THE CORPORATION OF
THE CITY OF WATERLOO

BY-LAW NO. 2014 – 085

BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF
VARIOUS BUSINESSES IN THE CITY OF WATERLOO

WHEREAS pursuant to the provisions of Part IV of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, (the “Municipal Act”) the Council of The Corporation of the City of Waterloo ( "Council") may provide for a system of licences with respect to businesses;

WHEREAS Section 436 of the Municipal Act authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a Licence;

WHEREAS Sections 390 to 400 of the Municipal Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by them; and,

WHEREAS Council deems such a system of licences appropriate to address health and safety, well-being of Persons, consumer protection and nuisance control.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

1. Definitions

“Accredited Program” means a Food Handler training and certification program recognized by Region of Waterloo Public Health;

“Adult” means an individual eighteen years of age or older;

“Amusement Devices” means a machine, contrivance, structure or vehicle used in a Fair to entertain members of the public by moving them or causing them to be moved;

“Animals for Entertainment” mean members of the animal kingdom, other than a human, used to act or perform for the enjoyment of humans;

“Animal Rescue Group” means a non-for-profit or charitable organization, whose mandate and practices are predominately the rescue and placement of animals and facilitating the spaying or neutering of animals for animal welfare purposes;
“Annual Fire Inspection” means an inspection that was conducted on a Fire Safety System by a qualified Person to ensure compliance with the Ontario Fire Code;

“Applicant” means the Person applying for a Licence or renewal of Licence under this By-law;

“Application” means an application for a Licence under this By-law;

“Application Premises” means the premises the Applicant is seeking to Licence;

“Auctioneer” means any Person selling or putting up for sale goods, wares, merchandise or effects by public auction;

“Barber Shop” means the same as “Beauty Salon”;

“Beauty Salon” means an establishment which provides beauty treatments for hair, face, hands, feet and includes waxing, tanning, body and ear piercing, micro-pigmentation, electrolysis and tattooing, but shall not include a body rub parlour;

“Bed and Breakfast Establishment” means a single detached dwelling in which guest rooms are rented or hired out for the purposes of providing temporary overnight accommodation not exceeding 28 consecutive days for the travelling or vacationing public, but does not include a hotel, motel, group home, lodging house or restaurant;

“Building Renovator” means a Person engaged in the business of altering, repairing or renovating buildings or structures, but does not include a building contractor whose principal Business is the construction of new buildings or structures and who is registered with the Tarion Warranty Corporation;

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

a) trades and occupations;

b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;

c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and,

d) the display of samples, patterns or specimens of goods for the purpose of sale or hire;

“Business Licence” means a Licence issued pursuant to Schedule 4 of this By-law;

“Certified Food Handler” means a Food Handler who holds a valid Food Handler Certificate recognized by Region of Waterloo Public Health;
“Chief Building Official” means the Chief Building Official of the City or his or her designate;

“Chief Fire Official” means the Chief Fire Official of the City or his or her designate;

“Chief of Police” means the Police Chief for the Waterloo Regional Police Service or his or her designate;

“City” means The Corporation of the City of Waterloo or the geographical area of the municipality, as the context requires;

“City Property” means property owned by the City;

“Community Organization” means a non-profit group of Persons organized for the advancement of activities of a civic, cultural or recreational nature;

“Combustible Liquid” means “combustible liquid” as defined in the Ontario Fire Code;

“Criminal Record Check” means a criminal record check issued to the Applicant by the police service in whose jurisdiction the Applicant resides;

“Declaration of Compliance” means a written statement, in the form prescribed by the Director and signed by the Applicant, confirming that the establishment is in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, or any regulation made under it;

“Director” means the Director of Municipal Enforcement Services, or his or her designate;

“Donation Box” means any receptacle used for the purpose of collecting clothing, donated by the public, on an ongoing basis and as part of the regular activity of the operator;

“Donation Box Operator” means a Person engaged in the Business of operating a Donation Box;

“Drain Laying Contractor” means a Person engaged in the Business of Drainage Work;

“Drain Layer” means a Person who is skilled in the planning, superintending, installing, replacing or maintenance of Drainage Work, including the laying of pipe into trenches to form sanitary sewers, storm sewers, storm drainage management systems and removal of obstructions from drains, and who is familiar with the laws, rules and regulations of governing same;

“Drainage Work” means the installing, replacing, repairing or maintenance of drains and drainage systems inside or outside of the buildings;
“Driveway Paving Contractor” means a Person engaged in the Business of Paving or sealing paved driveway surfaces on privately owned property;

“Dry Cleaner” means a Person engaged in the Business of dry-cleaning, dry-dyeing, cleaning, pressing, and spot or stain removal, or other similar applications to clothing or fabric;

“Dry Cleaner Establishment” means an establishment where a Person carries on a Business as a Dry Cleaner;

“Dwelling Unit” means two or more rooms designed or intended to be occupied by and for the use of an individual or household with separate cooking and sanitary facilities;

“Fair” means an exhibition, circus, menagerie and other like show, and may include Amusement Devises;

“Farmers Market” means a building or place where a group of Persons who operate stalls or other Food Premises meet to sell or offer for sale to consumers products that include, but not limited to, Farm Products, baked goods and preserved foods, and at which the majority of the Persons operating the stalls or other Food Premises are producers of Farm Products who are primarily selling or offering to sell their own products;

“Farm Products” means products that are grown, raised or produced on a farm and intended for use as food and include, but not limited to, fruits and vegetables, mushrooms, meat and meat products, dairy products, honey products, maple products, fish, grains and seeds and grain and seed product;

“Fees and Charges By-law” means a by-law passed by Council pursuant to section 391 of the Municipal Act establishing the fees and charges for services or activities provided by or on behalf of the City, as amended or replaced from time to time;

“Fence” means a protective, enclosing or visual barrier of posts, wire, boards, rails, pickets, pilings, wood, metal, fiberglass, plastics, masonry or similar materials or any combination thereof and includes a wall or partition that is not an integral part of a building but does not include trellis or arbour;

“Fence Installation Contractor” means a Person engaged in the Business of installing Fences on privately owned property;

“Fire Safety Plan” means a document approved by the Chief Fire Official that is required under, and meets all the provisions of, Division B, section 2.8 of the Ontario Fire Code;

“Fire Safety System” includes, but not limited to, fire alarms, emergency power, emergency lighting, sprinklers, standpipes, commercial cooking hoods, commercial cooking suppression systems, special extinguishing systems, fire extinguishers, private fire hydrants and other water supply systems;
“Flammable liquid” means “Flammable liquid” as defined in the Ontario Fire Code;

“Flea Market” means a building or place where a group of Persons who operate stalls meet to sell or offer to sell goods or services to the general public and includes, but is not limited to, a Farmers’ Market.

