SCHEDULE M-5 TO BY-LAW 1-2002

- Section 26 (plate transfer requirements)
- Section 27 (plate transfer to unauthorized person)
- Section 28 (plate lease requirements)
- Section 38 (improper designated agent)
- Section 39 (deceptive markings)
- Section 40 (broker requirements)
- Section 42 (3) (fail to carry drivers licence)
- Section 42 (8) (fail to display photograph)
- Section 43 (1) (number of passengers exceeds capacity)
- Section 43 (3) (alcohol beverages)
- Section 43 (7) (use unauthorized tariff)

APPENDIX 1

