



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 332 - 2013

To Provide for a System of Licensing for Stationary Businesses and to amend Licensing By-law 1-2002, Fireworks By-law 147-2006, Brampton Appeal Tribunal By-law 48-2008 and Delegation of Authority By-law 191-2011

RECITALS

Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

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

Subsection 11(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

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

Subsection 11(3) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 9, Animals, and in paragraph 11, Business Licensing;

Pursuant to the provisions of Part IV – Licences of the *Municipal Act, 2001*, a municipality may pass by-laws for licensing, regulating and governing any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality;

Subsection 151(1) of the *Municipal Act, 2001* provides that a municipality may provide for a system of licences with respect to a business and may prohibit the carrying on or engaging in the business without a licence, refusing, revoking or

suspending a licence, imposing conditions on a licence, regulating property used for a business that requires a licence and regulating persons carrying on a business that requires a licence;

Section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers where the council of the municipality is of the opinion that the power being delegated is of a minor nature;

Subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

The Council of the City of Brampton considers it desirable and necessary to license, regulate and govern certain types of businesses for the purpose of health, safety and well being of persons, consumer protection and nuisance control to ensure that the business is conducted in a fashion and manner that will not adversely affect or could possibly adversely affect the health and safety of person(s) or result in illness, hazardous conditions, injury or loss;

The Council of the City of Brampton considers it desirable and necessary to license, regulate and govern certain types of businesses for the purpose of nuisance control to ensure that the facility is operated in a manner and location such that it will not adversely affect or become a nuisance to other persons or businesses;

The Council of the City of Brampton considers it desirable and necessary to license, regulate and govern certain types of businesses for the purpose of consumer protection for the prevention of unfair or potentially unfair business practices that could result in loss on the part of the consumer;

The Council of the City of Brampton considers it desirable and necessary to license, regulate and govern the businesses listed within this By-law.

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

PART I – TITLE, INTERPRETATION AND SEVERABILITY

1. This By-law may be referred to as the “Business Licensing By-law”.
2. (1) Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in Part II of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.

(2) Wherever a word defined in Part II of this by-law is used in the form of a noun, verb, adverb or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case.

(3) All words importing the singular shall include the plural, and words imparting the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law requires otherwise.
3. If a court of competent jurisdiction declares any provision or part of a provision of this Bylaw to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

PART II – DEFINITIONS

4. For the purposes of this By-law:

“Act” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;

“Additional Fee” means a fee, in addition to the Licence fee, imposed by the City on a business at any time during the term of the Licence for costs incurred by the City that are attributable to the activities of the business;

“Applicant” means a Person applying for a new Licence or renewing a Licence under this By-law;

“Application” means an application for a new Licence or a Licence renewal in the form provided by the Licence Issuer which must be accompanied by the appropriate documentation and fee;

“By-law” means this by-law.

“City” means The Corporation of the City of Brampton or the land within the municipal boundaries of the City of Brampton, as the context requires;

“Clerk” means the Clerk of the City of Brampton or the Clerk’s duly appointed Deputy;

“Closed File Administration Fee” means the fee as set out in Appendix A that is required when an Application file is closed under this By-law;

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

“Criminal Record” means a record of past crimes for which an individual has been convicted;

“Fire Chief” means the Chief of the Brampton Fire and Emergency Services or his or her designate;

“Inspector” means any one of the following:

- (a) Municipal Law Enforcement Officer;
- (b) Peel Region Health Inspector;
- (c) Fire Inspector in the Brampton Fire and Emergency Services; or
- (d) Police as defined in this By-law;

“Late Renewal Fee” means the fees set out in Appendix A that are required for the late renewal of a Licence;

“Licence” means a licence issued under this By-law, or predecessor by-law.

“Licence Fee” means the fee set out in Appendix A that is required to be paid to the City for a new Licence or a Licence renewal;

“Licence Issuer” means the person appointed under this By-law and includes his or her designate;

“Licensed Premises” means the Premises referred to in a Licence;

“Licensee” means any Person licensed under this By-law;

“Medical Officer of Health” means the Medical Officer of Health for the Regional Municipality of Peel and includes any Peel Region Health Inspector acting on his or her behalf;

“Municipal Law Enforcement Officer” means a person employed by the City and appointed as a Municipal Law Enforcement Officer by the City;

“Notice of Additional Fee” means a written notice from the Licence Issuer to a Licensee advising of the requirements to pay an Additional Fee;

“Operator” means a proprietor or any other Person who alone or with others, operates, manages, supervises, runs or controls a business;

“Owner” means a Person who, alone or with others, fits into any one or more of the following categories:

- (a) is the owner of the business;
- (b) has control over the business; or
- (c) directs the operation of the business;

“Person” includes an individual, corporation, partnership or limited partnership;

“Premises” means land and includes the structures on the land, such as buildings, fences and sheds;

“Police” means a police officer, constable or cadet of the Regional Municipality of Peel Police Service;

“Peel Region Health Inspector” means a public health inspector employed by the Region of Peel;

“Tribunal” means the Brampton Appeal Tribunal appointed by Council to conduct hearings under the Brampton Appeal Tribunal By-law No. 48-2008, as amended, or any successor by-law;

“Zoning Approval” means that a Licence Application has been examined and approved by the City’s Zoning Services staff for compliance with the Zoning By-law;

“Zoning By-law” means the City’s Zoning By-law No. 270-2004, as amended, or any successor by-law.

PART III - LICENSING REQUIRED

5. (1) A Licence shall be taken out under this By-law by every Person who:

- (a) owns or operates a Personal Service Facility (S-1)
- (b) owns or operates a Place of Amusement (S-2);
- (c) acts as an Auctioneer (S-3);
- (d) owns or operates an Automobile Service Station or Parking Lot (S-4);
- (e) owns or operates a Billiard Hall or Bowling Alley (S-5);
- (f) is engaged in the business of Building Renovator (S-6);
- (g) owns or operates a Carnival or Circus (S-7);
- (h) is engaged in the business of Drain Laying Contractor (S-8);
- (i) is engaged in the business of Driveway Paving Contractor (S-9);
- (j) is engaged in the business of Fence Installation Contractor (S-10);

- (k) owns or operates a Fixed Food Premises (S-11);
 - (l) owns or operates a Flea Market (S-12);
 - (m) sells Consumer Fireworks (S-13);
 - (n) is engaged in the business of Heating, Air Conditioning and Ventilation Contractor (S-14);
 - (o) owns or operates a Horse Riding Establishment (S-15);
 - (p) (letter reserved for future use)
 - (q) owns or operates a Lodging House (S-17);
 - (r) is engaged in the business of Pawnbroker (S-18);
 - (s) (letter reserved for future use)
 - (t) owns or operates a Pet Shop (S-20);
 - (u) owns or operates a Place of Public Assembly or Public Hall (S-21);
 - (v) is engaged in the business of Plumbing Contractor (S-22);
 - (w) is engaged in the business of Pool Installation Contractor (S-23);
 - (x) owns or operates a Salvage Shop or Salvage Yard (S-24);
 - (y) owns or operates a Second Hand Goods Shop (S-25);
 - (z) owns or operates a store where tobacco, cigars or cigarettes are sold by retail (S-26); or
 - (aa) owns or operates a Vehicle Pound Facility (S-27).
- (2) Any Person who falls within subsections 5. (1) (a) through to and including (aa) is engaged in a business for the purposes of this By-law.
- (3) The defined terms for the businesses listed within subsections 5. (1) (a) through to and including (aa) are found in the schedules referred to in the subsections and are attached to this By-law.
- (4) No Person shall carry on, or engage in any of the businesses that are listed in subsections 5. (1)(a) through to and including (aa) unless the Person is licensed under this By-law.
- (5) No Person, licensed under this By-law, shall carry on the licensed business in a name that is different from the business name that is endorsed on the Licence, unless the Licence Issuer has provided his or her approval.
- (6) No Person shall publish or cause to be published any representation that the Person is licensed under this By-law if the Person is not so licensed.
- (7) No Person shall hold him or herself out to be licensed if he or she is not licensed under this By-law.
- (8) For the purpose of this By-law, a business shall be deemed to be carried on within the City if any part of the business is carried on in the City, even if the business is being conducted from a location outside the City.

- (9) No Person shall provide false or misleading information or documents when applying for a Licence or Licence renewal, or when required to provide any information or documents under this By-law.

PART IV - REQUIREMENTS FOR LICENSEES

6. Every Applicant and Person licensed under this By-law shall be:
- (a) At least 18 years of age, and
 - (b) A Canadian citizen, a permanent resident of Canada or have a valid employment authorization issued by the Government of Canada.

PART V - LICENCE ISSUER

7. (1) The City Clerk is appointed as the Licence Issuer for the purposes of this By-law.
- (2) Council delegates to the Licence Issuer the power to issue, refuse to issue, renew, refuse to renew, cancel, revoke, suspend, reinstate and impose conditions on a Licence under this By-law.
- (3) Council is of the opinion that the delegation under subsection 7. (2) is minor in nature.
8. Where the Licence Issuer is of the opinion that,
- (a) a new Licence or a Licence renewal should be issued;
 - (b) an Application for a new Licence or renewal of a Licence should be refused;
 - (c) a reinstatement should not be made;
 - (d) a Licence should be revoked;
 - (e) a Licence should be suspended; or
 - (f) a term or condition on a new Licence or Licence renewal should be imposed;
- he or she shall make that decision.
9. The Licence Issuer shall,
- (a) receive and process all Applications for new Licences and for the renewal of Licences;
 - (b) issue a new Licence or renew a Licence when,
 - (i) an Application is made in accordance with the provisions of this By-law;
 - (ii) the Application is complete;
 - (iii) the applicable Licence Fee is paid; and
 - (iv) the Application meets all of the requirements under this By-law;

unless there are grounds to refuse to issue a new Licence or renew a Licence as set out under section 23 of this By-law;

- (c) impose terms and conditions on a new Licence or Licence renewal when the Licence Issuer is of the opinion that a term or condition of a Licence should be imposed under this By-law;
- (d) maintain complete records showing all Applications received and Licences issued;
- (e) enforce or cause to be enforced the provisions of this By-law;
- (f) prepare or cause to be prepared all notices, forms and any other document, including any amendments thereto, that are necessary for the administration of this By-law; and
- (g) generally perform all the administrative functions that may be required by this By-law.

PART VI - APPLICATION FOR A LICENCE AND FOR A LICENCE RENEWAL

10. (1) In order to apply for a new Licence or a Licence renewal, the Applicant shall,

- (a) complete and submit an Application in the form approved by the Licence Issuer;
- (b) submit all documentation required under this By-law or requested by the Licence Issuer; and
- (c) submit the Licence Fee as set out in the Fee Schedule attached as Appendix A.

(2) An Application for a new Licence or Licence renewal shall not be processed by the City until all of the requirements of subsection (1) are met and any outstanding Licence Fee(s) and any outstanding Additional Fees have been paid.

11. (1) The Licence Issuer may require any one or more of the following as part of the Application:

- (a) Proof of citizenship, permanent resident status or other employment authorization issued by the Government of Canada.
- (b) A statement from the Applicant as to whether charges against the Applicant are pending under the Criminal Code, the *Controlled Drugs and Substances Act*, the *Building Code Act 1992*, the *Fire Protection and Prevention Act, 1997*, the City's Zoning By-law or this By-law.
- (c) A Criminal Record Search conducted by the Police Services in whose jurisdiction the Applicant resides.
- (d) A Zoning Approval indicating that the use for the Premises for which the Application has been made is permitted under the City's Zoning By-law.
- (e) A letter of approval issued by the Fire Chief indicating no apparent violations of applicable by-laws or other legislation.

- (f) A letter of approval issued by the Medical Officer of Health or Peel Regional Health Inspector.
12. (1) Where the Owner is a corporation, the Application shall be accompanied by a copy of the incorporating documents, a copy of the last annual information filed and a copy of the business name registration.
- (2) Where the Owner is a registered partnership, the Application shall be accompanied by a copy of the registered declaration of partnership and a copy of the business name registration.
 - (3) Where the Owner is a sole proprietor, the Application shall be accompanied by a copy of the business name registration.
 - (4) Despite subsection 12. (1) where a corporation applies for a renewal of a Licence and there has been no change in the officers or directors of the corporation, only a copy of the last annual information filed must be submitted by the Owner with the Application.
 - (5) A Licence issued to a partnership may be issued in the name of one partner.
13. (1) Despite subsection 11. (1) (d), where an Application is made for a Licence renewal and where a Zoning Approval was received with the original Licence Application approving the use of the Premises, a new Zoning Approval may not be required.
- (2) Where an Application is made for a new Licence or Licence renewal and where a Zoning Approval has been issued based upon the use being allowed by a Committee of Adjustment decision, the Zoning Approval is subject to all conditions and restrictions imposed on the use by the Committee of Adjustment, including a time limit for the use, and upon expiry of any time limit imposed on the use by the Committee of Adjustment, the Zoning Approval shall no longer be valid.
14. (1) Where an Application for a Licence or Licence renewal is withdrawn by the Applicant, the Licence Fee shall be refunded with the exception of \$50.00.
- (2) Where an Application for a Licence or Licence renewal is refused 50% of the Licence Fee paid shall be refunded.
 - (3) Any Licence Fee refund calculated pursuant to subsections 14. (1) or (2) shall be reduced by any Additional Fee amount, or part thereof, that is outstanding at the time of the refund.
15. An Owner must obtain a separate Licence for every Premises where the Owner carries on a business for which a Licence is required under this By-law.
16. Regardless of when an Application for a new Licence or Licence renewal is made, the Applicant is required to pay the full annual Licence Fee.
17. (1) Where a Person who has a Licence fails to renew the Licence by the renewal date, the Person shall, upon submitting an Application for renewal, be subject to a Late Renewal Fee in accordance with Appendix A.
- (2) Where an Applicant applies for a Licence renewal and for a period of 60 days after the Licence expiry date the Application is incomplete or any fee under this By-law is unpaid, the Licence Issuer may, in his or her sole discretion, deem the Application to be an Application for a new Licence.
 - (3) Where a Person holding a Licence fails to renew the Licence within 90 days of the specified renewal date, the Person shall no longer be entitled to renew

the Licence and shall be required to apply for a new Licence under this By-law, subject to the payment of such fees as may be required.

18. Regardless of whether a Licence may have been issued or renewed, the Licence Issuer may require that the Applicant file further information or provide further documentation in respect of a fact which the Applicant has already attested to or previously supplied documentation for.
19. Any Person licensed by any regulatory body where that licence is a requirement for the issuance of a Licence under this By-law, shall immediately report to the Licence Issuer any suspension of the licence issued by the regulatory body.
20. (1) Where an Applicant has failed to provide any fee or document required under this By-law for the issuance of a new Licence or a Licence renewal, the Application shall be considered incomplete.
 - (2) If the Application remains incomplete after 30 days from the date the Application was submitted, the Licence Issuer may issue a Notice of Incomplete Application and close the file.
 - (3) Where an Application file is closed, the Applicant is required to pay the Closed File Fee to the City as set out in Appendix A.
 - (4) Subject to the time limitation in subsection 17. (3), the Closed File Fee in subsection 20. (3) must be paid to the City before the Licence Issuer can reopen a closed Application file.
 - (5) The issuance of a Notice of Incomplete Application is not a statutory power of decision and is not subject to appeal to the Tribunal.

PART VII – ISSUANCE OF A LICENCE OR LICENCE RENEWAL

21. When an Application for a Licence or Licence renewal is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law, which include any requirements that may be requested by the Licence Issuer, a Licence shall be issued to the Applicant or Licensee.

PART VIII - TERMS AND CONDITIONS

22. (1) Despite any other provision in this By-law, the Licence Issuer may impose terms and conditions on any Applicant or Licensee at issuance, renewal or any time during the Licence period, including special conditions as are necessary to give effect to this By-law.
 - (2) The Licence Issuer may impose conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a Licence.
 - (3) Despite any other provision in this By-law, the Licence Issuer may impose Additional Fees on a Licensee by way of a Notice of Additional Fee at any time during the term of the Licence for any costs incurred by the City attributable to the activities of the Licensee.
 - (4) The Notice of Additional Fee shall be sent to the Licensee by personal delivery, e-mail or fax delivery, or by regular mail and the notice shall provide the Licensee with 60 days to pay the Additional Fee from the date of the notice.