“Flyer” means advertising or promotional materials for distribution to the public, including circulars, handbills and leaflets, but does not include materials provided by a Registered Charity, Community Organization or political organizations;

“Flyer Distributor” means a Person engaged in the distribution of Flyers in the City, whether under contract or otherwise, or who employs other Persons to distribute Flyers in the City, but does not include a Registered Charity, Community Organization or a Person who distributes political advertisements;

“Food Handler” means any Person who works at a Medium-Risk Food Premises or High-Risk Food Premises handling or coming in contact with food or drink for human consumption;

“Food Handler Certificate” means a certificate issued to a Person for the successful completion of an Accredited Program;

“Food Service Premises” means any premises where meals or meal portions are prepared for human consumption, or sold or served in a form that will permit consumption, on the premises or elsewhere, and the Food Service Premises shall include, but not limited to, Food Shops, Food Trailers and Food Trucks, but shall not include food premises that are set out in section 2 of R.R.O. 1990, Regulation 562, under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7;

“Food Shop” means a place where food products intended for human consumption are made for sale, offered for sale, stored or sold but does not include a place which sells only bottled or canned beverages or pre-packaged candies other than those required to be kept frozen;

“Food Trailer” means a non-motorized food vending facility from which food products are sold or offered for sale;

“Food Truck” means a motorized vehicle, other than a motorcycle or motor assisted bicycles, from which food products are sold or offered for sale, but does not include Food Trailers or Refreshment Vehicles;

"Group Home" means a residence licenced or funded under a federal or provincial statute for the accommodation of three to 10 Persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being;
“Health Approval” means the written approval of the Region of Waterloo Public Health;

“High-Risk Food Premises” means a Food Service Premises that has been designated as High-Risk Food Premises by the Region of Waterloo Public Health or any successor department thereto;

“H.V.A.C. Contractor” means a Person engaged in the Business of installing, replacing, repairing or maintenance of a heating, ventilating or air conditioning system;

“Home Occupation” means “Home Occupation” as defined in the Zoning By-law;

“Home Occupation Class One” means a “Class One” Home Occupation as defined in the Zoning By-law;

“Home Occupation Class Two” means a “Class Two” Home Occupation as defined in the Zoning By-law;

“Illuminated Sign” means a sign with an internal light source or designed to reflect light from an external source intentionally directed at it;

“Laundrette” means an establishment with automatic washing machines for the public use;

“Licence” means a licence to engage in a Business issued under this By-law, and the term “licenced” shall have a corresponding meaning;

“Licenced Premises” means the premises referred to in a Licence;

“Licensee” means a Person who has been issued a Licence under this By-law;

“Licensing Appeal Tribunal” means the committee designated by Council for the purpose of hearing appeals under this By-law;

“Master Business Licence” means a master business licence that is issued by the Ministry of Government and Consumer Services, pursuant to the Business Names Act, R.S.O. 1990, c. B. 17, and its regulations thereunder;

“Master H.V.A.C. Installer” means a Person: who is skilled in the planning, superintending and installing of warm air, steam and hot water heating systems, air conditioning and ventilating systems, and the equipment used in connection therewith; who is engaged in the foregoing work; who is familiar with the laws, rules and regulations governing same; and, who has held a provincial certificate of qualification as a sheet metal mechanic for a minimum of two years;

“Medical Officer of Health” means the Medical Officer of Health for the Region of Waterloo Public Health, or his or her designate;
“Medium-Risk Food Premises” means a Food Service Premises that has been designated as Medium-Risk Food Premises by the Region of Waterloo Public Health or any successor department thereto;

“MLEO” means a Person appointed as a Municipal Law Enforcement Officer by Council pursuant to section 15 of the Police Services Act, R.S.O. 1990, c. P.15, as amended;

“Mock Auction” means an auction during which:

a) any goods are sold to a Person at a price lower than the highest bid offered for the same;

b) part of the bid price is repaid or credited to the bidder;

c) the right to bid is restricted to those Persons who have bought or agreed to buy one or more goods at auction; or,

d) any goods are given away or offered as gifts.

“Motor Vehicle” means an automobile, motorcycle, truck, trailer or motor assisted bicycle unless otherwise indicated in this By-law and any other vehicle propelled or driven otherwise than by muscular power but does not include a street car or other motor vehicle running only upon rails or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine;

“Motor Vehicle Dealership” means a building or place where a Person engages in the Business of buying or selling Motor Vehicles;

“Motor Vehicle Repair Shop” means a building or place where a Person engages in the Business of working on or repairing Motor Vehicles;

“Motor Vehicle Facility” means a new or used Motor Vehicle Dealership, Motor Vehicle Service Station, Motor Vehicle Repair Shop, suppliers of new and used Motor Vehicle parts, Motor Vehicle inspection and insurance appraisal, Motor Vehicle rental and leasing, and Motor Vehicle Specialty and Service Shop;

“Motor Vehicle Service Station” means a building or place of business where all activities are related or incidental to the prime function of selling motor vehicle fuels and products with or without the provision of a motor vehicle repair shop and maintenance to motor vehicles but shall not include a motor vehicle dealership or a motor vehicle repair shop;

“Motor Vehicle Specialty and Service Shop” means a building or place where a Person engages in the Business of servicing and maintenance of the interior or exterior of a Motor Vehicle, including, but not limited to, brakes, tires, transmissions and upholstery, and shall include car wash and paint spray facilities;
“Municipal Enforcement Services” means the Municipal Enforcement Services of the City;

“Municipal Plate” means a plate bearing a number issued by the City to a Licensee and includes a current year validation sticker;

“Newspaper Vending Box” means any box, receptacle or machine, located on City Property, from which newspapers, magazines or other publications are intended to be dispensed, distributed or disseminated to the general public;

“Newspaper Vending Box Operator” means a Person who operates a Newspaper Vending Box;

“Nightclub” means an establishment, or part thereof, whose principal function is the provision of pre-recorded or live music for dancing by patrons, where food or beverages may be served, where the dance floor is greater than 10 square metres and where the Occupancy Load is greater than 100 Persons;

“Obscene Show” means any show of which a dominant characteristic is the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence;

“Occupancy Load” means the number of persons for which a building or part thereof is designed;

“Old Gold Shop” means a Business involving the purchase or exchange of gold, jewellery and other precious metals;


“Owner” means the owner or tenant of a building;

“Operator” includes a proprietor or any other Person who, alone or with others, operates, manages, supervises, runs or controls a Business, and “operate” and “operation” has a corresponding meaning;

“Parking Enforcement” means the activity of enforcing municipal parking by-laws and regulation, including the issuance of a certificate of parking infraction and parking infraction notice under Part II of the Provincial Offences Act, R.S.O. 1990, c. P.33;

“Paving” means the act of laying asphalt, concrete, interlocking stone paving and other similar material;

“Person” means an individual, firm, corporation, association or partnership;

"Personal Service Shop” means a building, or part thereof, used in the provision of services involving the care of a Person, pet or apparel, including a dressmaker, a tailor
and photographic studio, but shall not include a hospital within the meaning of the
Public Hospitals Act, R.S.O. 1990, c P. 40, or similar institutional establishment, a
veterinarian's establishment, an animal hospital, a kennel, a body rub parlour or any
adult entertainment parlour;

"Pet Shop" means a Business where animals are sold, kept, groomed or offered for
sale as pets, excluding veterinary practices;

23, as amended, and “plumbing work” has a corresponding meaning;

“Plumbing Contractor” means a Person engaged in the business of Plumbing;

“Police Officer” means a police officer with the Waterloo Regional Police Service;

“Pool Installation Contractor” means a Person engaged in the Business of installing
pools on privately owned property;

“Portable Sign” means “portable sign” as defined in the City’s Sign By-law;

“Portable Sign Lessor” means a Person engaged in the Business of installing, leasing
or renting to others Portable Signs;

“Portable Sign Permit” means a sign permit issued under the City’s Sign By-law, as
amended, for the display of a Portable Sign;

“Private Property Enforcement Officer” means an individual who, on behalf of a
Private Property Enforcement Contractor, engages in Parking Enforcement on private
property;

“Private Property Enforcement Contractor” means a Person engaged in the
Business of providing Parking Enforcement services on private property;

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

“Qualified Plumber” means a Person who is skilled in the planning, superintending,
installing of Plumbing; who is engages in the foregoing work; who is familiar with the
laws, rules, and regulations governing same; and, who has held his or her provincial
certificate of qualification as a journeyman plumber for at least 2 years;

“Refreshment Vehicle” means either a Refreshment Vehicle Class “A” or Refreshment
Vehicle Class “B”;
“Refreshment Vehicle Class “A” means a motorized vehicle that is moved from place to place and that offers for sale only pre-packaged foods, pre-bottled beverages and iced confectioneries, including ice cream, for consumption to the general public;

“Refreshment Vehicle Class “B” means a vehicle propelled by muscular power, from which pre-bottled beverages and confection goods are sold for human consumption, including, but not limited to, fruit, candy, peanuts, ice cream and popcorn;

“Registered Charity” means:

a) a charitable organization, private foundation or public foundation, within the meanings assigned by subsection 149.1(1) of the Income Tax Act, RSC 1985, c. 1 (5th Supp), that is resident in Canada and was either created or established in Canada; or,

b) a branch, section, parish, congregation or other division of an organization or foundation described in paragraph (a), that is resident in Canada and was either created or established in Canada and that receives donations on its own behalf;

that is at that time registered as a charitable organization, private foundation or public foundation;

“Salvage Yard” means “Salvage Yard” as defined in the Regional Municipal of Waterloo By-law No. 05-063;

“Second Hand Good Shop” means “Second-Hand Good Shop” as defined in the Regional Municipal of Waterloo By-law No. 05-062;

“Sign” means an identification, description, illustration, object or device illuminated or non-illuminated, that is visible from any public or private street and directs attention to a product, place, activity, Person, institution, business, or solicitation, but does not include:

a) the display of goods placed inside a window;

b) gravestones or other markers placed for historical or memorial purposes;

c) private celebratory or holiday decorations;

d) murals; or,

e) traffic control devices;

“Significant Community Festival” means a designated festival or event approved by City Council;
“Special Event” means an event not exceeding three (3) consecutive days and not occurring more than six (6) times in a calendar year;

“Special Sale” means any sale that offers to sell or dispose of goods, wares or merchandise in a manner that is not in the ordinary course of retail business, including, but not limited to, liquidation sales and bankruptcy sales;

“Temporary Vendor” means a Person engaged in the Business of selling or offering for sale goods or services for a period of time less than ninety (90) days;

“Tradeshow” means a gathering of members of a trade industry for the exhibition of products or technologies;

“Tobacconist” means a Person engaged in the Business of selling tobacco, cigars or cigarettes;

“UpTown Waterloo Commercial Core” means the area of the City as shown in Schedule 41 of this By-law;

“UpTown Waterloo Business Improvement Area” means the area of the City as shown in Schedule 42 of this By-law;

“Zoning By-law” means all by-laws passed by Council pursuant to section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, that restricts the use of land in the City, as amended;

2. Prohibitions.

2.1. No Person shall:

   a) carry on a Business, permit a Person to carry on a Business or hold themselves out as being licenced to carry on a Business:

      i. without a Licence or Business Licence, as applicable;

      ii. at a location other than the Licenced Premises;

      iii. under any other name than the one identified on the Licence;

      iv. except in accordance with the regulations set out in this By-law; or,

      v. without complying with any and all conditions or restrictions placed on the Licence;

   b) transfer or assign a Licence to any other Person or to any other location other than the Licenced Premises; or,
c) obtain a Licence by providing mistaken, false or incorrect information.

2.2. Where a Person sells or transfers ownership of a Business to another Person, including the sale or transfer of shares in the Business or a corporation that owns shares in the Business, the Licence issued for that Business shall be void upon transfer.

2.3. Section 2.1 above shall not apply to a Business that is regulated by:

a) the Rental Housing Licensing By-law; or,

b) the Adult Entertainment Parlour By-law.

2.4. Section 2.1 above shall not apply to the following Businesses:

a) taxi cabs;

b) Second Hand Good Shops; and,

c) Salvage Yards.

3. Licencing requirements

3.1. For a Licence, an Applicant shall submit the following to the Director:

a) a complete Application in the form prescribed by the Director, which shall include:

i. the Applicant’s name;

ii. the Applicant’s residential and mailing address;

iii. the address for the Business; and,

iv. the telephone number, facsimile number and e-mail address for the Business;

b) the applicable fees in accordance with the Fees and Charges By-law, which are not prorated or refundable;

c) a copy of a Master Business Licence, if applicable;

d) unless provided otherwise in this By-law, a certificate of insurance as provided in Schedule 1 to this By-law;

e) where the Applicant is a corporation, a copy of the Certificate of Status and a list of the names and addresses of the current directors and officers of the corporation;
f) where the Applicant is a partnership, a list of the names and addresses of the partners and, if a registered partnership, a copy of the registered declaration of partnership, and any changes or corrections thereto;

g) where the Applicant is an individual, proof that the Applicant is an Adult; and,

h) any other documents as prescribed in the schedules.

3.2. For a renewal of a Licence, an Applicant shall submit to the following to the Director:

a) a renewal application in the form prescribed by the Director;

b) the applicable fees in accordance with the Fees and Charges By-law, which are not prorated or refundable; and,

c) such documents as the Director may require including but not limited to the documents set out in section 3.1 above.

3.3. Every Licensee shall:

a) post the Licence in a conspicuous place at the Licenced Premises;

b) carry the Licence on their Person when engaged in a Business where the Licensee travels from place to place to perform their Business;

c) produce the Licence for inspection and otherwise permit any MLEO, or any other Persons authorized to enforce this By-law, to enter the Licenced premises to conduct an inspection as may be deemed necessary in order to ascertain whether or not the provisions of the By-law are being complied with;

d) notify the Director within seven (7) days of any change in their Business or residential address, email address or facsimile number;

e) comply with the provisions of this By-law and all applicable laws, including, but not limited to, the Zoning By-law; and,

f) comply with the conditions and restrictions placed on the Licence.

4. Issuance of Licence and grounds for refusal

4.1. The Director shall receive and process all completed Applications for Licences and Licence renewals.

4.2. The Director shall issue a Licence or renew a Licence to any Person who meets the requirements of this By-law, except where:
a) the past conduct of the Applicant affords the Director reasonable grounds to believe that the Applicant has not or will not carry on their Business in accordance with the applicable law or with integrity and honesty;

b) the Director reasonably believes that the carrying on of the Business may be adverse to the public interest;

c) the Application Premises is subject to an order, or orders, made pursuant to or by:

   vi. the City’s Property Standards By-law;

   vii. the Building Code Act, 1992, S.O. 1992, c. 23, or any regulations made thereunder;

   viii. the Fire Protection and Prevention Act, 1997, or any regulations made thereunder, including the Ontario Fire Code; or,

   ix. the Medical Officer of Health;

d) the Application Premises is not in compliance with the Zoning By-law;

or,

e) the Applicant is indebted to the City by way of fines, penalties, judgments, outstanding property taxes, or any other amounts owing.

4.3. The Director may deny the issuance or renewal of a Licence where the Applicant has been convicted within the past five (5) years of:

a) a criminal offence for which a pardon has not been granted; or,

b) a regulatory offence in any way related to the Business.

4.4. For the purposes of sections 4.2 and 4.3 above, the term “Applicant” shall include any director, officer, partner or principal of a partnership or corporation, or any shareholder of a corporation that holds at least fifty percent (50%) of the shares of that corporation.

4.5. The Director shall generally perform all administrative functions conferred upon them by this By-law.

4.6. Licences issued pursuant to this By-law are conditional on compliance by the Licensee with all municipal by-laws and other applicable laws.

5. Term Of Licence
5.1. Unless renewed or revoked, a Licence issued or renewed under this By-law shall expire annually in accordance with Schedule 4, except where provided otherwise in the schedules.

6. **Revocation And Suspension**

6.1. The Director may revoke or suspend a Licence at any time where:

a) the Director is of the opinion that the Business carried on by the Licensee poses a threat to the health and safety of the public;

b) the Licensee has violated any of the provisions of this By-law or any other applicable laws;

c) the Licence was issued because false or misleading information was provided to the City;

d) a Licence was issued in error; or,

e) authorised in accordance with this By-law.