PART IX - GROUNDS FOR REFUSAL TO ISSUE OR RENEW A LICENCE

23. Despite section 21, the Licence Issuer may refuse to issue a Licence or renew a Licence, if the Licence Issuer has reasonable grounds to believe any one or more of the following:
- (a) The issuance or the holding of a Licence would be contrary to the public interest in respect of:
 - (i) the health and safety of any person,
 - (ii) a nuisance affecting any land or person in the City or Canada, or
 - (iii) the protection of any consumer.
 - (b) The conduct of the Applicant or Licensee or other circumstances afford reasonable grounds for belief that the carrying on of the business has infringed, or would infringe, the rights of other members of the public.
 - (c) Any Application or other document provided to the Licence Issuer by or on behalf of the Applicant or Licensee contains a false statement or provides false information.
 - (d) The financial position of the Applicant or Licensee demonstrates that the business has not or will not be carried on in a financially responsible manner.
 - (e) The business of the Applicant or Licensee is carried on or intended to be carried on in an area where it is prohibited.
 - (f) The business for which the Licence has been issued has not been carried on for a continuous period of 60 days or more, except if the Licence Issuer has been informed that the licensed premises is undergoing renovations.
 - (g) The Applicant or Licensee has failed to pay a fine or fines imposed by a Court for convictions for breach of this or any other City by-law.
 - (h) The building, premises, place or part thereof in which the business is carried on does not comply with the provisions of this By-law or with any other law, regulation or City by-law, including the Zoning By-law, and the Building Code, O.Reg. 350/06, as amended and the Fire Code, O.Reg. 213/07, as amended or any successor regulations.
 - (i) The Premises in which the business is carried on is in an unsafe or dangerous condition.
 - (j) The conduct of the Applicant or Licensee affords reasonable grounds for belief that the Applicant or Licensee has not carried on or will not carry on his or her trade, business or occupation in accordance with law and with integrity and honesty.
 - (k) There are reasonable grounds for belief that the carrying on of the trade, business or occupation by the Applicant or Licensee has resulted or will result in a breach of this By-law or any other law.
 - (l) The fee payable for the Licence or Licence Application has not been paid.

- (m) Any Additional Fee imposed on an Applicant or Licensee remains unpaid after the due date as indicated in a Notice of Additional Fee sent to the Applicant or Licensee.

PART X – GROUNDS FOR REVOKING OR SUSPENDING A LICENCE

- 24. The Licence Issuer may revoke or suspend a Licence for any one or more of the grounds listed in subsections 23. (a) through to and including (m).
- 25. If the Licence Issuer is satisfied that the continuation of a business poses an immediate danger to the health or safety of any person or property, the Licence Issuer may, without a hearing, suspend a Licence, for the time and on such conditions as the Licence Issuer considers appropriate, subject to the following:
 - (a) Before suspending the Licence, the Licence Issuer shall, either orally or in writing, provide the Licensee with the reasons for the suspension and allow the Licensee with an opportunity to respond.
 - (b) The suspension shall not exceed 14 days.

PART XI – WRITTEN NOTICE AND SERVICE

- 26. (1) After a decision is made by the Licence Issuer to refuse, cancel, revoke or suspend a Licence, written notice of that decision shall be given forthwith to the Applicant or Licensee.
- (2) The written notice provided under subsection 26. (1) shall:
 - (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds for the decision;
 - (c) be signed by the Licence Issuer; and
 - (d) state that the Applicant or Licensee is entitled to a hearing by the Tribunal if the Applicant or Licensee delivers to the Clerk within 15 days after the notice is served, a notice in writing requesting a hearing by the Tribunal accompanied by the appropriate appeal fee.
- (3) Any written notice given under this By-law shall be deemed to be received on the receipt date which is one of the following:
 - (a) In the case of mailed documents, 5 days following the mailing as determined from the post mark.
 - (b) In the case of personal delivery, e-mail or faxed document, the day of delivery.
 - (c) Where more than one method of delivery is used, the operative receipt date for the calculation of the time for an appeal is the latest of the possible receipt dates.
- (4) Where any written notice is mailed under this By-law, it is sufficient to use the Applicant's or Licensee's last known business or residential address.

PART XII - RIGHT TO APPEAL

27. (1) The Applicant or Licensee may appeal the Licence Issuer's decision to refuse, cancel, revoke or suspend a Licence, or to impose any condition in a Licence to the Tribunal by filing a written notice of appeal with the City Clerk, with reasons in support of the appeal, to the Clerk, accompanied by the appropriate appeal fee as set out in the City's User Fee By-law within 15 days following the receipt date of the written notice of the Licence Issuer's decision.
- (2) On receipt of a written request for an appeal from the Applicant or Licensee, the Clerk shall schedule a hearing of the Tribunal and shall give the Applicant or Licensee and the Licence Issuer reasonable written notice of the date, time and place of the hearing in accordance with the Brampton Appeal Tribunal By-law, No. 48-2008, as amended, or any successor by-law.
- (3) The decision of the Licence Issuer shall be final if the City Clerk does not receive an appeal by the 15th day following the receipt date of the written notice of the Licence Issuer's decision,
- (4) No member of the Tribunal, Council, or an employee of the City is personally liable for anything done under authority of this By-law.
- (5) Where the Tribunal has ordered that a Licence be granted, re-instated, a suspension to a Licence ended or a change to the condition(s) of a Licence, the Applicant or Licensee shall fulfill any outstanding requirements for the Licence under this By-law.
- (6) The provisions of the Brampton Appeal Tribunal By-law No. 48-2008, as amended, or any successor by-law, apply to any appeal that is made under this section.

PART XIII - RETURN OF LICENCE

28. (1) Where a Licence has been revoked or suspended, and written notification as set out in section 26 is deemed received, the Person to whom the Licence was issued shall return the Licence to the Licence Issuer forthwith.
- (2) A Person whose Licence has been revoked or suspended shall not refuse to deliver the Licence to the Licence Issuer or in any way obstruct or prevent the Licence Issuer from receiving or taking the Licence.
- (3) Where a Licence has been revoked or suspended, the Licence Issuer may enter upon the business premises of the Person to whom the Licence was issued for the purpose of receiving, taking or removing the Licence.

PART XIV – CHANGE OF INFORMATION

29. (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 the Licensee has first notified the Licence Issuer and complied with the relevant provisions of this By-law.
- (2) A Licensee shall notify the Licence Issuer within 7 days of any change of name, address or any other change to the information related to the Licence, and where the Licensee is a corporation, it shall notify the Licence Issuer of any change in the names and addresses of officers and directors, the location of the corporate head office and change of ownership of shares within 7 days of the change, and if necessary, the Licence shall be returned immediately to the Licence Issuer for amendment.

- (3) A Licensee shall not alter, erase or modify or permit such alteration, erasure or modification of the Licensee's Licence or part thereof unless approved by the Licence Issuer.

PART XV – GENERAL PROVISIONS

30. An Applicant or Licensee whose Licence has been refused or revoked, shall not be entitled to make a new Application for the same or similar type of Licence for a period of at least 12 months from the date of the refusal or revocation.
31. The Licence Issuer shall reinstate any Licence that has been suspended upon satisfactory proof that the administrative requirements have been met.
32. Any Licence issued under this By-law may be cancelled at any time upon the written request of the Licensee.
33. A Person shall not enjoy a vested right in the continuance of a Licence and upon the issuance, renewal, transfer, cancellation or suspension thereof, the value of a Licence shall be the property of the City.
34. A Person licensed to carry on business under this By-law shall not advertise, promote or carry on the business under any name other than the name endorsed upon the Licence, without the approval of the Licence Issuer.
35. (1) Any Licence issued under this By-law shall be posted on the Premises to which the Licence relates, in a conspicuous place that is clearly visible to the public.

(2) Where the Licensee does not have a Licensed Premises, the Licensee shall carry the Licence with him or her at all times when engaged in the activity for which the Licence has been issued.
36. The City is exempt from the provisions of this By-law.

PART XVI - INSURANCE

37. (1) Every Person shall, before the issuance of a Licence to him or her, provide proof of Commercial General Liability insurance against all claims for personal injury including bodily injury resulting in death, and property damage with an inclusive limit of not less than Two Million (\$2,000,000.00) per occurrence insuring him or her against liability imposed by law for any loss or damage resulting from the carrying on of the business to which the Licence relates.

(2) Every Person who obtains a Licence shall ensure that the insurance policy in subsection 37. (1) is maintained in good standing while the Licence is valid and the business to which the Licence applies is in operation.

(3) The Licence Issuer shall be given at least 10 days notice in writing, by regular mail, personal delivery, e-mail or fax delivery, of cancellation, expiration or variation in the amount or conditions of the policy required by subsection 37 (1).

(4) A certificate of insurance issued in respect of the insurance policy in subsection 37. (1) shall be provided to the Licence Issuer, before the issuance of the Licence that it applies to, in the form of proof set out in Appendix B to this By-law.

PART XVII - INSPECTION

38. (1) The Licence Issuer, Medical Officer of Health, Fire Chief or Inspector, may enter on any land and building or structure thereon, at any reasonable time for the purpose of carrying out an inspection to determine whether any one or more of the following are being complied with:
- (a) The provisions of this By-law.
 - (b) An order made under this By-law.
 - (c) A condition of a Licence issued under this By-law.
 - (d) An order made under section 431 of the *Municipal Act, 2001*.
- (2) For the purposes of an inspection under subsection 38. (1) the person carrying out the inspection may do any one or more of the following:
- (a) Require the production for inspection of any goods, articles, books, records and other documents of or relating to any trade, business or occupation licensed under this By-law.
 - (b) Inspect and remove documents or things relevant to the inspection, including anything listed in subsection 38. (2) (a), for the purpose of making copies or extracts.
 - (c) Require information from any Person concerning a matter related to the inspection.
 - (d) Alone or in conjunction with a Person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (3) No Person shall obstruct or hinder or cause to be obstructed or hindered the making of an inspection under subsection 38. (1).
- (4) Upon request of the Licence Issuer, Medical Officer of Health, Fire Chief or Inspector, the Licensee shall produce the Licence and any other requested documents forthwith.

PART XVIII - ORDER TO COMPLY

39. (1) Where the Licence Issuer or an Inspector believes that a contravention of this By-law has occurred they may issue:
- (a) an order to discontinue the contravening activity;
 - (b) an order to correct the contravention; or
 - (c) an order to discontinue the contravening activity and correct the contravention.
- (2) The orders contemplated in subsection 39.(1) shall set out:
- (a) the name of the Person who is believed to have contravened this By-law and the municipal address or the legal description of the land to which the contravention or Licence applies;
 - (b) reasonable particulars of the contravention;

- (c) the date by which there must be compliance with the order;
 - (d) if applicable, the work to be done and the date by which the work must be done; and
 - (e) if applicable, a statement that the City may have the work done at the expense of the Owner if the work is not done in compliance with the order.
- (3) An order issued under this By-law may be served personally or served by mail to the last known address of the Person and such other persons affected by it as determined by the Licence Issuer or Inspector and a copy of the order may be posted on any property to which the contravention or Licence applies.
- (4) If an order is served by registered mail, the service shall be deemed to have been made 5 days after mailing.
- (5) Where service cannot be carried out in accordance with subsection 39. (3), the Licence Issuer or Inspector may place a placard containing the terms of the order in a conspicuous place on the property to which the contravention or Licence applies, and the placing of the placard shall be deemed to be sufficient service of the order on the Person or persons to whom the order is directed.
- (6) Every Person who fails to comply with an order made under this section is guilty of an offence.
40. (1) Where a Person is ordered to correct a contravention of this By-law under subsection 39. (1), and fails to do so, the City may carry out any work required to correct the contravention.
- (2) The City may, at any reasonable time, enter onto the property to which the contravention or Licence applies in order to carry out any work under subsection 40. (1).
- (3) The City may retain a contractor in order to carry out any work under subsection 40. (1).
- (4) All expenses incurred by the City in carrying out any work contemplated by this section shall be considered a debt owed to the City by the Person who was ordered to correct the contravention and shall be paid to the City within 30 days of the billing date, and in the event of failure to pay the entire amount due within 30 days, the outstanding balance of the expenses owed may be added to the tax roll of the property to which the contravention or Licence applies and collected in the same manner as property taxes.

PART XIX - CONTRAVENTION AND PENALTIES

41. (1) Every Person who contravenes any provision of this By-law, including an order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended (the "*Provincial Offences Act*") and the *Municipal Act, 2001*.
- (2) In addition to subsection 41. (1), any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the fine provisions of the *Municipal Act, 2001*, to the following fines:

- (a) The minimum fine for an offence is \$500 and the maximum fine for an offence is \$100,000.
 - (b) In the case of a continuing offence, for each day or part of a day that the offence continues the minimum fine shall be \$500 and the maximum fine shall be \$10,000, and the total of all daily fines for the offence is not limited to \$100,000.
 - (c) In the case of a multiple offence, for each offence included in the multiple offence the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000.
 - (d) In addition to the fine provisions in subsections 41. (2) (a) to (c), if a Person is convicted of an offence under this By-law, any economic advantage or gain obtained by the Person from operating a business without a Licence may be considered an aggravating factor for sentencing purposes which may attract a special fine, which shall be equal to or greater than the economic advantage or gain obtained by the Person from operating the business without a Licence.
 - (e) The maximum amount for a special fine in subsection 41. (2) (d) may exceed \$100,000.
- (3) If a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order:
- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and
 - (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- (4) Where a Person fails to pay any part of a fine for a contravention of this By-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's delegate may give the Person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than 21 days after the date of the notice.
- (5) If any part of a fine for a contravention of this By-law remains unpaid after the final date specified in the notice provided under subsection 41 (4), the outstanding fine is deemed to be unpaid taxes pursuant to section 351 of the *Municipal Act, 2001*.

PART XX - FEES

42. (1) The Licence Fees required under this By-law are set out in Appendix A attached to this By-law.
- (2) The Licence Issuer may waive the payment of a Licence Fee required under this By-law where an Application is made by a charitable organization that is registered as such under the *Income Tax Act*, R.S.C. c.1, as amended.

PART XXI - DISCRIMINATION

43. (1) No Person, in carrying out a business licensed under this By-law, shall discriminate against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- (2) No Person, in carrying out a business licensed under this By-law, shall with respect to any person being guided or assisted by a service animal:
- (a) refuse to service the person,
 - (b) refuse to permit the person to enter with the animal into or upon any place or premises to which the Licence relates; or
 - (c) refuse to permit the person and such animal to remain in or upon such place or premises by reason only of the presence of such animal.

PART XXII – SCHEDULES AND APPENDICES

44. (1) All Schedules and Appendices attached to this By-law shall form part of this By-law.
- (2) In the event of a conflict between any of the general provisions of this By-law and any provisions set out in the Schedules attached to this By-law, the provisions of the Schedules shall prevail.
- (3) The expiry dates of Licences issued under this By-law, except for those issued per day or per event, are set out in Appendix A to this By-law.

PART XXIII – TRANSITIONAL PROVISIONS

45. (1) If a Licence or a Licence renewal has been issued for a business under the City's Licensing By-law No. 1-2002, as amended, and the applicable schedule for that Licence has been repealed and replaced under this By-law, the provisions of Licensing By-law No.1-2002 and the schedule in effect at the time of the Licence issuance or License renewal continues to apply for the term of that Licence or Licence renewal.
- (2) The Schedules under this By-law apply to all Licence renewals made after this By-law comes into effect, even if the Licence which is the subject of a renewal was issued under Licensing By-law No. 1– 2002, as amended.

PART XXIV - BY-LAW AMENDMENTS, REPEAL AND EFFECTIVE DATE

46. (1) Schedules S-1; S-4 to S-12 inclusive; S-15 to S-18 inclusive, S-20, S-22, S-23, S-25, S-27 and S-28 to Licensing By-law 1-2002, as amended, are repealed.
- (2) Licensing By-law 1-2002, as amended, is further amended by deleting the following subsections from Section 2: 6 to 15 inclusive, 18 to 21 inclusive, 23, 25 to 27 inclusive, and 29 to 30 inclusive.

(3) Licensing By-law 1-2002, as amended, is further amended by deleting reference to the following from Section 11: Schedule S-1, S-4, S-7, S-8, S-11, S-12, S-16, S-17, S-18, S-20 and S-22.

(4) The Brampton Appeal Tribunal By-law 48-2008, as amended, is further amended by adding the following definition in alphabetical order in section 1 of the by-law and in section 1 of Schedule 1 that is attached to the by-law:

“Business Licensing By-law” means Business Licensing By-law 332 - 2013;

(5) The Brampton Appeal Tribunal By-law 48-2008, as amended, is further amended by adding “and the Business Licensing By-law ” immediately after the words “Licensing By-law” to the definition of “licensee” found in section 1 in Schedule 1 attached to the by-law.

(6) The Brampton Appeal Tribunal By-law 48-2008, as amended, is further amended by adding “and the Business Licensing By-law.” at the end of subsection 7. (1) of the by-law.

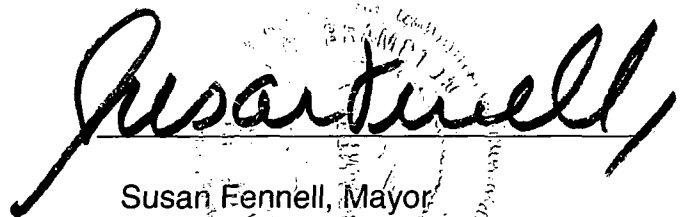
(7) The Brampton Appeal Tribunal By-law 48-2008, as amended, is further amended by adding “and the Business Licensing By-law ” immediately after the words “Licensing By-law” found in subsection 28(4) in Schedule 1 attached to the by-law.

(8) The Fireworks By-law 147-2006, as amended, is further amended by replacing the words “Schedule S-18 of By-law 1-2002” found in Section 3 of the by-law with the words “Schedule S-13 of Business Licensing By-law 332 - 2013.”

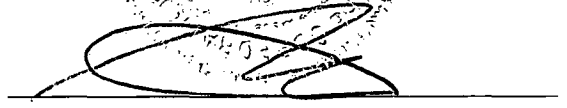
(9) The Delegation of Authority By-law 191-2011, as amended, is further amended by adding the words “and the Business Licensing By-law 332 - 2013” immediately after the words “Licensing By-law 1-2002, as amended” found in subsection 13.1 (i) in Schedule 1 attached to the by-law.

47. This By-law is comes into effect on the date of its passing by Council.

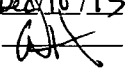
READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 11th day of December , 2013 .



Susan Fennell, Mayor



Peter Fay, City Clerk

Approved as to content.
Dec 10 / 13


Approved as to form.
Dec 10 / 13
REZ

SCHEDULE 1 TO BY-LAW # 332-2013

RELATING TO PERSONAL SERVICE FACILITIES

Definitions

1. In this Schedule:

“Employee” means any person who is employed in a Personal Service Facility;

“Best Practices Document” means *Infection Prevention and Control Best Practices for Personal Services Settings* as current and any other applicable guidelines or standards established by the Province of Ontario or the Medical Officer of Health;

“Invasive Procedure” means a service that involves penetration of the skin, such as, but not limited to, tattooing, ear lobe piercing, body piercing, body modification, electrolysis and micropigmentation;

“Operator” means any person who owns, occupies, manages, controls, governs, or has responsibility for and control over the activity carried on within a personal service facility, although there may be more than one operator of the Personal Service Facility;

“Personal Service Facility” means a Premises where a Personal Service is provided to members of the public;

“Personal Services” means any service where substances, instruments, tools or other equipment are applied to any part of the human body for purposes of aesthetic, cosmetic or therapeutic treatment, where there is a risk of exposure to blood, such as, but not limited to hairdressing and barbering, tattooing and body piercing, manicure/pedicure services, removing hair by electrolysis, removing hair by waxing, skin care, provide facial treatments, tanning and other aesthetic services;

“Proof of Age Identification” means:

- (i) A Canadian driver’s licence;
- (ii) A Canadian passport;
- (iii) A Certificate of Canadian citizenship that contains the person’s photograph;
- (iv) A Canadian permanent resident card;
- (v) A Canadian Armed Forces identification card.
- (vi) Any other document that is issued by a federal or provincial authority or a foreign government and contains the person’s photograph, date of birth, and signature;

“Protective Eyewear” means a device that is worn by users of tanning equipment to reduce the ultraviolet radiation reaching their eyes and that meets the specifications prescribed in the Radiation Emitting Devices Regulations (Tanning Equipment) (Canada);

“Sharps” means any item that may penetrate the skin, such as, but not limited to needles, blades, lancets, razors and scalpels;

“Single Use” means products or items that are used once on a customer and must be disposed of immediately after use, including, but not limited, to: cotton swabs or balls, tissues or paper products, sponges, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, facial lancets,

tattooing needles, scalpel blades, stencils, ink cups, nail files, nail buffers, arbour bands, toe separators, cuticle pushers and protective gloves;

“Tanning” means to provide for use an area where ultra-violet or other light sources are used to radiate the skin in an attempt to produce changes in skin pigmentation and also include the application or sale of artificial bronzing and tanning lotions designed to change skin tone or colour;

“Tanning Equipment” means ultraviolet or other lamps intended to induce skin tanning through the irradiation of any part of the human body with ultraviolet radiation and equipment containing such lamps, including ballasts, starters, reflectors, acrylic shields, timers, and airflow cooling systems.

Application

2. Every Application for a new or renewal of a Personal Service Facility Licence, at the discretion of the Licence Issuer, shall be accompanied by a letter of approval issued by the Medical Officer of Health.
3. Every Person operating a Personal Service Facility shall obtain one or more class(es) of Licence described as follows:
 - (a) “Class A”, includes premises operated for the purpose of marking the skin with indelible pigment or other such substance so as to produce a permanent design or similar feature on the skin, as well as piercing of body parts;
 - (b) “Class B” includes premises operated for the purpose of aesthetic, cosmetic or therapeutic treatment such as hairdressing and barber shops, nail salons, electrolysis and other aesthetic services;
 - (c) “Class C” includes premises operated for the purpose of a Tanning salon.

Exemptions

4. The provision of medical or therapeutic treatment by a Person who is a member of a College of Health profession set out in Schedule 1 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended, is not considered a personal service.

Structural Requirements

5. Every Licensee of a Personal Service Facility shall ensure that:
 - (a) Work surfaces are of a smooth, impervious material and are maintained in a clean and disinfected state following each client procedure;
 - (b) Work areas are well lit and adequately ventilated;
 - (c) At least one sink is provided for the purposes of hand washing and cleaning of instruments/equipment, and the sink must be:
 - (i) large enough to accommodate the largest piece of equipment being cleaned;
 - (ii) continuously supplied with potable hot and cold running water;
 - (iii) supplied with liquid soap and single use towels;
 - (iv) available for hand washing at any time a service is being offered to a client; and
 - (v) located in close proximity to the work area.

- (d) The sink in subsection 5. (c) must not be shared with other premises. As an example, a public washroom sink in a mall is not considered a sink under subsection 5. (c);
- (e) A washroom maintained in a clean and sanitary manner is available to employees and clients.

General Operational Requirements

- 6. Every Licensee of a Personal Service Facility shall ensure:
 - (a) The establishment is kept in a clean and sanitary condition;
 - (b) All equipment and instruments are of durable construction, and are maintained in a clean and sanitary manner;
 - (c) Every employee washes his or her hands with liquid soap under warm running water and then dries them with a single use towel before attending to each client;
 - (d) A client who has a visible rash, has inflamed or broken skin, nail fungus or other signs of infection is not provided services in the affected area;
 - (e) Ointments, creams, inks, lotions, styptic products, wax or other products used when providing a service are dispensed in a manner that does not contaminate the remaining portion;
 - (f) Freshly laundered clean towels or single use disposable neck paper or strips are placed around the neck of each customer receiving hair cutting services;
 - (g) Each cloth towel used is freshly laundered and after being used is immediately deposited in a receptacle reserved for this purpose and the cloth towel is not used again for any purpose before being laundered;
 - (h) All single use products or items are disposed of immediately following use and are not used on any other customer;
 - (i) Despite subsection 6. (h), single use products or items may be saved and reused on the same customer during return visits, if the single use products or items are stored in a clean container labeled with two of the following identifiers: customer's full name, address, phone number or a unique customer number;
 - (j) Sharps are disposed of in an approved puncture resistant Sharps container following use;
 - (k) All equipment that can be used on more than one client is properly cleaned and disinfected or sterilized before being used on a customer and is not used on any other customer without being cleaned and then disinfected or sterilized again;
 - (l) Disinfectants are prepared and used according to manufacturer's instructions and manufacturer's specifications and instructions for the disinfectants being used are available in the premises;
 - (m) The method of disinfecting and the disinfectant used complies with the Best Practices Document;

- (n) All procedures and handling of equipment and instruments complies with the Best Practices Document; and
- (o) Every employee complies with the regulations under this Schedule and the Licensee shall not employ or continue to employ any person who does not comply with the regulations under this Schedule.

Requirements for Invasive Services

7. Every Licensee of a Personal Service Facility where invasive services are provided shall ensure:
 - (a) Invasive services are not advertised to the public unless the premises have been inspected and approved by a Peel Region Health Inspector;
 - (b) All equipment use, instrument use, and sterilization procedures are in accordance with the Best Practices Document;
 - (c) Aftercare instructions are provided to each customer, both verbally and in writing and at a minimum should include the following instructions:
 - (i) Clean hands immediately before touching the serviced area;
 - (ii) Keep the serviced area dry during normal bathing and showering;
 - (iii) The expected healing time for the serviced area; and
 - (iv) How to deal with slight redness, discharge, pain or swelling and recommend consulting a physician if the problem does not improve within 24 hours.

8. Every Licensee of a "Class A" Personal Service Facility shall:
 - (a) Maintain a record of all invasive procedures on site for a minimum of 2 years and on file for a minimum of 5 years and the record shall include:
 - (i) Name, address and telephone number of the client;
 - (ii) Name of service provider;
 - (iii) Date of procedure; and
 - (iv) Description of procedure;
 - (b) Open the record in subsection 8. (a) to inspection, at all times during regular business hours to the Licence Issuer, Medical Officer of Health, Inspector or any person authorized by the Licence Issuer.

9. Every Licensee of a "Class A" Personal Service Facility who operates a mechanical sterilizer shall ensure that the operation and maintenance of all sterilization equipment conforms to the Best Practices Document.

10. Despite the general provisions of this By-law, "Class A" establishments shall:
 - (a) Require proof of commercial general liability insurance, however, a professional liability exclusion clause shall be accepted; and
 - (b) Be required to display signage approved by the City, posted in a conspicuous location at the entrance to the establishment, clearly visible to the public at all times, advising potential clients 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.

Tanning Facilities

11. Every Licensee of a "Class C" Personal Service Facility shall:

- (a) Not permit the use of tanning equipment by persons under the age of 18;
 - (b) Require that any person who appears to be under the age of 25, present Proof of Age Identification before permitting access to tanning equipment;
 - (c) Require customers to use Protective Eyewear during any use of the tanning equipment;
 - (d) Provide Protective Eyewear for purchase or use to any customers who do not bring their own eyewear;
 - (e) Ensure that each unit of tanning equipment is designed for use by only 1 customer at a time;
 - (f) Ensure that the Tanning Equipment is maintained in good repair to prevent any mechanical safety hazards.
12. All Tanning Equipment and Tanning facilities must comply with all applicable guidelines and regulations established by the Province of Ontario as well as other applicable laws as may be amended from time.

SCHEDULE 2 TO BY-LAW # 332 -2013

RELATING TO PLACES OF AMUSEMENT

1. In this Schedule:

“Amusement Arcade” means a Premises where three or more amusement machines are provided;

“Amusement Machine” means any mechanical or electronic machine or device intended as a game, entertainment or amusement, offered for use by the public by any Person, for profit or gain and shall include but is not limited to a computer, pinball machine, television, video game, shooting gallery or other similar machine or device;

“Place of Amusement” includes, but is not limited to:

- (i) an Amusement Arcade;
- (ii) a privately owned commercial skating facility;
- (iii) a privately owned commercial swimming pool;
- (iv) a privately owned commercial indoor childrens' playground;
- (v) a paintball facility; or
- (vi) a Go Kart facility.

2. Every Owner and Operator of a Place of Amusement shall:

- (a) Obtain a separate Licence for each Place of Amusement that is under the same ownership;
- (b) File with the Licence Issuer a floor plan of the Premises, showing the location of all Amusement Machines;
- (c) Ensure the Premises meet all requirements of the Ontario Building Code and Fire Code;
- (d) Post in a conspicuous place in the Premises, a notice indicating that disorderly conduct, loitering and gambling are not permitted;
- (e) Keep the Premises in a clean and sanitary condition at all times;
- (f) Maintain sufficient space between rows of Amusement Machines as to permit unimpeded access by patrons at all times to any door or other exit;
- (g) Keep as an employee on the licensed Premises at all times, a person over the age of 18 years whose duties include the supervision, overseeing and maintenance of the orderly conduct of the patrons within the building or part thereof that contains the Amusement Machines;
- (h) Not permit on the licensed Premises any more Amusement Machines than the number for which the Licence was issued and no additional Amusement Machines shall be added to the premises after the Licence has been issued, unless the Licensee shall first submit an amended floor plan of the premises, and receive the approval of the Licence Issuer;
- (i) Provide adequate washroom facilities and where necessary change room facilities;

- (j) Obtain a Fixed Food Premises Licence under this By-law if food is being served on the Premises.
3. No Owner or Operator of an Amusement Arcade shall:
- (a) Permit persons younger than the age of 14 years to use any Amusement Machine or to remain on the Premises unless accompanied by a parent or guardian, except on Monday to Friday between the hours of 4:00 p.m. to 9:00 p.m. and on Saturday and Sunday between the hours of 9:00 a.m. and 9:00 p.m.; and
 - (b) Permit the sale or use of alcohol on the Premises, except where Amusement Machines are incidental to a business licensed pursuant to the Alcohol and Gaming Commission of Ontario.
4. Every owner and operator of a Place of Amusement shall, at all times during the hours of operation, permit the entry by and the inspection of the Place of Amusement by the Licence Issuer, Medical Officer of Health or an Inspector.

SCHEDULE 3 TO BY-LAW # 332-2013

RELATING TO AUCTIONEERS

1. In this Schedule:

"Auction" means a publicly held sale where goods are sold to the highest bidder;

"Auctioneer" means a Person who sells or offers for sale goods, wares, merchandise or effects or livestock by public auction.
2. A Person shall not carry on the business, trade or occupation of an Auctioneer without a Licence.
3. This Schedule does not apply to:
 - (a) A sheriff or bailiff offering for sale goods or chattels seized on execution or distrained for rent;
 - (b) An auction of unclaimed or surplus property held by or on behalf of Peel Police Services, the Region of Peel or the City of Brampton;
 - (c) A municipal tax sale held pursuant to the *Municipal Act, 2001* or any successor legislation thereto;
 - (d) Any person holding a licence under the *Livestock Community Sales Act*, R.S.O. 1990, c. L.22, as amended for the sale of pure-bred live stock;
 - (e) A person conducting an auction on behalf of a service club or similar organization to raise money for charitable purposes; or
 - (f) A person registered under the *Real Estate and Business Brokers Act, 2002*, S.O. 2002, c.30 who is selling real estate by public auction.
4. A completed Application for a Licence or at the discretion of the Licence Issuer for a Licence renewal shall be accompanied by a security clearance issued to the Applicant within the last 30 days by the Police Services in whose jurisdiction the Applicant resides.
5. A Licence shall not be issued if at any time within three years prior to the Application the Person has been convicted of any offence relating to fraudulent practices, stolen goods, theft or burglary under the *Criminal Code*, R.S.C. 1985, c. C-46.
6. Every Person licensed as an Auctioneer under this Schedule shall:
 - (a) Prominently display his or her name and business address at the place of each Auction;
 - (b) Include his or her name, and business address in all public advertisements of any nature;
 - (c) Maintain and keep proper records showing:
 - (i) the names and addresses of the owners of the goods auctioned;
 - (ii) a description of the goods and the price at which they were sold;
 - (iii) the amount of any commission or fee;
 - (iv) the names and addresses of the purchasers; and

- (v) the date of payment and amounts paid to the owners for the goods sold, or the date of return of unsold goods to the owners;
 - (d) Inform the purchasers and sellers that their personal information set out in subsection 6. (c) is being collected and that the personal information will only be used if necessary for law enforcement purposes;
 - (e) Ensure that the records set out in subsection 6. (c) are maintained for a period of 2 years;
 - (f) Upon request by the Licence Issuer or anyone else charged with inspection or enforcement powers under this By-law, present the required records for inspection, and permit them to remove specific entries from the register required for use in any Court or other law enforcement proceedings.
7. No Person licensed as an Auctioneer under this Schedule shall:
- (a) Permit any disorder in the place of the Auction;
 - (b) Conduct or permit to be conducted any mock Auction;
 - (c) Knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale by them;
 - (d) Give away articles or sell for nominal amounts for the purpose of stimulating bidding;
 - (e) Do any act that is calculated to or which may reasonably be expected to have the effect of confusing a purchaser as to the amount to be paid for any article or articles;
 - (f) Avail themselves of the services of, or act in concert with, persons known in the trade as "beaters", "boosters", or "shills" for the purpose of raising or stimulating bids;
 - (g) Sell or put up for sale by Auction, any goods, wares, merchandise or effects on a reserve-bid basis without first having announced clearly to those in attendance at the Auction the fact of such reserve bid;
 - (h) Give a false statement to the owner or to a purchaser as to a sale.

SCHEDULE 4 TO BY-LAW # 332 -2013

RELATING TO

AUTOMOBILE SERVICE STATIONS AND PARKING LOTS

1. In this Schedule:

“Automobile Service Station” means a building or structure or part thereof open to the public where Motor Vehicles are washed, serviced, repaired, fuelled, leased, sold or displayed and may include, but are not limited to a gas bar, car wash, automotive dealership, car rental establishment, body shop or general or specialty repair shop;

“Car Wash” means a building or structure used for the washing of Motor Vehicles;

“Motor Vehicle” means an automobile, truck, motorcycle and any other vehicle propelled or driven other than by muscular power but does not include a motorized snow vehicle or motor-assisted vehicle;

“Parking Lot” means any lot, building, structure or part thereof used for the temporary storage of more than 3 Motor Vehicles where consideration is paid for such storage but does not include parking facilities provided by landlords for tenants or by Condominium Corporations to unit owners or tenants.