6.2. If the Director is satisfied that the carrying on of the Business poses an immediate danger to the health or safety of any Person or to any property, the Director may, for the time and on such conditions as they consider appropriate, without a hearing, suspend a Licence subject to the following:

(a) before suspending the Licence, the Director shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and

(b) the suspension shall not exceed fourteen (14) days.

6.3. The Director shall provide notice of intention to revoke or suspend a Licence and shall advise the Licensee of his or her right to appeal.

7. **Appeal**

7.1. Any Person who has been denied a Licence, or the renewal of a Licence, has had their Licence suspended or revoked or has had terms or conditions imposed on a Licence, may appeal the decision of the Director to a Licensing Appeal Tribunal.

7.2. Section 7.1 of this By-law does not apply to Licence suspensions under section 6.2. above.

7.3. The Licensing Appeal Tribunal shall be composed of such Individuals, not fewer than three (3), as Council considers advisable.
7.4. The members of the Licensing Appeal Tribunal shall hold office for the term of Council. When a vacancy occurs in the membership of the Licensing Appeal Tribunal, Council shall forthwith fill the vacancy.

7.5. The members of the Licensing Appeal Tribunal shall elect a Chair from among themselves. When the Chair is absent through illness or otherwise, the Licensing Appeal Tribunal may appoint another member as acting Chair.

7.6. A majority of the members of the Licensing Appeal Tribunal constitutes a quorum for transacting the Licensing Appeal Tribunal’s business. Where the number of members who, by reason of declaring a conflict of interest are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

7.7. Council shall appoint a Secretary for the Licensing Appeal Tribunal.

7.8. The Secretary of the Licensing Appeal Tribunal shall keep on file the records of all official business of the Licensing Appeal Tribunal, including records of all Applications and minutes of all decisions respecting those Applications.

7.9. The Licensing Appeal Tribunal shall give notice or direct that notice be given of the hearing of an appeal to such Persons as the Licensing Appeal Tribunal considers advisable.

7.10. All appeals shall be submitted:

a) within twenty-one (21) days of the decision of the Director to deny issuing or renewing a licence or suspending or revoking a licence or imposing terms or conditions on a licence;

b) in writing;

c) to the Secretary of the Licensing Appeal Tribunal;

d) setting out, in detail, the grounds for the appeal; and,

e) along with the applicable fee, as outlined in the Fees and Charges By-Law.

7.11. Where an appeal is not submitted within the time set out in subsection 7.10 a), the decision of the Director shall be deemed to be confirmed and no appeal shall be allowed.

7.12. The Licensing Appeal Tribunal shall hear all appeals.
7.13. On an appeal, the Licensing Appeal Tribunal has all the powers and functions of the Director who made the decision and the Licensing Appeal Tribunal may do any of the following things if, in the Licensing Appeal Tribunal’s opinion, doing so would maintain the general intent and purpose of the by-law:

a) confirm, modify or rescind the decision of the Director to deny issuing or renewing a licence or suspending or revoking a licence or to impose terms or conditions on a licence.

7.15. Council hereby delegates decision-making authority to the Licensing Appeal Tribunal with regards to appeals under this By-law, as Council is of the opinion that the powers that it is delegating to the Licensing Appeal Tribunal are of a minor nature, and the decision of the Licensing Appeal Tribunal shall be final.

8. Notices

8.1. Any notice pursuant to this By-law may be given in writing in any of the following ways and is effective:

a) on the date on which a copy is delivered to the Person to whom it is addressed;

b) on the fifth day after a copy is sent by registered mail to the Person’s last known address;

c) upon the conclusion of the transmission of a copy by facsimile to the Person’s last known facsimile number; or

d) upon the sending of a copy by email transmission to the Person’s last known email address.

8.2. For the purpose of section 8.1 above, the Person’s last known address, last known facsimile number and last known email address shall be deemed to be those provided pursuant to Section 3.1 a) of this By-law.

9. Inspection

9.1 The City may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

a) this By-law;

b) an order of the City made under this By-law;

c) a condition of a Licence issued under this By-law; or,
d) an order made under section 431 of the *Municipal Act*.

9.2 For the purposes of conducting an inspection pursuant to section 9.1 of this By-law, the City may:

a) require the production for inspection of documents or things relevant to the inspection;

b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

c) require information from any Person concerning a matter related to the inspection; and,

d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

9.3 No Person exercising a power of entry on behalf of the City shall enter or remain in any room or place actually being used as a dwelling unless:

a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 438 of the *Municipal Act*, a warrant issued under section 439 of the Municipal Act or a warrant issued under section 386.3 of the *Municipal Act*;

b) an order issued under section 438 of the *Municipal Act* is obtained;

c) a warrant issued under section 439 of the *Municipal Act* is obtained;

d) a warrant issued under section 386.3 of the *Municipal Act* is obtained;

e) the delay necessary to obtain an order under section 438 of the *Municipal Act*, to obtain a warrant under section 439 of the *Municipal Act* or to obtain the consent of the occupier would result in immediate danger to the health or safety of any Person; or,

f) the City has first given notice of its intention to enter the occupier of the land as required under subsection 435(2) of the *Municipal Act* and the entry is authorized under sections 79, 80 or 446 of the *Municipal Act*.

9.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-law. For more certainty:
a) a refusal to consent to enter or remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of this section unless the City is acting under an authority set out in section 9.3 above.

10. **Order to discontinue activity**

10.1. Where the Director has reasonable grounds to believe that a contravention of this By-law has occurred, the Director may make an order requiring the Person who contravened this by-law, or who has caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.

10.2. An order under section 10.1 of this By-law shall set out:

   a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,

   b) the date by which there must be compliance with the order.

10.3. Any Person who contravenes an order under section 10.1 of this By-law is guilty of an offence.

11. **Work order**

11.1. Where the Director has reasonable grounds to believe that a contravention of this By-law has occurred, the Director may make an order requiring the Person who contravened this By-law, or who caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.

11.2. An order under section 11.1 of this By-law shall set out:

   a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,

   b) the work to be done and the date by which the work must be done.

11.3. An order under section 11.1 of this By-law may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.

11.4. Any Person who contravenes an order under section 11.1 of this By-law is guilty of an offence.

12. **Remedial action**
12.1. If a Person fails to do a matter or thing, including comply with an order under this By-law, as directed or required by this By-law, the City may, in default of it being done by the Person directed or required to do it, do the matter or thing at the Person’s expense. The City may recover the costs of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

12.2. The costs outlined in 12.1 of this By-law shall include interest calculated at a rate of 15 percent, calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including interest, are paid in full.

12.3. The amount of costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment, the City shall register a discharge of the lien in the proper land registry office.

13. Enforcement

13.1. This By-law may be enforced by MLEO’s, Police Officers or the Medical Officer of Health.

14. Penalties

14.1. Every Person who contravenes any of the provisions of this By-law is guilty of an offence pursuant to section 429 of the Municipal Act and all contraventions of this By-law are designated continuing offences.

14.2. Every Person, excluding a corporation, who is convicted of an offence, is liable to a minimum fine of Three Hundred and Fifty Dollars ($350.00) and a maximum fine of Twenty-Five Thousand Dollars ($25,000.00) for the first offence and a maximum fine of Fifty Thousand Dollars ($50,000.00) for a subsequent offence.

14.3. Every corporation who is convicted of an offence is liable to a maximum fine of Fifty Thousand Dollars ($50,000.00) for the first offence and a maximum fine of One Hundred Thousand Dollars ($100,000.00) for a subsequent offence.