2. No Person shall operate an Automobile Service Station or a Parking Lot unless the Person obtains the appropriate property class of Automobile Service Station Licence under this Schedule, the classes of which are described as follows:

(a) “Class A” includes any Premises where:

- (i) gasoline, oil or lubrication is dispensed;
- (ii) minor automotive parts, supplies and accessories are kept for sale; and
- (iii) minor repairs to Motor Vehicles may be performed;

(b) Class “B” includes any Premises used for the repair and servicing of Motor Vehicles;

(c) “Class C” includes any Premises used for carrying on the business of operating a Parking Lot;

(d) “Class D” includes any Premises used for carrying on the business of a Car Wash whether by mechanical means, non mechanical means or coin operated;

(e) “Class E” includes any Premises used for carrying on the business of renting, leasing, buying or selling of new or used Motor Vehicles;

(f) “Class F” includes any Premises used for carrying on the business of repairing, rebuilding or painting of the exterior portions of Motor Vehicles.

3. No Person operating a licensed Automobile Service Station facility shall:

(a) Commence any work on a Motor Vehicle without first preparing a written and sequentially numbered work order, unless the owner of the Motor Vehicle waives the preparation of the order;

(b) Use or permit any exterior portion of the property on which the Automobile Service Station is located to be used for storing Motor

Vehicles, that are in a state of disrepair, for a period in excess of 30 days, unless he or she is required by law to retain the Motor Vehicle for a longer period of time; or

- (c) Charge a hazardous waste fee that exceeds \$10.00 all inclusive, other than the applicable taxes.
4. Before a Licensee of an Automobile Service Station can charge a fee for the parking or storage of a Motor Vehicle on the property, the Licensee shall enter into an agreement with the owner of the Motor Vehicle that clearly details all the fees and costs that the owner of the Motor Vehicle may be required to pay for the parking or storage of the Motor Vehicle.
5. An Automobile Service Station shall not be issued a Licence under this By-law unless the Licence Issuer is satisfied that all other applicable laws and any other regulations have been complied with.
6. Every Licensee under this Schedule shall:
 - (a) Not use an Automobile Service Station for the wrecking of Motor Vehicles;
 - (b) Conduct the repair of Motor Vehicles or any parts thereof, or exhibit for sale Motor Vehicle tires, tubes, tire accessories, electric light bulbs, spark plugs, batteries or other minor vehicle parts within an enclosed service building on the Licensed Premises;
 - (c) Allow only tow trucks licensed by the City to remove a vehicle from the facility;
 - (d) Not store or park, or allow to be stored or parked on the Licensed Premises any trailer used for human habitation;
 - (e) Keep the premises and any sidewalk or street upon which the premises abut in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other substances that may be derived from the licensed premises or resulting from the use of the Licensed Premises;
 - (f) Not deposit any snow or ice on any public sidewalk or on any roadway that abut the Licensed Premises;
 - (g) Provide adequate storage facilities for all waste materials;
 - (h) Only run the engine of a Motor Vehicle during a repair within an enclosed building that has adequate ventilation to ensure the dilution or removal of any carbon monoxide fumes;
 - (i) Keep and maintain all washroom facilities in a clean and sanitary condition;
 - (j) Park all Motor Vehicles on the Licensed Premises in a neat and orderly manner;
 - (k) If he or she 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 issued under the *Highway Traffic Act*, RSO 1990, c.H.8, as amended, and shall not employ any person or permit any employee to drive or operate any Motor Vehicles unless such person is the holder of such an Ontario driver's licence;
 - (l) If the Licensed Premises is open to the public, display in a conspicuous place at or upon the Licensed Premises, the applicable rates or charges, including for the parking or storing of Motor Vehicles

and the hours during which the Licensed Premises are open to the public; and

- (m) 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 (VIN) of the Motor Vehicle.
7. Every Licensee shall comply with all relevant legislation pertaining to the storage and disposal of hazardous materials on the Licensed Premises.
 8. Every Applicant for an Automobile Service Station Licence shall include in his or her Application, a site plan showing:
 - (a) The location and dimension of the lands and buildings in respect of which he or she seeks a Licence; and
 - (b) The maximum number of Motor Vehicles proposed to be parked or stored at or upon the Licensed Premises at any one time.
 9. (1) Every Licensee of a "Class B" Automobile Service Station shall have at least one licensed mechanic on staff.
 - (2) Subsection 9. (1) does not apply to a "Class B" Automobile Service Station that only permits the Owners of Motor Vehicles to carry out the repairs and servicing.
 10. (1) Every Licensee of a "Class F" Automobile Service Station shall have at least one licensed body person on staff.
 - (2) No Licensee of a "Class F" Automobile Service Station shall charge an administrative fee that exceeds \$50.00 all inclusive, other than the applicable taxes.
 11. Every Licensee of a "Class C" Automobile Service Station shall:
 - (a) Ensure that all driveways into and out of the parking lot, as well as the parking spaces in the parking lot are paved with asphalt, concrete or other similar substances;
 - (b) Ensure that all parking spaces are clearly delineated by painted contrasting lines;
 - (c) Ensure that all parking spaces are readily accessible at all times for the parking or removal of Motor Vehicles without the necessity of moving any other Motor Vehicle;
 - (d) Display in a conspicuous place at or upon the Licensed Premises, a sign that states:
 - (i) In letters and figures of uniform size not less than 8 centimeters in height, the rates or charges for parking Motor Vehicles; and
 - (ii) In readily legible letters, the hours during which the Licensed Premises is open for business, together with the Licensee's name, address and telephone number.
 - (g) Where any Motor Vehicle remains continuously and without lawful excuse at or upon the Licensed Premises for more than 24 hours, forthwith report to the nearest police station, the model and Provincial permit number of the Motor Vehicle;

- (h) Ensure that Motor Vehicles that are parked illegally are only removed from the Licensed Premises:
 - (i) where signage has been posted clearly notifying persons that illegally parked vehicles will be ticketed and towed at the owner's expense; and
 - (ii) when a designated Municipal Law Enforcement Officer, not necessarily employed by the City, has issued a ticket or penalty notice for the violation;
 - (i) Ensure that the signage in subsection 11. (h):
 - (i) provides the name and telephone number of the pound facility the Motor Vehicle will be taken to; and
 - (ii) is placed in a conspicuous location clearly visible to the patrons in all lighting levels;
 - (j) Report to the police any Motor Vehicle which he or she may have reason to suspect is either stolen or abandoned;
 - (k) At the time of receiving each Motor Vehicle for the purpose of parking on the Licensed Premises, give or cause to be given to the person from whom the Motor Vehicle is received, a numbered receipt bearing on the same side as the number:
 - i) A clear statement of the extent of the responsibility accepted by the Licensee in respect to loss of, or damage to the Motor Vehicle and contents thereof while parked, stored or otherwise in the care and custody of the Licensee or any of the Licensee's employees; and
 - ii) The Licensee's name, the location of the Licensed Premises and the business hours that are specified on the sign or signs as required by subsection 11. (d).
12. Every Licensee of a "Class D" Automobile Service Station shall:
- (a) Ensure that lighting fixtures used are of a type and are arranged so that they do not cause nuisance or distraction to passing traffic or adjoining properties;
 - (b) Use signs that are clear and that do not distract or confuse motorists or pedestrians;
 - (c) Identify all entrance and exit driveways so that they are clearly visible from the street;
 - (d) Ensure that all Motor Vehicles awaiting the car wash are parked or remain standing on the licensed premises.
13. Every Licensee of a "Class B" and "Class F" Automobile Service Station shall, when a Motor Vehicle is left at the Licensed Premises for automotive service or body work:
- (a) Maintain a register in a form approved by the Licence Issuer in which shall be entered:
 - (i) A description of the Motor Vehicle, including make, model and year; and

- (ii) Name, address and telephone number of the Motor Vehicle owner.
 - (b) Retain the register in subsection 13. (a) for a period of 2 years;
 - (c) Request that the Motor Vehicle ownership document be removed from the vehicle and deposited with the Licensee to be securely stored on the Licensed Premises, and the document shall be returned upon completion of the work;
 - (d) Inform the person for whom the work is being done that personal information is being collected and that this information will only be used, if necessary, for law enforcement purposes;
 - (e) Open the register to inspection, at all times during regular business hours, by the Licence Issuer, Police or any other person duly authorized by the Licence Issuer, and permit them to remove specific entries from the register required for use in any Court or other law enforcement proceedings.
14. No person licensed as a "Class E" Automobile Service Station shall commence any proceedings in relation to a rental vehicle until the customer is made fully aware of rates and charges prior to entering into a contract and every rental transaction shall be subject to a signed contract.
15. No Person licensed under this Schedule shall:
- (a) Park any Motor Vehicle on any highway adjacent to the Licensed Premises; or
 - (b) Make any Motor Vehicle repairs unless licensed so to do under this Schedule and the vehicle owner has requested that the Motor Vehicle be repaired.
16. No Person licensed as a "Class B" and a "Class F" Automobile Service Station shall accept a work order for repairs to a Motor Vehicle that has been towed to their facility that:
- (a) Is not signed by the hirer; or
 - (b) Is signed by the hirer and does not contain an itemized written estimate of the total cost of the work required to repair the Motor Vehicle from the Automobile Service Station to which the vehicle has been towed.

SCHEDULE 5 TO BY-LAW # 332 -2013

RELATING TO

BILLIARD HALLS AND BOWLING ALLEYS

1. For the purpose of this Schedule:

“Billiard Hall” means any Premises to which the public has access and that is equipped with more than two billiard, pool or bagatelle tables offered for use by the public for hire or gain;

“Bowling Alley” means any Premises to which the public has access and that is equipped with one or more bowling lanes offered for use by the public for hire or gain.
2. An Applicant for a Billiard Hall or Bowling Alley Licence or Licence renewal shall produce a letter of approval from the Medical Officer of Health indicating that the Premises to be licensed are in a sanitary condition and have the required bathrooms in accordance with the Ontario Building Code and other required facilities as determined by the Medical Officer of Health.
3. No Licensee shall:
 - (a) Permit any disorderly conduct to take place on the Licensed Premises;
 - (b) Permit any person to loiter, create a disturbance or cause undue noise in or about the Licensed Premises;
 - (c) Permit any gambling or wagering based on the outcome of play of any game of billiards or pool on or about the Licensed Premises; or
 - (d) Fail to ensure the protection of the public’s health and safety.
4. No Licensee shall permit the Licensed Premises to be open to the public unless a person over the age of 18 years is present to supervise the use of the Licensed Premises.
5. No Licensee shall permit persons younger than the age of 14 years to use any Billiard Tables or to remain on the Premises unless accompanied by a parent or guardian, except on Monday to Friday between the hours of 4:00 p.m. to 9:00 p.m. and on Saturday and Sunday between the hours of 9:00 a.m. and 9:00 p.m.

SCHEDULE 6 TO BY-LAW # 332 -2013

RELATING TO BUILDING RENOVATORS

1. In this Schedule:

“Building Renovator” means a Person engaged in the business of altering, repairing or renovating buildings, structures, chimneys and includes any Person who solicits such work, but does not include a building contractor whose principal business is the construction of buildings and structures.

2. No Person shall be licensed as a Building Renovator unless he or she has a regular place of business and, if other than a corporation, is 18 years old.

3. Every Building Renovator licensed under this Schedule shall:

- (a) Submit proof, to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act*, 1997, S.O. 1997, c.16, as amended;
- (b) Display the Licensee’s name using letters with a minimum height of 10 centimetres on both sides of all vehicles owned, leased or used on a regular basis by the Licensee in the course of business;
- (c) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising materials, the Building Renovator’s name, address and telephone number; and
- (d) Prepare a written contract which shall be signed by the Licensee and the Person for whom the work is being done before commencing any work and a copy of this contract shall be given to the Person for whom the work is being done and the contract shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the Person for whom the work is being done;
 - (ii) The address where the work is being done;
 - (iii) A description of the work being done, including materials and services being provided;
 - (iv) The itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
 - (v) Warrantees or guarantees, if any; and
 - (vi) The estimated date of completion.

4. No Building Renovator licensed under this Schedule shall:

- (a) Perform work that is extra or additional to an existing contract unless and until the Licensee has entered into a second or additional contract;
- (b) Permit the use of the Licensee’s name by any other Person, either directly or indirectly, for the purpose of obtaining a permit to do any renovating work; or
- (c) Perform any work which requires a Licence or permit without such Licence or permit.

5. A Person licensed as a Building Renovator under this Schedule shall provide, on request from the person for whom the work was being done or from the Licence Issuer, a written itemized account of all work performed.
6. A Person licensed as a Building Renovator under this Schedule may carry on business under a trade name other than his or her own but shall not carry on business under more than one name, and only one Licence shall be issued.

SCHEDULE 7 TO BY-LAW # 332 -2013

RELATING TO CARNIVALS AND CIRCUSES

1. In this Schedule:

“Carnival” means a travelling amusement show featuring exhibits, games and rides but which does not feature domestic or wild animals, and includes any similar travelling exhibition;

“Circus” means a travelling entertainment show consisting of, but not limited to, performances by acrobats, clowns and trained animals, and includes any similar travelling exhibition;

“Equipment” includes a tent, shelter, cage, pole, stand platform, seating accommodation, machinery, platform, apparatus, mechanical device, ride, or any other structure.

2. No Carnival or Circus shall be exhibited in the City of Brampton for a period of longer than 7 days.

3. Every Application for a Licence made under this Schedule shall be accompanied by:

- (a) Written approval for the establishment of the Carnival or Circus from the owner of the lands being used;
- (b) A map detailing the location of the Carnival or Circus on the property;
- (c) A certificate of insurance as required by section 37 of this By-law that:
 - (i) is endorsed to include The Corporation of the City of Brampton as additional insured; and
 - (ii) provides commercial general liability coverage in the amount of \$5,000,000.00;
- (d) Submit proof, to the satisfaction of the Licence Issuer that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act*, 1997, S.O. 1997, c.16, as amended;
- (e) An Emergency Plan in a form satisfactory to the Licence Issuer, Fire Chief and the Animal Services Section of the City.

4. No Equipment shall be erected until the Licensee has complied with Section 3. (d) of this Schedule.

5. Where the Carnival or Circus includes rides or like contrivances, the Licensee under this Schedule shall obtain:

- (a) A valid and current licence to carry on business in Ontario issued by the Technical Standards & Safety Authority, or its successor; and
- (b) A valid and current Ontario Amusement Device Permit issued by the Technical Standards & Safety Authority, or its successor, for each ride.

6. A Licensee under this Schedule shall not operate or allow to be operated, rides or like contrivances for use by the public in an improper or dangerous manner.

7. Every Licensee under this Schedule shall:
 - (a) Keep order and, at the Licensee's own expense, shall keep sufficient number of employees or servants to maintain such order;
 - (b) Ensure that the care, feeding and housing of all the circus animals is done in compliance with the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O.36, as amended, and any regulations made under the Act, and with any other applicable laws or requirements; and
 - (c) Ensure compliance with all applicable requirements of the *Health Protection and Promotion Act*, R.S.O. 1990, c.H.7, as amended.
8. Despite any other provision of this By-law, an outdoor circus or carnival shall not operate between the hours of 11:00 p.m. and 7:00 a.m.

SCHEDULE 8 TO BY-LAW # 332 -2013

RELATING TO DRAIN CONTRACTORS

1. In this Schedule:

“Drain Contractor” means a Person who carries on the business of laying, repairing and installing public or private drains and sewage disposal systems on the exterior of any building;

2. No Person shall be licensed as a Drain Contractor under this By-law unless the Person has a regular place of business and if the Person is an individual is at least 18 years old.

3. Every Drain Contractor licensed under this Schedule shall:

- (a) If performing drainage system design work or installing septic tanks, submit the name and address of a qualified on-site sewage installer and the registration issued by the Province of Ontario indicating that the installer has the qualifications set out in the Ontario Building Code;
- (b) Submit proof, to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act 1997*, S.O. 1997, c.16, as amended.
- (c) Display the Licensee’s name using letters with a minimum height of 10 centimetres on both sides of all vehicles owned, leased or used on a regular basis by the Licensee in the course of business;
- (d) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising materials, the Licensee’s name, address and telephone number;
- (e) Prepare a written contract which shall be signed by the Licensee and the Person for whom the work is being done before commencing any work and a copy of this contract shall be given to the Person for whom the work is being done and the contract shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the Person whom the work is being done;
 - (ii) The address where the work is being done;
 - (iii) A description of the work being done, including materials and services being provided;
 - (iv) The itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
 - (v) Warrantees and guarantees, if any; and
 - (vi) The estimated date of completion;
- (f) Obtain all necessary Plumbing or Building Permits or any other permit required by law prior to the commencement of any work and, upon completion, shall procure a final inspection from the City.

4. No Person licensed as a Drain Contractor shall permit the use of the Licensee's name by any other Person, either directly or indirectly for the purpose of obtaining a permit to do any work as a Drain Contractor.
5. Despite the prohibitions set out in this By-law, a Person licensed as a Plumbing Contractor under this By-law, or an owner of land performing drain work on property on which that person resides or who is building a residence for his or her own use, is not required to be licensed under this Schedule.

SCHEDULE 9 TO BY-LAW # 332-2013

RELATING TO

DRIVEWAY PAVING CONTRACTORS

1. In this Schedule:

“Driveway” means a defined area that is paved, treated with a stable surface, or constructed with interlocking stones, that provides access for motor vehicles from a public or private street to a property;

“Driveway Paving Contractor” means a Person engaged in the business of paving, repairing or sealing driveways, lanes, roadways and parking areas situated on privately owned property which may include municipal boulevards adjacent to such private property.

2. No Person shall be licensed as a Driveway Paving Contractor unless the Person has a regular place of business and, if the Person is an individual is at least 18 years old.

3. Every Driveway Paving Contractor licensed under this Schedule shall:

- (a) Submit proof, to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act*, 1997, S.O. 1997, c.16, as amended;
- (b) Display the Licensee’s name using letters with a minimum height of 10 centimetres on both sides of all vehicles owned, leased or used on a regular basis by the Licensee in the course of business;
- (c) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising material, the Licensee’s name, address and telephone number;
- (d) Prepare a written contract which shall be signed by the Licensee and the person for whom the work is being done before commencing any work and a copy of this agreement shall be given to the Person for whom the work is being done and the agreement shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the Person for whom the work is being done;
 - (ii) The address where the work is being done;
 - (iii) A description of the materials and services supplied, including the depth of asphalt, concrete, gravel or other material to be applied (this description may be supplemented by a sketch);
 - (iv) The itemized price for the materials and services to be supplied a detailed statement of the terms of payment;
 - (v) Warranties or guarantees, if any; and
 - (vi) The estimated date of completion;
- (e) Obtain all necessary permits required by law prior to the commencement of any work.

4. No Person licensed as a Driveway Paving Contractor shall:

- (a) Perform work that is extra or additional to an existing agreement unless the Licensee has entered into a second or additional contract with the Person for whom the work is being done;
 - (b) Permit the use of the Licensee's name by any other Person, either directly or indirectly, for the purpose of obtaining a permit to do any driveway paving; or
 - (c) Perform any work that requires a licence or permit without such licence or permit.
5. A Person licensed under this Schedule may carry on business under a trade name other than his or her own but shall not carry on business under more than one name and only one Licence shall be issued.

SCHEDULE 10 TO BY-LAW # 332-2013

RELATING TO

FENCE INSTALLATION CONTRACTORS

1. In this Schedule:

“Fence Installation Contractor” means a Person engaged in the business of constructing fences.
2. No Person shall be licensed as a Fence Installation Contractor unless the Person has a regular place of business and, if the Person is an individual is 18 years old.
3. Every Fence Installation Contractor licensed under this Schedule shall:
 - (a) Submit proof, to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act, 1997*, S.O. 1997, c.16, as amended;
 - (b) Display the Licensee’s name using letters with a minimum height of 10 centimetres on both sides of all vehicles owned, leased or used on a regular basis by the Licensee in the course of business;
 - (c) Ensure that all stationery, forms, bills, invoices, statements and any other printed or written advertising material used by the Fence Installation Contractor in the course of business, display in clearly legible letters and numbers, the business name, address and telephone number;
 - (d) Prepare a written contract which shall be signed by the Licensee and the Person or Persons, in the case of boundary fence cost sharing, for whom the work is being done before commencing any work and a copy of this contract shall be given to the Person or Persons for whom the work is being done and the contract shall contain:
 - (i) The name and address of the Licensee and the name and address of the Person or Persons for whom the work is being done;
 - (ii) The address where the work is being done;
 - (iii) A description of the materials and services to be supplied;
 - (iv) The itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
 - (v) Warranties or guarantees, if any; and
 - (vi) The estimated date of completion;
 - (e) Obtain all necessary permits required by law prior to the commencement of the work and, upon completion, shall procure a final inspection from the City.
4. No Licensee under this Schedule shall:
 - (a) Perform work that is extra or additional to an existing contract unless the Licensee has entered into a second or additional contract with the Person or Persons for whom the work is being done;

- (b) Permit the use of the Licensee's name by any other Person, either directly or indirectly, for the purpose of obtaining a permit to construct any fences; or
 - (c) Perform any work that requires a licence or permit without such licence or permit.
5. A Licensee under this Schedule may carry on business under a trade name or name other than his or her own but shall not carry on business under more than one name, and only one Licence shall be issued.

SCHEDULE 11 TO BY-LAW # 332-2013

RELATING TO FIXED FOOD PREMISES

1. In this Schedule:

“Fixed Food Premises” includes every Premises where food intended for human consumption is prepared, stored or offered for sale to the public, including food stores;

“Food Check Peel Sign” means a certificate in a form approved by the Medical Officer of Health which sets out the results of the most recent inspection conducted under Regulation 562-90 of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, or any successor legislation, which states that the establishment was in compliance with the conditions required for safe handling of food at the time of the inspection (i.e. Red, Yellow, Green signs posted at Premises).

2. A Fixed Food Premises Licence is not required:

(a) Where the only food items offered for sale are non-hazardous, pre-packaged “snack/convenience” items such as chocolate bars, potato chips and canned or 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; or

(b) Where the food Premises is a cafeteria that is operated directly by a Municipal, Provincial or Federal Government, University, College, Public School, Separate School or Boards of Education.

3. (1) Every Applicant for a new Fixed Food Premises Licence who meets all the requirements under this By-law shall be issued a conditional Fixed Food Premises Licence which is valid for 90 days or until such time as a Food Check Peel Sign is obtained or refused by the Medical Officer of Health.

(2) Every Licensee of a conditional Fixed Food Premises Licence who obtains a Food Check Peel Sign within 90 days shall be issued a Fixed Food Premises Licence.

(3) Every Licensee of a conditional Fixed Food Premises Licence who fails to obtain a Food Check Peel Sign within 90 days, subject to an extension of time by the Licence Issuer which is solely within his or her discretion, shall not be issued a Fixed Food Premises Licence and shall no longer be able to operate the Fixed Food Premises under the conditional Fixed Food Premises Licence.

4. Every Application for the renewal of a Fixed Food Premises Licence must be accompanied by a Food Check Peel Sign issued by the Medical Officer of Health or Peel Region Health Inspector within the preceding 12 month period.

5. A Licence issued under this By-law is permission to sell only from inside the location for which the Licence has been issued.

6. Every Person carrying on the business of a Fixed Food Premises shall be responsible for maintaining the Premises and property in a sanitary, clean and litter free condition, and shall provide covered litter containers in a number satisfactory to the Licence Issuer, and the containers shall be emptied of waste as often as necessary and must kept clean and odourless as set out in Ont. Reg. 562/90 Food Premises or any successor legislation.

7. Every Licensee under this Schedule shall:
 - (a) Permit a Peel Region Health Inspector to post a Food Check Peel Sign in a clearly visible and conspicuous location at all entrances by which customers may enter the Premises, and where a Premises does not have an entrance by which customers may enter the Premises, the Food Check Peel Sign shall be posted in a clearly visible and conspicuous location at the pick-up window or other location from which customers are served; and
 - (b) Permit a Peel Region Health Inspector, at any reasonable time, to remove a Food Check Peel Sign that has been posted in the establishment.
8. When a Food Check Peel Sign has been removed by a Peel Region Health Inspector under subsection 7.(b), the Person who carries on the business of a Fixed Food Premises shall not post a copy of a Food Check Peel Sign or any facsimile of it at any location on the Premises.
9. When a Food Check Peel Sign has been removed by a Peel Region Health Inspector, the food Premises shall remain closed to the public until such time as the food Premises is re-inspected and approved by the Peel Region Health Inspector.

SCHEDULE 12 TO BY-LAW # 332 -2013

**RELATING TO
FLEA MARKETS**

1. In this Schedule:

“Flea Market” means an area, whether enclosed by a building or not, in which individual Stalls are rented to vendors other than the Person who owns the Premises, for the purpose of individually exposing new or used goods and wares for sale and the period of rental is not continuous throughout the year;

“Owner of a Flea Market” includes any Person who operates a Flea market or manages the property at which the market is situated;

“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. An Applicant for a Flea Market Licence shall:

- (a) agree to maintain a record of the vendors, their names, addresses and phone numbers, together with details as to the type of items to be sold and shall comply with the following requirements:
 - (i) Make all entries in the record at the time of rental or immediately thereafter;
 - (ii) Not knowingly make any false entries in the record;
 - (iii) Preserve all records for at least 2 years; and
 - (iv) Keep the record available for inspection at any reasonable time when requested by the Licence Issuer or Inspector;
- (b) file a floor plan showing where vendors will be located; and
- (c) submit a letter of approval issued issued by the Fire Chief.

3. Every Licensee under this Schedule shall:

- (a) Ensure orderly conduct is maintained on the Flea Market Premises;
- (b) Be responsible for the conduct of the vendors at the Flea Market;
- (c) Ensure that queues which form for the purpose of gaining entrance to the Premises do not obstruct sidewalks or highways;
- (d) Cooperate with the Licence Issuer to ensure that all required inspections, including building, fire and health inspections, are conducted as required; and
- (e) Provide trash receptacles in sufficient numbers and at suitable locations to keep up with the amount of trash generated by the event and empty the trash receptacles as often as required to prevent overflow.

4. The provisions of this Schedule do not apply to:
- (i) Farmers' Markets and events that are sponsored by, and benefit Farmers' Markets;
 - (ii) Public markets managed by the City;
 - (iii) Agricultural Fairs and events that are sponsored by and benefit Agricultural Fairs;
 - (iv) Coin and Stamp trade shows;
 - (v) Flea markets that primarily promote original arts and crafts creations;
 - (vi) Flea markets raising funds for a charitable organization or a not-for-profit organization as determined by the Licence Issuer provided that the organization has a Revenue Canada number and the profits go to the charitable or not-for-profit organization represented; and
 - (vii) An event that takes place indoors at a shopping mall.

SCHEDULE 13 TO BY-LAW # 332 -2013

RELATING TO VENDORS OF CONSUMER FIREWORKS

Definitions

1. In this Schedule:

“Act” means the *Explosives Act* R.S.C., 1985, c.E.17, as amended, and the Explosives Regulations made under the Act;

“Consumer Fireworks” means low-hazard firework articles for recreational use by the public, such as roman candles, sparklers, fountains, wheels, volcanoes, mines and snakes;

“Display Fireworks” has the same meaning as in the Explosives Act, R.S.C., 1985, c.E-17, as amended, namely high hazard fireworks generally used for public display, 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 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 mail order or internet;

“Explosives Act Inspector” means an inspector as defined under the Act;

“Federal Law” means the Act, the regulations and other applicable law of Canada and “federal permission” has a like meaning;

“Permanent Retail Establishment” means a place or building where fireworks are sold but that is not a temporary retail establishment, including but not limited to a tent or trailer;

“Regulation” means Regulation C.R.C. c.599, made pursuant to the Act.

Meaning of Quantities

2. In this Schedule, all references to a quantity of fireworks means the net explosives quantity of the fireworks. If the net explosives quantity cannot be determined for a consumer fireworks article, the net explosives quantity is calculated as 25% of the gross mass of the article. Example: a reference in this by-law to 25 kg of consumer fireworks where the net explosives quantity cannot be reasonably determined, means 100 kg of gross mass of fireworks.

Licence Requirements

3. A Person shall not sell or offer to sell Consumer Fireworks to the public without obtaining a Licence from the Licence Issuer.
4. Every Application for a Licence shall:
- (a) Include a letter from the owner of the property granting permission to sell Consumer Fireworks;
 - (b) Include confirmation from Zoning Services that the location shown on the Applicant's plan complies with the Zoning By-law;

- (c) Provide a letter of approval issued by the Fire Chief; and
- (d) Provide a certificate of insurance as required by section 37 of this By-law that:
 - (i) is endorsed to include The Corporation of the City of Brampton as an additional insured; and
 - (ii) provides commercial general liability coverage in the amount of \$5,000,000.00.

Sale and Possession of Consumer Fireworks

5. No Person shall:

- (a) Sell or offer for sale, cause or permit to be sold, sell or otherwise distribute Consumer Fireworks unless the vendor has obtained a Consumer Fireworks Vendor's Licence under this By-law, and:
 - (i) The fireworks are included on the most recent list of authorized explosives as published from time to time by the Explosives Branch of the Department of National Resources (Canada) or its successor;
 - (ii) The fireworks are displayed in individual lots that do not exceed 25 kilograms in gross weight;
 - (iii) The fireworks are displayed in a package, glass case or other suitable receptacle away from flammable and combustible substances, any source of heat or any substance that could cause ignition, such as open flames or lit cigarettes; and
 - (iv) The fireworks must not be exposed to heat or dampness that could cause them to deteriorate.
- b) Sell or offer for sale, buy or offer to buy any Consumer Fireworks at any time during the year, except the 7 days prior to Victoria Day, Canada Day, Diwali and New Year's Eve;
- c) Knowingly sell or supply fireworks to a person less than 18 years of age or who appears to be under 18 years of age;
- d) Accept money from a person less than 18 years of age or appears to be less than 18 years of age; or
- e) Store consumer fireworks for sale except as permitted under the Act.

Purchasers

- 6. (1) A retailer may only sell Consumer Fireworks on the condition that the quantity sold for one purchase is less than 25 kg (net explosives quantity).
- (2) Notwithstanding 6 (1), larger quantities may be sold if Federal Regulations are followed.
- 7. Every retailer shall provide a copy of any fireworks safety information, as may be required by the Licence Issuer, to every person who acquires Consumer Fireworks.

8. (1) Every retailer must keep a record of every sale of 25 kg (net explosives quantity) or more of Consumer Fireworks for at least 2 years after the date of sale. The record must include the following information:
 - (a) The name and address of the person who acquired the fireworks;
 - (b) The person's driver's licence number, if applicable and its expiry date;
 - (c) A copy of the Explosives Act Inspector's permission, if applicable;
 - (d) The type, trade name, manufacturer and quantity of fireworks sold; and
 - (e) The date of sale.
- (2) Every retailer must inform purchasers that their personal information is being collected and that this personal information will only be used, if necessary, for law enforcement purposes.
9. Every retailer shall produce a copy of the record required in Section 8 upon demand, to any peace officer; an employee of the Explosives Regulatory Division Natural Resources of Canada, Fire Marshal, Fire Prevention Officer, Police Officer or By-law Enforcement Officer and it is an offence to fail to do so.

Retail Establishments

10. A retailer may sell Consumer Fireworks only from inside a Permanent Retail Establishment.
11. A Permanent Retail Establishment must be secure from unauthorized access when it is not open for business.

Near Flammable Substances

12. Every Permanent Retail Establishment, including all detached storage units, must be located at least 15 metres from any of the following:
 - (a) Gas pumps or gas station;
 - (b) Propane pumps;
 - (c) Retail propane dispensing tanks;
 - (d) Above ground storage tanks for flammable liquid or flammable gas; and
 - (e) Compressed natural gas dispensing facilities.
13. Every Permanent Retail Establishment, including all detached storage units, must be located at least 100 metres from all above ground bulk storage tanks for flammable substances.

Structural Requirements for Permanent Retail Establishments

14. Every Permanent Retail Establishment and every detached storage unit that contains more than 40 kg (net explosives quantity) of Consumer Fireworks must have:
 - (a) An exterior wall fire separation with a 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;
- (b) An exterior wall separation with a fire resistance rating of at least 2 hours and an exterior wall opening protection rating of at least 1 ½ hours, if it is located less than 3 metres from an adjacent permanent building or structure.
15. A Permanent Retail Establishment that is located in a multi-tenant building or a building that includes a dwelling:
- (a) Must be separated from the other units or the dwelling unit by a fire separation that has no openings and a fire resistance rating of at least 2 hours;
- (b) May not store more than 25 kg (net explosives quantity) except for those having more than 4645 m² (50,000 sq.ft.) of retail gross floor area (excluding areas that are used for offices and storage where the public is not permitted to enter), for which the limit is 40 kg (net explosives quantity).
16. A storage unit that is attached to a building with 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 Ontario Building Code; or
- (b) Separated from the display area, by a fire separation that has a fire resistance rating of at least 1 hour.
17. No Consumer Fireworks may be sold from or stored for sale in a dwelling.