14.4. In addition to the fine amounts set out in sections 14.2 and 14.3 above, for each day or part of a day that an offence continues, the minimum fine shall be Three Hundred and Fifty dollars ($350.00) and the maximum fine shall be Ten Thousand Dollars ($10,000.00). The total of all daily fines for the offence is not limited to One Hundred Thousand Dollars ($100,000.00).
14.5. Pursuant to section 447 of the *Municipal Act*, where an Owner is convicted of knowingly carrying on or engaging in a trade, business or occupation on, in or in respect of any premises or any part of any premises without a Licence required by this By-law, the Court may order that the premises or part of the premises be closed to any use for a period not exceeding two (2) years.

14.6. Where a Person is convicted of a contravention of this By-law, other than a conviction described in section 14.5 above, and the Court determines that the Owner or tenant of the premises or part of the premises in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the Court may order that the premises be closed to any use for a period not exceeding two (2) years.

15. **Collection of unpaid fines**

15.1. Pursuant to section 441 of the *Municipal Act*, if any part of a fine for a contravention of this By-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act* including any extension of time for payment ordered under that section, the Director may give the Person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice.

15.2. If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purpose of section 351 of the *Municipal Act*.

16. **Schedules**

16.1. The schedules which are attached to this By-law shall form part of this By-law.

17. **Short title**

17.1. This By-law shall be known as the “Comprehensive Licensing By-law”.
18. **Severability**

18.1. If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in full force and effect.

19. **Repeal/transition**

19.1. The following by-laws, as may have been amended, are repealed on the day this By-law comes into force and effect:

   a) By-law No. 02-185 Business By-law;
   b) By-law No. 02-186 Drain Layer By-law;
   c) By-law No. 02-187 Ice Cream Vendors By-law;
   d) By-law No. 02-189 Old Gold Dealers By-law;
   e) By-law No. 02-190 Outdoor Vending By-law;
   f) By-law No. 02-191 Pet Shops By-law;
   g) By-law No. 02-192 Public Halls By-law;
   h) By-law No. 02-193 Special Sales By-law;
   i) By-law No. 2013-074 Food Truck By-law;
   j) By-law No 08-148 Group Home By-law; and,
   k) Section 6 of By-law No. 2013-074 Animal Control By-law.

19.2. The following chapters of the Municipal Code, as may have been amended, are repealed on the day this By-law comes into force and effect:

   a) Chapter 588 Bills – Circulars – Distribution;
   b) Chapter 599 Drain Layers – Regulations;
   c) Chapter 612 Ice Cream Vendors;
   d) Chapter 618 Lodging Houses;
   e) Chapter 631 Newspaper Vending Boxes;
   f) Chapter 636 Old Gold Other Precious Metals Dealers;
g) Chapter 639 Outdoor Vendors;
h) Chapter 647 Public Halls;
i) Chapter 656 Special Sales; and,
j) Chapter 760 Signs Other Advertising Devices.

19.3. Reference to the repealed by-law numbers in any documentation shall be deemed to be reference to this By-law.

19.4. Notwithstanding section 19.1 above, the provisions of these by-laws, as amended, shall be deemed to continue in force and effect with respect to any and all order, appeals or prosecutions issued, filed or commenced under these by-laws, and any assessment, rate, charge, tax, fee, liability or penalty outstanding under these by-law may be collected as if this by-law had not been repealed.

19.5. A licence issued under any by-law or chapter of the Municipal Code listed in sections 19.1 or 19.2 above, as amended, shall be deemed a Licence under this By-law and shall be subject to all provisions of this By-law, but shall expire on the earlier of the following dates:

a) the date stated on the licence; or,

b) December 31, 2015.

20. Coming into force

20.1 This By-law shall come into force and effect on January 1, 2015.

Enacted this 11th day of August, 2014.

<table>
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<tr>
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B. Halloran, Mayor

O. Smith, City Clerk
SCHEDULE 1

INSURANCE REQUIREMENTS

1. This Schedule shall apply to those Persons seeking to carry on a Business.

Indemnification

2. Upon submitting an Application, the Applicant shall execute the following indemnity to the satisfaction of the City:

The Licensee both during and after the term of the Licence or renewed Licence, shall at all times, and at its own cost, expense and risk, defend, indemnify and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and all respective heirs, administrators, executors, successors and assigns from any and all losses, damages (including, but not limited to, incidental, indirect, special and consequential damages, or any loss of use, revenue or profit by any Person, organization or entity), fines, penalties and surcharges, liabilities (including, but not limited to, any and all liability for damage to property and injury to Persons, including death), judgments, claims, demands, causes of action, contracts, suits, actions or other proceedings of any kind (including, but not limited to, proceedings of a criminal, administrative or quasi criminal nature) and expenses (including, but not limited to, legal fees on a substantial indemnity basis), which the indemnified Person or Persons may suffer or incur, howsoever caused, provided such losses, damages, fines, penalties and surcharges, liabilities, judgments, claims, demands, causes of action, contracts, suits, actions or other proceedings of any kind and expenses as defined above are due or claimed to be due to the negligence, breach of contract, and/or breach of law of the Licensee.

General Liability Insurance

3. The Licensee shall maintain liability insurance acceptable to the Director throughout the term of their Licence.

4. The liability insurance shall consist of a comprehensive policy of public liability and property damage insurance in an amount of not less than $2,000,000.00 per occurrence.

5. The liability insurance shall name the City as a co-issued with a cross liability endorsement and severability of interests provision.

Automobile Liability Insurance

6. Where the Licensee uses or requires a Motor Vehicle to carry on their Business, the Licensee shall obtain and maintain, in full force and effect for the term of their Licence, automobile liability insurance in the amount of $2,000,000.00 per occurrence covering all Motor Vehicles owned or leased by the Licensee.

General Provisions

7. The Licensee shall submit a Certificate of Insurance evidencing this insurance and it shall state that coverage will not be suspended, voided, cancelled, reduced in
coverage or in limits except after thirty (30) days (ten (10) days if cancellation is due to non-payment of premium) prior written notice by registered mail to the City.

8. In the event of a claim, any deductible or self-insured retention under the insurance shall be the sole responsibility of the Licensee and that the coverage shall preclude subrogation claims against the City and any other Person insured under the policy and be primary insurance in response to claims. Any insurance or self-insurance maintained by the City and any other Person insured under the policy shall be considered excess of the Licensee's insurance and shall not contribute with it. The minimum amount of insurance required herein shall not modify, waive or otherwise alter the Licensee’s obligation to fully indemnify the City.
SCHEDULE 2

CRIMINAL RECORD CHECK REQUIREMENTS

1. This Schedule shall apply to those Persons who are required to provide a Criminal Record Check with their application for a Licence.

2. The Criminal Record Check accepted by the Director shall meet the following requirements:
   
a) must be an original copy;

b) must be obtained by an Applicant;

c) if the Applicant is a partnership, a completed Criminal Record Check must be obtained for each partner;

d) if the Applicant is a corporation, a completed Criminal Record Check must be obtained for each director and officer of the corporation and for any shareholder who holds more than 30% of the issued shares in the corporation; and,

3. The Criminal Record Check shall be completed by a Canadian Police Service, or by a police service in the country where the Applicant currently resides. Criminal Record Check completed by third party agency will not be accepted.
SCHEDULE 3

FOOD HANDLER REQUIREMENTS

1. This schedule shall apply to all operators of Food Service Premises.

2. Every Licensee shall ensure that there is at all times, when operating a Medium-Risk Food Premises or High-Risk Food Premises, at least one (1) Certified Food Handler working at the premises.
## SCHEDULE 4

### BUSINESSES REQUIRING A LICENCE, ANNUAL RENEWAL DATE

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SCHEDULE 5

BUSINESS LICENCE

1. A Business Licence is required for all Persons carrying on a Business that is not regulated by:
   c) a schedule to this By-law;
   d) the Rental Housing Licensing By-law; or,
   e) the Adult Entertainment Parlour By-law.