Storage

18. No more than 250 kg (net explosives quantity) of Consumer Fireworks may be stored in a standalone retail establishment, including all detached storage units. Out of the 250 kg, a total of 25 kg (gross weight) may be displayed for sale.
19. Any retailer storing a quantity of Consumer Fireworks greater than 250 kg (net explosives quantity) must abide by Federal Laws.
20. 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.

General

21. Only Consumer Fireworks that are packaged in family or blister packs may be displayed for sale in those areas of a retail establishment 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 maybe handled only by an employee up to the point of sale.
22. Consumer Fireworks on display for sale must be attended when the retail establishment is open to the public. All storage units must be attended when they are unlocked. Fireworks in a temporary retail establishment must be attended at all times.
23. 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.

24. Consumer Fireworks on display for sale must be separated into lots not exceeding 25 kg gross weight each.
25. Each lot must be separated:
 - a) By a flame break to slow the spread of fire from one lot to another;
 - b) From flammable and combustible goods such as fuels, paints and solvents, to prevent fire from spreading rapidly from the goods to the fireworks.
26. Aisles between lots must have a minimum width of 1.2 metres or a 6 mm wood partition that extends 15 centimeters above the height of the lot or extends to the display shelf above.
27. A display shelf should not have more than 10 percent of its area containing holes or other openings.

Warning Sign

28. A clearly visible sign that has the words "Fireworks" and "Smoking Prohibited" must be posted in letters or symbols at least 10 centimeters in height in the area where the fireworks are on display for sale and on each storage unit.

Evacuation in the Event of a Fire

29. A retail establishment must have at least 2 unobstructed exits to ensure that employees and the public can quickly evacuate the establishment 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.

SCHEDULE 14 TO BY-LAW # 332 -2013

RELATING TO

HEATING, AIR CONDITIONING AND VENTILATION CONTRACTORS

1. In this Schedule:

“Air Conditioning” means the simultaneous control of:

- (i) Temperature (heating or cooling air);
- (ii) Humidity (humidifying or dehumidifying air);
- (iii) Cleanliness (mechanical or electronic air cleaning); and
- (iv) Air Motion (the proper air distribution within a building with related fresh air for comfort conditions;

“Heating, Air Conditioning and Ventilating Contractor” means a Person engaged in the business of contracting for the installation, maintaining, repairing or replacing of warm air heating or cooling equipment or refrigeration or ventilation equipment and systems of any kind, excepting the installation of oil tanks and oil and gas burners;

“Heating, Air Conditioning, Ventilating and Refrigeration” means the layout, assembly, installation, repairs and manufacturing in the field, any cooling or refrigeration or heating/cooling combination system for residential, commercial, institutional or industrial purpose and includes the manufacturing, fabrication, assembly, installation or service of ferrous and non-ferrous sheet metal work, and further includes the installation of piping that conveys gas or the tubing of any air handling systems;

“Master Warm Air Heating, Air Conditioning and Ventilation Installer” means any Person who:

- (a) has been issued a Certificate of Qualification under the OCTAA as a Refrigeration and Air Conditioning Mechanic or Steam Fitter/Pipe Fitter; or
- (b) is qualified as a gas technician, oil burner mechanic or gas pipe fitter under the *Technical Standards and Safety Act, 2000*, S.O. 2000, c.16, as amended and the regulations thereunder;

“OCTAA” means the *Ontario College of Trades and Apprenticeship Act, 2009*, S.O. 2009, c.22, as amended and any regulations made thereunder.

2. The provision of this Schedule shall apply to all Persons engaging in any Heating, Air Conditioning, Refrigeration or Ventilation work as:

- (a) Heating, Air Conditioning and Ventilation Contractor;
- (b) Refrigeration and Air Conditioning Mechanic, a Steam Fitter/ Pipe Fitter or Sheet Metal Worker who hold a Certificate of Qualification under the OCTAA;
- (c) Gas technician, oil burner mechanic or gas pipe fitter qualified under the *Technical Standards and Safety Act, 2000*, S.O. 2000, c.16, as amended and the regulations thereunder.

3. Every Licensee under this Schedule shall observe and comply with and be governed by this Schedule and all the provisions of the OCTAA, the *Technical Standards and Safety Act, 2000*, and any other applicable provincial and federal legislation and any regulations made thereunder.

4. No Person shall carry on the business of a Heating, Air Conditioning and Ventilation Contractor without a Licence under this Schedule entitling him or her so to do and has a Master Warm Air Heating, Air Conditioning and Ventilation Installer in his or her employ.
5. When the Master Warm Air Heating, Air Conditioning and Ventilation Installer whose name appears on a Heating, Air Conditioning and Ventilation Contractor's Licence, is no longer regularly employed and in charge of the work, the Contractor shall, within 7 days notify the Licence Issuer in writing of the name and address of the Master who will henceforth be in charge, or with particulars of his or her arrangements pending the engaging of a Master to be in charge of the Contractor's work.
6. It shall be an offence for a Master Warm Air Heating, Air Conditioning and Ventilation Installer to be employed by more than one Heating, Air Conditioning and Ventilating Contractor for the same period of time.
7. The business name of the Licensee shall be displayed in any advertising for that trade.
8. Every Person licensed as a Heating, Air Conditioning and Ventilation Contractor shall:
 - (a) Submit proof to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act, 1997*, S.O. 1997, c.16, as amended.
 - (b) Display the Licensee's name using letters with a minimum height of 10 centimetres on both sides of all vehicles owned, leased or used on a regular basis by the Licensee in the course of business.
 - (c) Have printed or otherwise impressed on all business stationery, forms, bill, statements and advertising materials, the licensee's name, address and telephone number;
 - (d) Prepare a written contract which shall be signed by the Licensee and the Person for whom the work is being done before commencing any work and a copy of this contract shall be given to the Person for whom the work is being done and the contract shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the person for whom the work is being done;
 - (ii) The address where the work is being done;
 - (iii) A description of the work being done, including materials and services being provided;
 - (iv) The itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
 - (v) Warrantees or guarantees, if any; and
 - (vi) The estimated date of completion;
 - (e) Obtain all necessary Permits required by-law prior to the commencement of any work and, upon completion, arrange for a final inspection.
9. The provisions of this Schedule shall not apply to the repair and maintenance of a heating, air conditioning or ventilation system and related equipment where the repair and maintenance is done by:

- (a) A Person who is the owner or tenant, where the equipment is contained within the premises occupied by the owner or tenant; or
- (b) A Person who is a full time employee of a property owner or tenant and who is engaged by the property owner or tenant for maintenance of heating/cooling/ventilating equipment within the premises of the property owner or tenant.

SCHEDULE 15 TO BY-LAW # 332-2013

RELATING TO HORSE RIDING ESTABLISHMENTS

Definitions

1. In this Schedule:

"Assistant Instructor" means a person who:

- (a) Is at least 16 years old;
- (b) Has at least 3 consecutive years of experience riding or training horses in the immediate preceding 5 years; and
- (c) Is directly supervised by an Instructor;

"Assistant Trail Guide" means a person who:

- (a) Is at least 16 years old; and
- (b) Has at least 3 consecutive years of riding experience and working with horses at a horse riding establishment, where trail riding is provided, in the preceding 7 years;

"Drug" means a substance as listed in Schedules I, II, III, IV and V of the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as may be amended from time to time;

"Horse" means any animal of the equine species;

"Horse Riding Establishment" means the carrying on of a business in the equine industry and is further divided into the following disciplines:

"Instructional Riding Establishment" means:

- (a) The carrying on of a business where horses are let out for hire and where instruction for payment is provided, either at a permanent or temporary location; or
- (b) The carrying on of a business where instruction is provided in Horse riding where the Horse is owned and boarded or part boarded or brought in by the day.

"Instructor" means a person who:

- (a) Is at least 18 years old and has had at least 5 consecutive years of experience in riding or training horses during the immediately preceding 7 years; or
- (b) Is at least 18 years old and has been certified by the Canadian Equestrian Federation, Ontario Equestrian Federation, Canadian Therapeutic Riding Association, Certified Horseman's Association or Institution or has been a member of the Canadian Equestrian Team.

"Trail Guide" means a person who is at least 18 years old and has at least 3 consecutive years of experience assisting or leading trail riders in the immediately preceding 5 years.

"Trail Riding Establishments" 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.

Regulations Applying to Both Instructional and Trail Riding

2. No Licensee of a Horse Riding Establishment shall:
 - (a) Permit a person to mount, ride or remain on a Horse unless that person is at all times wearing a designated riding helmet that is properly fitted and fastened securely upon the rider's head by an attached harness;
 - (b) Permit a person to mount, ride or remain on a Horse 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;
 - (c) Conduct trail riding with less than 1 Trail Guide for the first 6 persons and an Assistant Trail Guide for every additional group of 6 or less;
 - (d) Conduct trail riding unless a Trail Guide or Assistant Trail Guide is carrying, at all times, a two-way communication device where the signal will be received by another lead trail guide or Assistant Trail Guide who is not on the same trail ride;
 - (e) 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;
 - (f) 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;
 - (g) Rent a lame, sick or blind Horse;
 - (h) Rent a Horse unless the horse is a minimum of 5 years of age and the horse has 1 year of schooling;
 - (i) Permit any person with less than 52 hours of 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 Trail Guide;
 - (j) Rent a Horse to a person who 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 or
 - (k) In the performance of duties at a Horse Riding Establishment, take, consume, possess or be intoxicated by alcohol or a Drug.
3. Prior to beginning riding instruction or leading a trail ride, the Instructor or Assistant Instructor, Trail Guide or Assistant Trail Guide assigned, 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.
4. The Licensee of a Horse Riding Establishment shall:
 - (a) Ensure a qualified first aid provider with current certification in first aid and cardiopulmonary resuscitation is available whenever riding lessons or trail rides are being conducted;
 - (b) Maintain a fully stocked first aid kit on the premises;

- (c) Ensure that all the medical records of all Horses for hire are available on the Premises, including a pictorial description of the horse;
 - (d) Ensure that the Premises, or any portion of the Premises, ordinarily used for the riding of Horses is clear of all ground and overhanging obstructions; and
 - (e) Where any obstructions in subsection 4(d) cannot be cleared, the Licensee shall barrier these obstructions such that Horses and riders will not come into contact with them.
5. "Release and Acknowledgment" forms shall be signed by all participants. Those participants under the age of 18 must have such forms signed by a parent or legal guardian.
 6. Fire precautions and emergency evacuation procedures shall be posted and understood by staff in the event of an emergency.
 7. Hazardous material or equipment of any kind shall be stored out of reach of Horses, riders and the general public.
 8. A Licensee shall provide potable safe water to the users of a Horse Riding Establishment premises.
 9. Accident forms shall be available at the facility and shall be completed by the Instructor or Trail Guide and any witnesses immediately after an accident has occurred.
 10. Section 2(b) 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.
 11. For the purposes of an inspection under Part XVII of the By-law, an Inspector shall include a City of Brampton Animal Control Officer.
 12. Every Horse Riding Establishment licensed under this By-law shall carry on the business in accordance with the provisions of the *Horse Riding Safety Act, 2001*, S.O. 2001, c.4, as amended.

Instructional Riding

13. 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 of Section 2(b) will not apply.
14. (1) No Person licensed under this Schedule where instructional riding is provided, shall instruct a person to ride a Horse unless:
 - (a) the Horse is at least 3 years of age;
 - (b) the Horse has 1 year of schooling; and
 - (c) Horses between 3 years of age and 6 years of age have proof of an annual dental inspection by an equine dentist or veterinarian;
- (2) Section 14(1) does not apply to a Horse owned by a person receiving instructions.
15. An Assistant Instructor shall be permitted to assist in the instruction of persons in the riding of horses at a Horse Riding Establishment.

16. 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 a 1/2 inch in height in the form prescribed in Appendix 1 to this Schedule.

Trail Riding

17. Despite any other provision in this Schedule, a Person who carries on the business of a Horse Riding Establishment where trail riding is provided, may rent to a person who is at least 6 years old, 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 is under the age of 6 years, the lead line rider must be led by a person deemed capable by the Licensee and accompanied by another person.
18. Prior to conducting or leading a trail ride, the Trail Guide or 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 to every person who is taking part in the trail ride.
19. 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 letters a minimum of 1/2 inch in height in the form prescribed in Appendix 2 to this Schedule.
20. Every rider must have functional two-way communication with the stable through the use of walkie talkies or cell phones, or any other similar device that would allow for two-way communication with the stable.

APPENDIX 1 TO SCHEDULE 15 TO BY-LAW 332 -2013

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

The following regulations are set out in the City of Brampton Business Licensing By-law - Schedule 15 - Horse Riding Establishments. Patrons should be made aware that even with the requirement of safety equipment, horse riding has inherent risks that may result in serious injury or death.

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

APPENDIX 2 TO SCHEDULE 15 TO BY-LAW 332 -2013

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

The following regulations are set out in the City of Brampton Business Licensing By-law - Schedule 15 - Horse Riding Establishments. Patrons should be made aware that even with the requirement of safety equipment, horse riding has inherent risks that may result in serious injury or death.

- 1) Maximum 6 riders per leader.
- 2) Minimum age for trail riding is 10 years.
- 3) Lead line riding is permitted for children under the age of 10.
- 4) Approved riding helmets to be worn by all persons under the age of 18 and is strongly recommended for persons over the age of 18.
- 5) 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.
- 6) Inexperienced riders must identify themselves to a trail guide.
- 7) Patrons must disclose any medical issue or condition that may cause risk during the trail ride, to the trail guide

SCHEDULE 16 TO BY-LAW # 332 -2013

(Number reserved for future use)

SCHEDULE 17 TO BY-LAW # 332 -2013

RELATING TO LODGING HOUSES

1. In this Schedule:

“Lodging House” means a dwelling in which residential accommodation is provided, with or without meals, for hire or gain, to 3 or more lodgers, in which each lodger does not have access to all of the habitable areas of the building;

“Owner” means a Licensee under this Schedule, the registered owner of the property in which the Lodging House is located, and includes any person who operates or manages the Lodging House.

2. An Application for a Licence under this Schedule, and at the discretion of the Licence Issuer for the renewal of a Licence, shall be accompanied by:

- (a) An inspection report from the Electrical Safety Authority stating that the condition of the electrical wiring and electrical fixtures are satisfactory and setting out any recommendations in connection therewith;
- (b) Letters of approval issued by the Fire Chief and Property Standards Section of the City;
- (c) If the Lodging House is owned by a corporation, a copy of the incorporating documents and the names and addresses of all Directors and Officers;
- (d) A statutory declaration prepared for the Chief Building Official or designate, stating that the building or structure is in compliance with the requirements of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, with respect to any new additions or alterations requiring a building permit;
- (e) A letter of approval issued by the Medical Officer of Health or Peel Region Health Inspector;
- (f) An inspection report from a qualified H.V.A.C. Inspector showing heating/cooling equipment and chimneys are safe and in good repair;
- (g) An up-to-date emergency plan approved by the Fire Chief;
- (h) 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;
- (i) Written confirmation of the maximum number of lodgers to be accommodated; and
- (j) The name and telephone number of any manager who resides on the premises or other emergency contact person.

3. Every Owner of a Lodging House shall ensure that:

- (a) All halls, stairways and means of entrance and egress is kept free from obstruction at all times;
- (b) Every smoke detector and smoke alarm is:
 - (i) Of the single station alarm type;

- (ii) Equipped with visual indication and connected by the building's electrical supply without a disconnect wall switch or be independently (battery) powered and maintained in good working order, or electrically connected to other smoke alarms in accordance with Article 9.3.4.1 of the Ontario Fire Code; or
 - (iii) Installed in accordance with subsection 9.5.4 of the Ontario Fire Code where existing as a component of a fire alarm system.
- (c) If the building contains a fuel burning appliance:
 - (i) A carbon monoxide detector is installed on each floor and shall be equipped with an alarm that is audible within all rooms when the intervening doors are closed; and
 - (ii) All carbon monoxide detectors are maintained in good operating condition and in accordance with the manufacturer's instructions;
- (d) Where an electrically powered carbon monoxide detector is installed, each electronically powered carbon monoxide detector:
 - (i) Is equipped with visual indications that indicate it is in an operating condition; and
 - (ii) Has no power switch between the carbon monoxide detector and the power distribution panel;
- (e) Toilet and bathing facilities are provided as required under the Ontario Building Code, are maintained in a clean and sanitary manner to prevent and eliminate any health hazards, within at least one room with access provided by means of an entrance from a common hallway or corridor; said facilities containing at least one wash-basin, one water closet and one bathtub or shower for each 5 lodgers;
- (f) Where food is prepared or intended to be prepared, adequate facilities for the proper preparation and protection of food are provided that meet the requirements of Peel Health and O. Reg. 562/90 - Food Premises Regulation made under the *Health Protection and Promotion Act*, R.S.O. 1990, c.H.7;
- (g) A register is kept in the Lodging House detailing the name of every lodger who occupies the premises and shall ensure that the register, as well as the Lodging House premises are open to inspection at any reasonable time by the Licence Issuer or Inspector;
- (h) The Chief Building Official, License Issuer or Inspector is permitted to enter the premises at any reasonable time for the purpose of inspecting the premises and no person shall prevent or obstruct any such officials from entering the premises;
- (i) Each resident of the Lodging House is provided separate lockable mail box;
- (j) A secure area in the Lodging House is provided for the personal belongings of the resident, if requested; and
- (k) All necessary steps are taken to prevent and eliminate any effects of health hazards on occupants of the facility.

4. No Licensee shall:

- (a) Permit a person to occupy for sleeping purposes, any cellar or any space used as a lobby, hallway, closet, bathroom, laundry, stairway, kitchen or any accessory building or shed;
- (b) Permit a room to be used for sleeping purposes unless it contains a window or window opening directly to the outside air, having an area equal to or not less than 5% of the floor area of the room and having an unobstructed ventilation area (that may be opened) to the outdoors of 1.5 square feet per occupant unless such room is otherwise ventilated by mechanical means;
- (c) Permit any cooking appliance of any kind in any room used for sleeping purposes; and
- (d) Permit any heating appliances to be installed or maintained in any room used for sleeping purposes, other than those specifically designed and authorized by the regulations made under the *Building Code Act 1992*.

5. The requirement to obtain a Lodging House Licence does not apply to:

- (a) A student residence owned or operated by a university or college;
- (b) A dwelling unit within an apartment building;
- (c) Housing provided by a registered charity;
- (d) A group home;
- (e) A foster home;
- (f) A medical treatment facility;
- (g) A long term care home as defined under the *Long Term Care Home Act, 2007*; or
- (h) A retirement home as defined under the *Retirement Homes Act, 2010*.

SCHEDULE 18 TO BY-LAW # 332 -2013

RELATING TO PAWNBROKERS

1. In this Schedule:

“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.
2. No Person shall by virtue of one Licence, carry on business as a Pawnbroker in more than one shop.
3. Where two or more Persons carry on business as Pawnbrokers in partnership in the same shop, only one Licence is necessary.
4. An Application for a Licence or at the discretion of the Licence Issuer for a Licence renewal shall be accompanied by a security clearance issued within the last 30 days by the Police Services in whose jurisdiction the Applicant resides.
5. A Licence shall not be issued if at any time within 3 years prior to the Application the Person has been convicted of any offence relating to fraudulent practices, stolen goods, theft or burglary under the *Criminal Code*, R.S.O. 1985, c. C-46.
6. Every Applicant for a Licence under this Schedule shall file with the Application, cash or 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 the Business Licensing By-law and the provisions of the *Pawnbrokers Act*, R.S.O. 1990, c. P.6, as amended.
7. Every Pawnbroker shall, before noon of every business day, make a report for Peel Police Services, such report shall contain in respect of every transaction made on the next preceding business day, all the information required under Section 9 of the *Pawnbrokers Act* to be entered into the Pawnbroker’s book.
8. Every police officer shall, at all times, be given access to and may inspect a pawnbroker’s books, papers and pledges and when so engaged may have with him or her such other Persons as he or she considers advisable.
9. Every Person licensed as a Pawnbroker under this By-law shall carry on the business in accordance with the provisions of the *Pawnbrokers Act*.
10. Every Person who acts as a lender in accordance with the *Payday Loans Act*, 2008, S.O. 2008, c.9, as amended, shall be in possession of a licence issued by the Registrar, under the *Payday Loans Act*, when applying for or renewing a Pawnbroker’s Licence.

SCHEDULE 19 TO BY-LAW # 332 -2013

(Number reserved for future use)

SCHEDULE 20 TO BY-LAW # 332 -2013

RELATING TO

PET SHOPS

1. In this Schedule:
 - “Animal” means all non-human species, and includes birds;
 - “Pet Shop” means a building, structure or part thereof where Animals or birds for use as pets are sold or kept for sale.
2. A Pet Shop that includes for sale only live fish, is exempted from the requirement to obtain a Licence under this Schedule.
3. An Application for a Licence and at the discretion of the Licence Issuer for a Licence renewal shall be accompanied by a letter of approval from the Animal Services Section.
4. Every Person licensed under this Schedule shall:
 - (a) Obtain a separate Licence for each Pet Shop that is under the same ownership;
 - (b) Comply with the provisions of the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c.O.36, as amended;
 - (c) At all times maintain the premises in a sanitary, well-ventilated, clean condition;
 - (d) Ensure the facility or operation’s floor shall be thoroughly cleaned at least once every day or more often as may be necessary to keep the floor in a clean and sanitary condition;
 - (e) Keep all Animals in sanitary, well-bedded, well-lighted, clean quarters and kept at a temperature appropriate for the health requirements of the species of Animals housed therein;
 - (f) Locate all cages, tanks, containers or other enclosures in which Animals are housed 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;
 - (g) Prevent undue direct physical contact with the Animals by the general public;
 - (h) 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 has access, ensure that such quarters have a concrete or other impermeable floor with a drain opening hooked to a sanitary system, and such floor shall be thoroughly washed with water at least once each day, or more often than once if necessary in order to keep the floor clean;
 - (i) Ensure that every cage or other container used for the keeping or housing of any Animal:
 - (i) is of adequate size to permit the Animal to stand normally to its full height, to turn around, and to lie down in a fully extended position; and

- (ii) has a floor of either solid or wire mesh construction or any combination thereof, provided that:
 - (1) all spaces in wire mesh shall be smaller than the pads of the foot of any Animal confined therein;
 - (2) any such wire mesh shall be of a thickness and design adequate to prevent injury to any such animal; and
 - (3) such floor shall be of sufficient strength to support the weight of any such Animal;
- (j) Equip all cages or containers with receptacles for food and for water, so mounted or situated that they cannot be easily overturned or contaminated;
- (k) Provide water to every Animal in sufficient quantity to maintain at all times a potable supply available to the Animal;
- (l) Provide food in accordance with the particular food requirements of each type or species of Animal;
- (m) Provide adequate light in the premises that is appropriate for the species kept there;
- (n) Provide a cage of a dimension to enable all birds to have sufficient perch space to permit full extension of their wings in every direction;
- (o) Ensure that all persons responsible for the care, feeding or cleaning of Animals are adequately instructed and supervised in the handling and care of all such Animals;
- (p) Ensure that any Animal showing signs of sickness or disease is examined and treated immediately by a veterinarian and that the Animal is kept in a quarantine area until a veterinarian certifies that the Animal is in good health;
- (q) Give to the purchaser on any sale or disposition of an Animal, a receipt showing the name and address of the vendor and the purchaser, the date of sale, the sale price, the breed or crossbreed, sex, age and description, including colour and placing of markings, if any, of the Animal;
- (r) Keep and maintain in good condition a register, in which shall be entered:
 - (i) A record of each Animal purchased or otherwise obtained; each entry shall be made at the time each Animal comes into the Licensee's possession and shall include the date of purchase, a full description of the Animal, together with the name, address and telephone number of the Person from whom it was purchased or otherwise obtained;
 - (ii) A record of each Animal sold and shall include the date of sale, a full description of the Animal, together with the name, address and telephone number of the Person to whom the Animal was sold;
 - (iii) Inform purchasers that their personal information is being collected and that this personal information will only be used, if necessary, for law enforcement purposes;
- (s) Ensure that the register in subsection 3 (r) is open to inspection by the Licence Issuer and Inspector at any time during business hours and be made available to be removed at any time by the Licence Issuer,

Inspector and Peel Police Services for use in any Court or law enforcement proceeding; and

- (t) Ensure that while the register in subsection 3 (r) is removed, a record of entries continues to be made.
5. No Person licensed under this Schedule shall:
- (a) Sell any Animal prohibited by any by-law of the City and without limiting the effect of this subsection, shall not sell or permit the sale of any chick, duckling, live poultry or other livestock;
 - (b) Keep animals in crowded quarters or cages;
 - (c) Sell or display any diseased Animal;
 - (d) Sell, permit to be sold, offer for sale or give away, any dog or cat under the age of 8 weeks; or
 - (e) Confine or display incompatible Animals in the same cage.
6. No Licence shall be required for the following operations:
- (a) An animal shelter operated by or on behalf of a public authority;
 - (b) A veterinary hospital/clinic;
 - (c) A publicly funded educational institute; or
 - (d) Any facility in which Animals are placed for care pursuant to the *Animals for Research Act* R.S.O. 1990, c. A.22, as amended.
7. Where an Inspector properly inspecting a licensed premises determines that an Animal appears to require medical attention, the Inspector may order the Licensee to immediately take the Animal to a qualified veterinarian.
8. If grooming services are provided at the premises, a Pet Grooming Facility Licence is not required but the Licensee must comply with the provisions of the Pet Grooming Facility Licence Schedule.
9. Any of the following infections shall render an Animal unfit for sale or release:
- (a) infectious diseases such as distemper, hepatitis, rabies or other similar diseases;
 - (b) nutritional deficiencies, including rickets or emaciation;
 - (c) fractures or congenital abnormalities affecting the general health of the animal.

SCHEDULE 21 TO BY-LAW # 332 -2013

RELATING TO

PLACES OF PUBLIC ASSEMBLY

1. For the purpose of this Schedule:

“Place of Public Assembly” shall mean any place open to the public or particular members of the public, including but not limited to Public Halls, banquet halls, private clubs, driving ranges, golf courses, cinemas and theatres, but does not include a personal residence, place of worship and public educational facility;

“Public Hall” means a building or tent with a seating capacity for over 100 persons that is offered for use or used as a Place of Public Assembly, but does not include a theatre.
2. A Place of Public Assembly Licence may be issued for one or more of the following categories and the Licence issued pursuant to this Schedule is restricted to the categories identified on the Licence:
 - (a) “Class A” – Public Hall, Banquet Hall, Bingo Hall
 - (b) “Class B” - Golf Course, Driving Range, Mini Golf
 - (c) “Class C” - Cinema and Theatre
3. Every new Application for a “Class A” and “Class C” Licence or at the discretion of the Licence Issuer for a Licence renewal, shall be accompanied by:
 - (a) A letter of approval from the Fire Chief;
 - (b) A detailed plan of the premises for which the Place of Public Assembly Licence is sought depicting, at a minimum:
 - (i) the perimeter and total area of the premises;
 - (ii) the location and dimensions of exits;
 - (iii) a floor plan depicting dimensions, possible seating arrangements, tables, and bars proposed for the premises; and
 - (iv) the location of fire safety systems including fire alarms, emergency lighting, exit signs, sprinklers, standpipe systems and other similar fire safety systems.
4. No Licence fee shall be payable under this By-law for the operation of a Public Hall by any religious organization, where it does not receive any remuneration for the use of its Public Hall.
5. No Licence shall be required under this By-law for the operation of Public Halls by any Municipal, or the Provincial or Federal governments, University, College, Public School, Separate School or Boards of Education in respect of the use of their Public Halls.
6. No Licensee shall:
 - (a) Permit any disorderly conduct to take place on the licensed premises;
 - (b) Permit any person to loiter, create a disturbance or cause undue noise in or about the licensed premises;

- (c) Fail to ensure the protection of the public health and public safety on the licensed premises; or
 - (d) Permit the licensed premises to be open to the public unless a person over the age of 18 years is present to supervise the use of the licensed premises.
7. Every Person licensed under this Schedule shall provide public washroom facilities in accordance with the requirements of the Ontario Building Code.
 8. Every Person licensed under this Schedule shall comply with all applicable requirements of the *Health Protection and Promotion Act*, R.S.O. 1990, c.H. 7. as amended.
 9. Where the Applicant for a Licence under this Schedule is not the owner of the property, he or she shall produce a letter from the owner authorizing the use of the property as a Place of Public Assembly.

SCHEDULE 22 TO BY-LAW # 332 -2013

RELATING TO

PLUMBING CONTRACTORS

1. In this Schedule:

“Master Plumber” means a Person who:

- (i) Has been issued a Certificate of Qualification in the plumbing trade under the *Ontario College of Trades and Apprenticeship Act, 2009*, S.O. 2009, c.22, as amended and is aware of and knowledgeable in the general regulations under this act and operates in a manner pursuant to the requirements of the act and its Regulations and is skilled in the planning, superintending and installing, maintaining and repair of plumbing equipment and who is familiar with the laws, rules and regulations governing the same; and
- (ii) Has a regular place of business in Ontario, and who, himself or herself or by journeyman tradesmen under his or her supervision, performs the trade of plumber;

“Plumbing” includes any procedure, method, matter or thing described in the *Building Code Act, 1992*, S.O. 1992, c.23 as amended, and plumbing work has a corresponding meaning;

“Plumbing Contractor” means a Person engaged in the business of contracting with a member of the public or another contractor for the placing, installing, maintaining, repairing or replacing of any pipe, fixture or other device, equipment or facility of a plumbing system or in other plumbing work, and includes any Person who solicits for plumbing work, and who in any way advertises or holds himself or herself out to the public as doing or contracting to do plumbing work by him or herself or through another qualified person, or as being a plumbing contractor and who has a regular place of business in Ontario and includes an individual certified as a Master Plumber.

2. Every Person licensed as a Plumbing Contractor under this By-law shall:

- (a) Submit proof to the satisfaction of the Licence Issuer that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act, 1997*. S.O. 1997. C.16. as amended;
- (b) Display the Licensee’s name using letters with a minimum height of 10 centimetres on both sides of all vehicles owned, leased or used on a regular basis by the Licensee in the course of business;
- (c) Have printed or otherwise impressed on all business stationery, forms, bills statements and advertising materials, the Licensee’s name, address and telephone number;
- (d) Prepare a written contract which shall be signed by the Licensee and the person for whom the work is being done before commencing any work and a copy of this contract shall be given to the person for whom the work is being done and the contract shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the person for whom the work is being done;
 - (ii) The address where the work is being done;

- (iii) A description of the work being done, including materials and services being provided;
 - (iv) The itemized price for the materials and services to be supplied and a detailed statement for the terms of payment;
 - (v) Warrantees and guarantees, if any; and
 - (vi) The estimated date of completion;
- (e) Obtain all necessary Plumbing and Building Permits or any other permit required by law prior to the commencement of any work and, upon completion, shall procure a final inspection from the City;
- (f) Be a Master Plumber or have a Master Plumber in his or her employ.
3. A Person licensed under this By-law as a Plumbing Contractor shall not:
- (a) Cause or permit an apprentice or helper or other unqualified person to perform any plumbing works or install any plumbing materials or appliances except as an assistant to and under the direct personal supervision of a licensed Master Plumber or a provincially certified journeyman plumber continuously employed on the same contract or job who is under the direct supervision of a Master Plumber;
 - (b) Permit the use of the Licensee's name by any other person, either directly or indirectly, for the purpose of obtaining a permit to do any plumbing work;
 - (c) Perform any work which requires a Licence or permit unless a Licence or permit is first obtained;
 - (d) Perform work that is extra or additional to an existing contract unless and until the Licensee has entered into a second or additional contract.
4. The provisions of this By-law shall not apply to the repair and maintenance of a plumbing system and related equipment where the repair and maintenance is done by:
- (a) A person who is an owner or tenant, where the equipment is contained within the premises occupied by the owner or tenant; or
 - (b) A person who is a full-time employee of a property owner or tenant who is engaged by the property owner or tenant for maintenance of plumbing equipment within the premises of the property owner or tenant.

SCHEDULE 23 TO BY-LAW # 332 -2013

RELATING TO

POOL INSTALLATION CONTRACTORS

1. In this Schedule:

"Pool Installation Contractor" means a Person who carries on the business of installing residential swimming pools.
2. Every Person licensed as a Pool Installation Contractor under this By-law shall deposit a Letter of Credit or other security satisfactory to the Licence Issuer in the amount of \$10,000.00 that shall be valid for the term of the Licence.
3. No Person shall be licensed as a Pool Installation Contractor under this By-law unless he/she has a regular place of business and, if the person is an individual is at least 18 years old.
4. Every Pool Installation Contractor licensed under this By-law shall:
 - (a) Submit proof, to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act, 1997*. S.O.1997. c.16., as amended;
 - (b) Display the Licensee's name using letters with a minimum height of 10 centimetres on both sides of all vehicles owned, leased or used on a regular basis by the Licensee in the course of business;
 - (c) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising materials, the Licensee's name, address and telephone number; and
 - (d) Prepare a written contract which shall be signed by the Licensee and the person for whom the work is being done before commencing any work and a copy of this contract shall be given to the person for whom the work is being done and the contract shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the person for whom the work is being done;
 - (ii) The address where the work is being done;
 - (iii) A description of the work being done, including materials and services being provided;
 - (iv) The itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
 - (v) Warrantees and guarantees, if any; and
 - (vi) The estimated date of completion;
 - (e) Obtain all necessary permits required by law prior to the commencement of any work and upon completion of any work shall obtain a final inspection from the City.
5. A Person licensed as a Pool Installation Contractor under this By-law shall not:

- (a) Permit the use of the Licensee's name by any other Person, either directly or indirectly, for the purpose of obtaining a permit to do any pool installation work;
 - (b) Perform work that is extra or additional to an existing contract unless and until the Licensee has entered into a second or additional contract.
6. A Person licensed as a Pool Installation Contractor may carry on business under a trade name or name other than his or her own but shall not carry on business under more than one name, and only one Licence shall be issued.