2. The following Businesses do not require a Business Licence:
   a) taxi cabs;
   b) Second Hand Good Shops; and,
   c) Salvage Yards.

3. A Business Licence shall:
   a) be required for each location that a Business operates in the City;
   b) be valid only for the Licenced Premises and the Licensee; and,
   c) be valid only for the duration that the Business operates at the Licenced Premises.
SCHEDULE 6

ANIMALS FOR ENTERTAINMENT

1. This schedule shall apply to those Persons carrying on a Business using Animals for Entertainment.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) written approval from the Owner of the property being used for providing Animals for Entertainment;
   b) a Criminal Record Check;
   c) a description of the proposed use;
   d) a description of the type and number of animals being used;
   e) proof the Kitchener-Waterloo and North Waterloo Humane Society is aware of the event and number and type of animals being used; and,
   f) a site plan of the event showing where and how the animals are going to be kept and sheltered from the elements.

3. In addition to the grounds for refusal in Section 4 of the By-law, no Licence shall be issued:
   a) where the animal is, or is likely to be taunted, goaded, baited, provoked, injured or distressed;
   b) where spectators or other members of the public are likely to be injured by the animal or the use of the animal, including being trampled, gored, crushed, thrown or bitten; or,
   c) where the animal is at risk of escaping or otherwise being at large.

4. No Person using an Animal for Entertainment shall:
   a) taunt, goad, bait, provoke, injure or distress the animal or permit it to be taunted, goaded, baited, provoked, injured or distressed; or,
   b) restrain the animal in a manner that causes pain, injury or distress.

5. Every Person using an Animal for Entertainment shall ensure that spectators and other members of the public are protected from being injured by the animal, and ensure that the animal is prevented from escaping or being at large.

6. A Licence issued under this By-law shall only be valid for the specified event.

7. If Animals for Entertainment are being used at a Fair, a Licence for the Fair is also required.
SCHEDULE 7

AUCTIONEER

1. This schedule shall apply to those Persons seeking to carry on a Business as an Auctioneer.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) a Criminal Record Check.

3. In addition to the grounds for refusal in Section 4 of the By-law, no Licence shall be issued where, at any time within three years prior to the Application, the Applicant 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.

4. Notwithstanding the prohibitions set out in Section 2 of the By-law, a sheriff or bailiff offering for sale goods or chattels seized under an execution or detained for rent, or a Person selling land by public auction, is not required to be Licenced under this By-law.

5. No Licensee shall:
   a) permit disorder in the auction room or offices;
   b) conduct or permit a Mock Auction;
   c) make or permit a misrepresentation as to the quality or value of the goods offered for sale;
   d) use 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; or,
   e) give false statement to the owner of the goods or to a purchaser of the goods as to the sale.

6. Every Licensee shall keep proper books showing:
   a) the names and addresses of the owners of the goods auctioned;
   b) a description of the goods;
   c) the price at which they were sold;
   d) the amount of any commission or fee;
   e) the names and addresses of the purchasers; and,
   f) 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.
SCHEDULE 8

BEAUTY SALON OR BARBER SHOP

1. This schedule shall apply to those Persons to carry on a Beauty Salon or Barber Shop.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) Health Approval, issued within twelve (12) months prior to the date of the Application; and,
   b) a floor plan, which indicates the units of measurement for the area.

3. Every Licensee shall:
   a) ensure that the Licenced Premises are kept in a clean and sanitary condition;
   b) ensure that all Persons performing Beauty Salon or Barber Shop treatments on the Licenced Premises are appropriately qualified;
   c) ensure that all equipment used in the Licenced Premises are sterilized or disinfected;
   d) comply with the Personal Services Settings Protocol under the Infection Control Program of the Mandatory Health Programs and Services Guidelines, January 1998, published by the Minister of Health as authorized by the Health Protection and Promotion Act, as amended and replaced from time to time; and,
   e) comply with the requirements of the Medical Officer of Health and the Personal Services Protocol provided by the Region of Waterloo Public Health.
SCHEDULE 9

BED AND BREAKFAST ESTABLISHMENT

1. This schedule shall apply to those Persons seeking to carry on a Bed and Breakfast Establishment.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

   a) for a Class “A” Licence:
      i. a Criminal Record Check;
      ii. a Declaration of Compliance;
      iii. a floor plan, which indicates the units of measurement for the area; and,
      iv. a parking plan.

   b) for a Class “B” Licence:
      i. the documents listed in section 2a) above; and,
      ii. a Fire Safety Plan.

3. Other than those establishments identified in section 4, below, a Class “A” Licence shall be required for all Bed and Breakfast Establishments.

4. A Class “B” Licence shall be required for an establishment with a total Occupancy Load of eleven (11) or more Persons. For greater certainty, “Occupancy Load” includes any permanent residents of the establishment and employees.

5. In addition to the licensing requirements set out in section 2 above, a Health Approval, issued within twelve (12) months prior to the date of the Application, shall accompany a completed Application for a Class “A” or “B” Licence where the Bed and Breakfast Establishment can hold a total number of ten (10) guests or more.

6. The Licensee or Operator of a Bed and Breakfast Establishment shall reside on the Licensed Premises.

7. Every Licensee shall:

   a) keep a register of all guests staying at the Bed and Breakfast Establishment and the register shall be open for inspection by the Director; for more certainty, the register shall include:
      i. the date of entry of the guest;
      ii. the period of time of the guest’s stay; and,
      iii. the name and address of the guest;
b) display in a prominent location a list of the fees to be charged for each room permitted to be used under the Licence and the check-out time for same; and, 

c) ensure the Bed and Breakfast Establishment is maintained in a clean and hygienic manner.

8. A Licence for a Bed and Breakfast Establishment shall not be issued to a property holding a licence issued under the City’s Rental Housing Licensing By-law.
SCHEDULE 10

BUILDING RENOVATOR

1. This schedule shall apply to those Persons seeking to carry on as a Building Renovator.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

   a) a Criminal Record Check.

3. Every Licensee shall:

   a) have printed or otherwise displayed on the driver and passenger sides of all vehicles owned, leased or used on a regular basis by the Building Renovator in the course of Business, in figures no less than ten (10) centimetres in height, the Building Renovator’s name;

   b) have printed or otherwise impressed on all business stationery, forms, invoices, statements and advertising materials, the Building Renovator’s name, Business address and telephone number;

   c) prepare a written contract which shall be signed by the Licensee and the Person for whom the work is being done before commencing any work, such contract to contain:

      i. the current year’s Licence number;

      ii. the name and address of the Licensee and the Person for whom the work is being done;

      iii. the address where the work is to be done;

      iv. a description of the materials and services to be supplied sufficient to identify them with certainty;

      v. the itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;

      vi. when credit is extended, the statement as required by section 79 (1) of the Consumer Protection Act, 2002, S.O. 2002, Chapter 30, Schedule A, as amended;

      vii. warranties or guaranties, if any; and,

      viii. the estimated date of completion;

   d) give a copy of the contract referred to in subsection 3b) above to the Person for whom the work is being done; and,

   e) where required, obtain all necessary permits prior to the commencement of any work, and upon completion, procure an inspection from the City.
SCHEDULE 11

DONATION BOX OPERATOR

1. This schedule shall apply to those Persons seeking to carry on as a Donation Box Operator.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) a Criminal Record Check;
   b) a list of the number and locations of all of Donation Boxes owned by the Licensee within the City; and,
   c) a Canada Revenue Agency Registered Charity number, if applicable.

3. Every Donation Box Operator shall obtain from the Director a permit for each Donation Box operated in the City.

4. An application for a permit referenced in section 3 above shall be accompanied by:
   a) a site plan of the location of the Donation Box, showing where on the property the Donation Box is to be located; and,
   b) written permission of the Owner of the property consenting to the placement of the Donation Box on their property.
   c) the applicable fees in accordance with the Fees and Charges By-law, which are not prorated or refundable.