SCHEDULE 24 TO BY-LAW # 332 -2013

RELATING TO SALVAGE SHOPS AND SALVAGE YARDS

1. In this Schedule:

“Salvage Yard” includes a building or place used as an automobile wrecking yard;

“Salvage Shop” includes a building or place used for the collection, purchase, keeping or selling of items such as bicycles, automobile tires, old metal, scrap material and appliances.

2. Every Application for a Salvage Yard or Salvage Shop Licence, or at the discretion of the Licence Issuer renewal of a Salvage Yard or Salvage Shop Licence under this By-law, shall be accompanied by a letter of approval from the Fire Chief.
3. An Application for a Licence, or at the discretion of the Licence Issuer for a Licence renewal, shall be accompanied by a security clearance issued to the Applicant within the last 30 days by the Police Services where the Applicant resides.
4. A Licence will not be issued if at any time within 3 years prior to the Application, the Person has been convicted of any offence relating to fraudulent practices, stolen goods, theft or burglary under the *Criminal Code*, RSO 1985, c. C-46, as amended.
5. Every Licensee under this Schedule shall:
 - (a) Carry on business within an enclosed building or within an area surrounded by a rigid fence which provides a complete visual barrier. The fence shall be a minimum height of 1.8 metres above grade and shall be constructed of either masonry, metal, wood or any combination thereof and if metal or wood, shall be painted a uniform colour;
 - (b) Provide stable surface treatment on all driveways and parking areas;
 - (c) Keep all buildings and fences in good repair;
 - (d) Maintain a register in a form approved by the Licence Issuer in which shall be entered:
 - (i) A description of all goods taken in exchange or otherwise obtained including make, serial number, model number marking and titles where applicable;
 - (ii) The purchase price of each item or a description of the item exchanged for it;
 - (iii) The date and time on which the goods were taken;
 - (iv) The name, address, telephone number and e-mail address of the person from whom the goods were obtained and if the goods were delivered or conveyed by a motor vehicle, the licence number of that motor vehicle; and
 - (v) The name of the employee who conducted the transaction;

- (e) Ensure the register is retained for a period of 2 years;
 - (f) Inform sellers that their personal information is being collected and that this personal information will only be used, if necessary, for law enforcement purposes;
 - (g) Notify the Police and the Licence Issuer forthwith of the particulars of any goods or articles of any kind which the Licensee has reasonable grounds to believe may have been stolen or unlawfully obtained;
 - (h) Forthwith on the demand of the Police, Municipal Law Enforcement Officer or the Licence Issuer:
 - (i) Identify themselves;
 - (ii) Open the register to inspection at all times during regular business hours by the Licence Issuer, Municipal Law Enforcement Officer and Police who may remove specific entries from the register for use in any Court or other law enforcement proceedings.
6. No Licensee shall directly or indirectly purchase from or take in exchange any goods:
- (a) From any person under the age of 18 years; or
 - (b) From any person who appears to be under the influence of alcohol or drugs.

SCHEDULE 25 TO BY-LAW # 332 -2013

**RELATING TO
SECOND HAND GOOD SHOPS**

1. In this Schedule:

“Exempt Organization” means a religious, philanthropic, patriotic, fraternal or charitable organization or society;

“Second Hand Goods” includes used clothing, household materials, precious metals, electronics, videos, digital video recordings, electronic games, sporting goods and jewellery.

2. No Licence shall be required under this By-law by a Person:

- (a) Selling or dealing in Second-Hand Goods on behalf of an Exempt Organization where the entire proceeds of the sale are used to further the objectives of the foregoing organization or society;
- (b) Selling or dealing in Second-Hand Goods that have been purchased from an Exempt Organization, where such Second-Hand Goods were originally donated to that Exempt Organization; and
- (c) Dealing in goods which are recognized antiques or works of art.

3. An Application for a Licence, or at the discretion of the Licence Issuer for a Licence renewal, shall be accompanied by a clearance issued to the Applicant within the last 30 days by the Police Services where the Applicant resides.

4. A Licence shall not be issued if at any time within 3 years prior to the Application the person has been convicted of any offence relating to fraudulent practices, stolen goods, theft or burglary under the *Criminal Code*, RS. 1985, c.C-46, as amended.

5. No Licensee shall:

- (a) Receive from any person or persons any article or goods which the licensee knows or has reasonable grounds to believe have been stolen or otherwise secured by the person in possession of same by means of a commission of an offence under the *Criminal Code*, RS. 1985, c. C-46, as amended;
- (b) Purchase, take in exchange, or receive directly or indirectly, any goods, article or thing from any person who appears to be under the age of 18 years old;
- (c) Purchase, take in exchange, or receive directly or indirectly, any goods, article or thing from any person who appears to be under the influence of drugs or alcohol;
- (d) Alter, repair, dispose of or in any way part with, any goods or articles purchased or taken in exchange until after the expiration of 30 days and during these 30 days, the goods or articles obtained shall remain on the licensed premises and shall be kept in a location separate from goods previously purchased and shall be subject to inspection at any time during business hours by the Peel Regional Police; or
- (e) Transact any business between the hours of 11:00 p.m. and 7:00 a.m.

6. Every Licensee shall:
- (a) Maintain a register in a form approved by the Licence Issuer in which shall be entered:
 - (i) A description of all goods taken in exchange or otherwise obtained, including, make, serial number, model number marking and titles where applicable;
 - (ii) The purchase price of each item or a description of the item exchanged for it;
 - (iii) The date and time on which the goods were taken;
 - (iv) The name, address, telephone number and e-mail address of the person from whom the goods were obtained and if the goods were delivered or conveyed by a motor vehicle, the licence number of that motor vehicle; and
 - (v) The name of the employee who conducted the transaction;
 - (b) Ensure the register is retained for a period of 2 years;
 - (c) Inform sellers that their personal information is being collected and that this personal information will only be used, if necessary, for law enforcement purposes;
 - (d) Notify Peel Regional Police of the name and description of any goods or articles of any kind which he or she has reasonable grounds to believe may have been stolen or unlawfully obtained;
 - (e) Open the register to inspection at all times during regular business hours by the Licence Issuer, Municipal Law Enforcement Officer and Police who may remove specific entries from the register for use in any Court or other law enforcement proceedings; and
 - (f) 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.
7. Every Licensee who acts as a lender in accordance with the *Payday Loans Act, 2006*, S.O. 2008, c.9, as amended, shall be in possession of a licence issued by the Registrar under the act, when applying for or renewing a Second Hand Goods Shop Licence.

SCHEDULE 26 TO BY-LAW # 332 -2013

RELATING TO
TOBACCO RETAILERS

1. In this Schedule:

"Tobacco Shop" means any store or shop where tobacco, cigars or cigarettes are sold by retail.
2. Every Person licensed under this Schedule shall comply with the provisions of the *Smoke-Free Ontario Act*, S.O. 1994, c.10, as amended, the *Tobacco Act*, S.C. 1997, c.13, as amended, and the *Tobacco Tax Act*, R.S.O. 1990, c. T.10, as amended.
3. No Person shall sell or supply any tobacco product to any person who is less than 19 years old.
4. Every Person licensed under this Schedule shall maintain the premises in a clean condition, free from litter and must provide litter containers around the premises in size, number and location so that they adequately contain all refuse caused by the operation of the business.
5. Where an automatic prohibition order is issued by the Minister of Health for the sale of tobacco, the Licence issued by the City is automatically suspended for the period of time specified in the automatic prohibition order. There shall be no appeal under this By-law for a Licence suspended under this section.
6. Every applicant for a Tobacco Retailer's Licence or for the renewal of such Licence shall be in possession of a retail Dealer's Permit issued under the *Tobacco Tax Act*, R.S.O. 1990, c.T10, as amended, or as of June 30, 2010, held a valid Retail Sales Tax Vendor's Permit issued under the *Retail Sales Tax Act*, R.S.O. 1990, c. R. 31, as amended.

SCHEDULE 27 TO BY-LAW # 332 -2013

RELATING TO VEHICLE POUND FACILITIES

1. In this Schedule:

“Motor Vehicle” means an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a motorized snow vehicle or motor-assisted vehicle;

“Storage Fee” means the fee for the storage of a Vehicle based upon a 24 hour period, or part thereof, from the time the Vehicle enters the Vehicle Pound Facility and shall be inclusive of all costs associated with the storage of the Vehicle, including but not limited to administration fees, environmental charges and insurance costs;

“Vehicle Pound Facility” means land, buildings, or structures or parts thereof, used for the temporary storage of Vehicles within a secure area that is fenced and gated or inside a building and where a storage fee is charged and may include property held under police or other government authority.

2. Every Licensee under this Schedule shall:

- (a) Before demanding payment for the storage of a Motor Vehicle, present the Motor Vehicle owner or his or her agent an invoice for the storage of the vehicle, such invoice to detail the time and day the Vehicle first entered the Vehicle Pound Facility and total cost for the storage of the Motor Vehicle;
- (b) Retain a copy of the invoice referred to in Section 2. (a) for a minimum of 2 years from the date the Motor Vehicle is removed from the Vehicle Pound Facility, and be subject to inspection by the Licence Issuer or Inspector who shall provide at least 3 business days' notice of such inspection;
- (c) Comply with all the appropriate provisions of the *Repair and Storage Liens Act*, R.S.O. 1990, c.R.25 when disposing of an unclaimed vehicle;
- (d) Ensure that the Motor Vehicle owner or his or her agent shall be able to obtain the release of the vehicle at any time (24 hours a day, 7 days a week, 365 days a year), provided payment of the storage fee is made;
- (e) Maintain a sign at the Vehicle Pound Facility, visible from the entrance to the facility, detailing the daily hours of operation of the facility, the telephone number to use for after hours vehicle release service, the storage fee rates to be charged for the storage of the Motor Vehicles, City's by-law number and telephone number for the City's By-law Enforcement Division in case of disagreement over storage rates or service provided, and the Region of Peel telephone number for the reporting of a hazardous material spill;
- (f) Ensure that sufficient staff is available during normal business hours as well as after hours, 365 days a year in order to release a Vehicle;
- (g) Erect a fence to the satisfaction of the City and install a secure lock on the fence to protect the Motor Vehicles and Motor Vehicle contents stored in the facility, and ensure sufficient secured lighting is installed to illuminate the pound and perimeter fence;
- (h) Allow only tow trucks licensed by the City to remove a Motor Vehicle from the Vehicle Pound Facility;

- (i) Keep the Vehicle Pound Facility and any sidewalk or street upon which the Premises abut, in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other foreign substances, including but not limited to tires and Vehicle parts derived from the licensed Premises or resulting from the use of the licensed Premises;
 - (j) Comply with all relevant legislation pertaining to the storage and disposal of hazardous materials on the Premises; and
 - (k) Ensure that where a daily storage fee is charged, it shall be based on each 24-hour period that the vehicle has been held in storage or any part thereof. Charges shall commence from the time the Motor Vehicle is placed in the Vehicle Pound Facility.
3. No Licensee shall:
- (a) Permit the Premises to be used for the purpose of servicing or repairing Motor Vehicles; or
 - (b) Charge a storage fee for any period of time that the Motor Vehicle owner or his or her agent was unable to obtain the Motor Vehicle as a result of some fault on the part of the Vehicle Pound Facility or its staff.
4. Despite any other provisions, a Person operating a Vehicle Pound Facility shall only be allowed to charge or cause to be charged an all-inclusive fee of up to \$60.00 dollars per day storage fee with no other additional service charges, other than the applicable taxes.
5. This Schedule does not apply to the parking of a Vehicle awaiting repairs at any other Automobile Service Station/Public Garage facility.

APPENDIX A TO BY-LAW # 332 -2013

FEEES

Sched #	Type of Licence	Licence Fee	Expiry Date
1	Personal Services Facility	\$ 200.00	May 31
2	Place of Amusement	\$ 200.00	Jan 31
3	Auctioneer	\$ 180.00	May 31
4	Automobile Service Station		
	Class A - Gasoline, Oil, Lubrication	\$ 224.00	Jan 31
	Class B - Repair and Servicing	\$ 224.00	Jan 31
	Class C - Parking Lot	\$ 224.00	Jan 31
	Class D - Car Wash	\$ 224.00	Jan 31
	Class E - Renting, Leasing, Buying, Selling	\$ 224.00	Jan 31
	Class F - Autobody Repair, Painting	\$ 224.00	Jan 31
5	Billiard Halls, Bowling Alleys	\$ 200.00	Jan 31
6	Building Renovator	\$ 180.00	Apr 30
7	Carnivals and Circuses	\$ 192.00	per event (up to 7 days)
8	Drain Laying Contractor	\$ 180.00	Apr 30
9	Driveway Paving Contractor	\$ 180.00	Apr 30
10	Fence Installation Contractor	\$ 180.00	Apr 30
11	Fixed Food Premises	\$ 140.00	Jan 31
12	Flea Markets	\$3,750.00	Apr 30
13	Consumer Fireworks Vendors	\$ 185.00	per event (up to 7 days)
14	Heating, Ventilation and Air Conditioning Contractor	\$ 180.00	Apr 30
15	Horse Riding Establishment	\$ 150.00	May 31
17	Lodging Houses	\$ 160.00	one year from issue date
18	Pawnbrokers	\$ 215.00	May 31

Sched #	Type of Licence	Licence Fee	Expiry Date
20	Pet Shops	\$ 220.00	May 31
21	Place of Public Assembly	\$ 200.00	Jan 31
22	Plumbing Contractor	\$ 180.00	Apr 30
23	Pool Installation Contractor	\$ 180.00	Apr 30
24	Salvage Yard	\$ 260.00	May 31
25	Second Hand Goods Shop	\$ 260.00	May 31
26	Tobacco Sales	\$ 215.00	Jan 31
27	Vehicle Pound Facilities	\$ 224.00	Jan 31
	Other Fees		
	Closed File Administration	\$ 50.00	
	Late Renewal	\$ 50.00	
	Change of Information on Licence/File	\$ 20.00	
	Print Replacement Licence	\$ 10.00	



The Corporation of the City of Brampton
Certificate of Insurance
 (LICENSING - VARIOUS)

Corporate Services
 - Licensing
 Administration

NOTE: Insurance Company MUST have a minimum rating of:
 'B+' (A.M.Best); 'Baa' (Moody's); or 'BBB' (Standard and Poor's)

Proof of Insurance will be accepted on this form only(with no amendments)

****IF A FACSIMILE HAS BEEN TRANSMITTED, THE ORIGINAL CERTIFICATE MUST FOLLOW****

LICENCE TYPE (check box)	<input type="checkbox"/> Fireworks(\$5M CGL required) <input type="checkbox"/> Stationary – Carnival (\$5 CGL) <input type="checkbox"/> Horse Riding Establishment(\$2M CGL) <input type="checkbox"/> Stationary(\$2M CGL)
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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
ADDRESS OF EVENT	CITY	POSTAL CODE

TYPE OF INSURANCE	INSURER'S NAME	POLICY NUMBER (NOT binder)	EFFECTIVE (YR./MO./DAY)	EXPIRY DATE (YR./MO./DAY)	LIMITS OF LIABILITY
COMMERCIAL GENERAL LIABILITY					\$ per occurrence
<input type="checkbox"/> UMBRELLA <input type="checkbox"/> EXCESS					\$

Commercial General Liability - Occurrence Basis, Including Bodily Injury and Property Damage, Personal Injury, 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

For the *Fireworks Licence* THE CORPORATION OF THE CITY OF BRAMPTON and THE REGIONAL MUNICIPALITY OF PEEL have been added as **additional insureds**, but only with respect to the liability arising out of the operations of the named Insured.

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 any of the above insurance policies are cancelled so as to reduce the coverage during the coverage period as stated above, so as to affect this certificate, 10 days' notice of cancellation for non-payment or 30 days' notice for cancellation of the policy will be given by the insurer to:

The Corporation of the City of Brampton
 Licensing Administration, 1st Floor
 2 Wellington Street West
 Brampton, Ontario L6Y 4R2
 Tel: 905-874-2580 Fax: 905-874-2119
 E-mail: licensing@brampton.ca

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

NAME OF INSURANCE COMPANY OR BROKER (completing form)	Telephone Number () -
ADDRESS	Fax Number () -
NAME OF AUTHORIZED REPRESENTATIVE or OFFICIAL (please print)	SIGNATURE: _____ Date: (Year / Month / Day)

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