5. Every Donation Box Operator shall:
   a) ensure the Donation Boxes are located on private property;
   b) obtain a validation sticker from the Municipal Enforcement Services bearing the identification number, the location for which the donation box has been approved, and the expiry date of the Licence or permit;
   c) affix and maintain the validation sticker on a conspicuous part of the permit for each Donation Box during the period for which the permit is valid;
   d) only operate a Donation Box at the location for which a permit has been issued;
   e) display the name of the Donation Box Operator in a conspicuous place on the Donation Box, in lettering of a contrasting colour and no smaller than 100 millimetres x 75 millimeters;
   f) if not a Registered Charity, display the words: "NOT a Registered Charity" immediately below the name of the operator, in lettering no smaller than 80 millimeters x 60 millimeters, and of a contrasting colour;
g) correctly display on the Donation Box wording approved by the Director regarding the Donation Box Operator’s charitable status;

h) if any of the items collected by means of the Donation Box is used to benefit a charity, Community Organization or religious institution, immediately below the message described in (e), in lettering no smaller than 80 millimetres x 60 millimeters, and of a contrasting colour, state the amount, as a percentage of sales, dedicated to charities, Community Organizations or religious institutions; and,

i) ensure that the Donation Box is clean, in good repair and is free of graffiti and shall ensure that all areas immediately adjacent to the Donation Box are clean and free of litter and other debris.

6. No Person shall allow a Donation Box without a permit to remain on their property.

7. No Donation Box shall be located on any property in the City if the Donation Box or the Donation Box Operator fails to comply with the terms of this schedule.
SCHEDULE 12

DRAIN LAYING CONTRACTOR

1. This schedule shall apply to those Persons seeking to carry on as a Drain Laying Contractor.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   
a) the names of any Persons employed by the Drain Laying Contractor as a Drain Layer; and,
   
b) if the Drain Layer Contractor is performing drainage system design work, the name of a qualified on-site sewage installer and the registration issued by the Ministry of Municipal Affairs and Housing indicating the installer has the qualifications set out in section 3.3.3 of the Ontario Building Code.

3. A Licence shall be required for each Person performing drain laying work.

4. No Licensee shall:
   
a) employ any Person to do Drainage Work unless such Person is qualified to perform such work; or,
   
b) back-fill or cover any Drainage Work until such work is inspected and approved by the Chief Building Official.

5. Every Licensee shall obtain all necessary permits prior to the commencement of any work and, upon completion, procure a final inspection from the City.

6. Notwithstanding section 3 of this Schedule, the following Persons do not require a Licence under this Schedule:
   
a) a Person licenced as a Plumbing Contractor under this By-law; or,
   
b) an Owner of land performing Drainage Work on their property on which they either reside or are currently constructing a residence for their own use.
SCHEDULE 13

DRIVEWAY PAVING CONTRACTOR

1. This schedule shall apply to those Persons seeking to carry on as a Driveway Paving Contractor.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

   a) a Criminal Record Check.

3. Every Licensee shall:

   a) have printed or otherwise displayed on the driver and passenger sides of all vehicles owned, leased or used on a regular basis by the Driveway Paving Contractor in the course of Business, in figures no less than ten (10) centimetres in height, the Driveway Paving Contractor's name;

   b) have printed or otherwise impressed on all business stationery, forms, invoices, statements and advertising materials, the Driveway Paving Contractor's name, business address and telephone number;

   c) prepare a written contract which shall be signed by the Licensee and the Person for whom the work is being done before commencing any work, such contract to contain:

      i. the current year's Licence number;

      ii. the name and address of the Licensee and the Person for whom the work is being done;

      iii. the address where the work is to be done;

      iv. a description of the materials and services to be supplied, including the depth of asphalt, concrete, gravel or other material to be applied (this description may be supplemented by a sketch);

      v. the itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;

      vi. where credit is extended, the statement required by Section 79 (1) of the Consumer Protection Act, 2002, as amended;

      vii. warranties or guaranties, if any; and

      viii. the estimated date of completion;

   d) give a copy of the contract referred to in subsection 3(c) to the Person for whom the work is being done; and

   e) where required, obtain all necessary permits prior to the commencement of any work, and upon completion, procure an inspection from the City.
SCHEDULE 14
DRY CLEANER OR LAUNDERETTE

1. This schedule shall apply to those Persons seeking to carry on as a Dry Cleaner or carry on a Launderette.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) Class "A" Licence:
      i. a Declaration of Compliance.
   b) Class "B" Licence:
      i. the documents listed in section 2a) above; and,
      ii. a Fire Safety Plan.

3. Other than those establishments identified in section 4, below, a Class “A” Licence shall be required for all Dry Cleaner Establishments and Launderettes.

4. A Class “B” Licence shall be required for the following facilities:
   a) a Dry Cleaner Establishment or Launderette with an Occupancy Load of more than 100 Persons;
   b) a Dry Cleaner Establishment using flammable or explosive chemicals with an Occupancy Load of more than 25 Persons;
   c) a Dry Cleaner Establishment or Launderette with quantities of Flammable Liquids or Combustible Liquids that exceed 500 Litres in total; or,
   d) a Dry Cleaner Establishment or Launderette with quantities of Flammable Liquids.
SCHEDULE 15

FAIR

1. This schedule shall apply to those Persons seeking to carry on a Fair.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) written permission of the Owner of the property consenting to the use of their property for the Fair;
   b) a Criminal Record Check;
   c) evidence that all employees of the Fair are protected by the Workplace Safety and Insurance Act, 1997, S.O. 1997, c. 16, Schedule A, to the extent required by such statute;
   d) a list of all exhibits, Amusement Devices, games, shows and stalls to be set up or held at the Fair; and,
   e) evidence of the approval from the Technical Standards and Safety Authority, issued within twelve (12) months prior to the date of the Application, to carry on Business of operating Amusement Devices.

3. In addition to the requirements set out in Section 2 of this Schedule, the following shall accompany an Application for a Licence or renewal of a Licence for a Fair that provide the sale of food or the use of Animals for Entertainment:
   a) a Health Approval, issued within twelve (12) months prior to the date of the Application.

4. No Licensee shall:
   a) permit any illegal gambling, illegal drinking, prostitution, Obscene Show or the short-changing or cheating of the public;
   b) permit any Person while operating an Amusement Device to smoke or hold lighted tobacco; or,
   c) operate a Fair before 8:00 a.m. and after 11:00 p.m.
SCHEDULE 16

FENCE INSTALLATION CONTRACTOR

1. This schedule shall apply to those Persons seeking to carry on as a Fence Installation Contractor.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

a) a Criminal Record Check.

3. Every Licensee shall ensure that all debris, mud, garbage or stone tracked onto the roadway as result of a fence installation is removed before 9 p.m. of each day of the installation.

4. Every Licensee shall:

a) have printed or otherwise displayed on the driver and passenger sides of all vehicles owned, leased or used on a regular basis by the Fence Installation Contractor in the course of Business, in figures no less than ten (10) centimetres in height, the Fence Installation Contractor’s name;

b) have printed or otherwise impressed on all business stationery, forms, invoices, statements and advertising materials, the Fence Installation Contractor’s name, business address and telephone number;

c) prepare a written contract which shall be signed by the Licensee and the Person for whom the work is being done before commencing any work, such contract to contain:

   i. the year’s Business Licence number;

   ii. the name and address of the Licensee and the Person for whom the work is being done;

   iii. the address where the work is to be done;

   iv. a description of the materials and services to be supplied sufficient to identify them with certainty;

   v. the itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;

   vi. when credit is extended, the statement required by section 79 (1) of the Consumer Protection Act, 2002, as amended;

   vii. warranties or guaranties, if any; and,
viii. the estimated date of completion;

d) give a copy of the contract referred to in subsection 4(b) to the Person for whom the work is being done; and,

e) where required, obtain all necessary permits prior to the commencement of any work, and upon completion, procure an inspection from the City.
SCHEDULE 17

FLEA MARKET

1. This schedule shall apply to those Persons seeking to carry on a Flea Market.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

   a) the names of all vendors operating at the Flea Market;

   b) a description of goods or services offered for sale by vendors at the Flea Market; and,

   c) a Health Approval for each vendor, issued within twelve (12) months prior to the date of the Application, if applicable.

3. A Licence issued for a Flea Market operating on private property shall be valid for the time period stated on the Licence which shall not exceed ninety (90) consecutive days.

4. A Licence issued for a Flea Market operating on City Property shall be valid for the time period stated on the Licence which shall not exceed six (6) months.
SCHEDULE 18

FLYER DISTRIBUTER

1. This schedule shall apply to those Persons seeking to carry on as a Flyer Distributer.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) a list of the names of all Persons employed by the Applicants as a Flyer Distributer.

3. Subsection 3.1(f) of the By-law shall not apply to Flyer Distributer.

4. No Licensee shall leave Flyers on doorsteps, entrances, on windshields of Motor Vehicles or in any place where they are likely to litter public or private property.

5. All Flyers distributed shall be placed only in mail slot or like receptacle.

6. Sections 4 and 5 of this Schedule are not applicable to the Flyers contained within newspapers subscribed to the occupant or owner of the property.
SCHEDULE 19

FOOD SHOP

1. This schedule shall apply to those Persons seeking to carry on a Food Shop.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) for a Class “A” Licence:
      i. Health Approval, issued within twelve (12) months prior to the date of the Application;
      ii. Declaration of Compliance; and,
      iii. proof of an Annual Fire Inspection.
   b) for a Class “B” Licence:
      i. the documents listed in section 2 a) above; and,
      ii. a Fire Safety Plan.

3. Other than those Food Shops identified in section 4, below, a Class “A” Licence shall be required for all Food Shops.

4. A Class “B” Licence shall be required for a Food Shop with an Occupancy Load of 31 Persons or more.

5. Every Licensee shall ensure that there is at all times, when operating a Medium-Risk Food Premises or High-Risk Food Premises, at least one (1) Certified Food Handler working at the premises.
SCHEDULE 20
FOOD TRAILER

1. This schedule shall apply to those Persons seeking to carry on the operation of a Food Trailer.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

a) for a Class “A” Licence:
   i. where the Food Trailer contains equipment fuelled by propane or natural gas, a certificate, issued within six (6) months of the Application, by a provincially certified propane contractor confirming the equipment has been inspected and found to conform to the Propane Storage and Handling Regulations, being Ontario Regulation 211/01, as may be amended or replaced from time to time;
   ii. Health Approval, issued within twelve (12) months prior to the date of the Application;
   iii. a Technical Standards and Safety Authority Field Approval for all equipment and appliances that are not approved by the Canadian Standard Association or the Underwriter Laboratories of Canada;
   iv. proof of an Annual Fire Inspection;
   v. a copy of the Applicant's driver's licence, if any;
   vi. a copy of the ownership for the Food Trailer;
   vii. a plan for the containment and disposal of grey water, grease and garbage in a sanitary manner satisfactory to the City;
   viii. a description of the type of food being served;
   ix. written permission of the Owner of the property consenting to the use of their property for the Food Trailer; and,
   x. a site plan showing the location of the Food Trailer as it relates to other buildings and structures on the property, when the Food Trailer is placed on private property.

3. Notwithstanding section 4 of this Schedule, a Class “A” Licence shall be required for all Food Trailers.

4. The Director may issue a temporary Class “A” Food Trailer Licence for operation at a Significant Community Festival or Special Event.
5. All outdoor vendor licences, issued to hot dog carts or stands under City By-law No. 02-190 and which were valid on the date this By-law comes into force and effect, shall be deemed a Class “B” Licence.

6. Notwithstanding section 19.5 of this By-law, a Class “B” Licence shall continue in effect provided that the Class “B” Licence is renewed within 30 days after the expiration date as identified on the Licence or, where there is no expiration date identified on the Licence, as identified in Schedule 4 for Food Trailers.

7. A Class “B” Licence shall expire and shall not be renewed where the Licensee fails to renew the Licence as set out in section 5 of this Schedule.

8. Every Licensee shall ensure that the Municipal Plate issued in respect of the Licence is securely affixed to the Food Trailer.

9. No Person shall operate a Food Trailer except during the following hours:
   a) 8:00 a.m. to 3:00 a.m. in locations other than City parks; and,
   b) 8:00 a.m. to 11:00 p.m. in City parks.

10. No Person shall park, or permit the parking of, a Food Trailer overnight on City Property or private property after operating hours except on land owned, leased or rented by the operator for the storage of the Food Trailer and in compliance with the Zoning By-Law.

11. No Person shall operate a Food Trailer:
   a) within 10 metres of a restaurant or a Food Trailer with a Class “B” Licence;
   b) on highways under the jurisdiction of the Regional Municipality of Waterloo,
   c) in a manner that interferes with the normal use of a sidewalk by pedestrians;
   d) within 100 metres of any elementary or secondary school;
   e) on private property without the written consent of the property owner;
   f) in a residential area, except on the specific request and with the written permission of a resident to provide food to that resident and guests at the residents’ address; or,
   g) on highways, unless the highway has been closed for a Significant Community Festival or Special Event.

12. Every Licensee shall maintain a Food Trailer in a clean and sanitary condition with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the Food Trailer.
13. A Licence shall be required for Food Trailers operating at a Significant Community Festival, but the licence fee for a temporary Class “A” Food Trailer Licence may be waived for the duration of the Significant Community Festival.

14. Food Trailers shall be prohibited from operating within the boundaries of the UpTown Waterloo Business Improvement Area during a Significant Community Festival or Special Event held in the UpTown Waterloo Business Improvement Area, unless the Licensee has written permission from the event organizer.

15. Licensees with a Class “A” Licence are permitted to operate a Food Trailer in the locations and area of operations as set out in Schedules 41.

16. Licensees with a Class “B” Licence are only permitted to operate in the following locations:

   a) Waterloo Park;

   b) Waterloo Town Square;

   c) Intersection of King Street and University Avenue;

   d) Intersection of Frobisher Drive and McMurray Road;

   e) 550 Parkside Drive;

   f) 160 University Avenue; and,

   g) 170 University Avenue.
SCHEDULE 21

FOOD TRUCK

1. This schedule shall apply to those Persons seeking to carry on the operation of a Food Truck.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

   a) Health Approval, issued within twelve (12) months prior to the date of the Application;

   b) a Technical Standards and Safety Authority Field Approval, issued within twelve (12) months prior to the date of the Application, for all equipment and appliances that are not approved by the Canadian Standard Association or the Underwriter Laboratories of Canada;

   c) where the Food Truck contains equipment fuelled by propane or natural gas, a certificate issued within 6 months of the Application by a provincially certified propane contractor, confirming the equipment has been inspected and found to conform to the Propane Storage and Handling Regulations, being Ontario Regulation 211/01, as may be amended or replaced from time to time;

   d) proof of an Annual Fire Inspection;

   e) a copy of the Applicant's driver's licence;

   f) a copy of the ownership for the Food Truck;

   g) a plan for the containment and disposal of grey water, grease and garbage in a sanitary manner satisfactory to the City;

   h) a description of the type of food being served;

   i) written permission of the Owner of the property consenting to the use of their property for the Food Truck; and,

   j) a site plan showing the location of the Food Truck as it relates to other buildings and structures on the property, when the Food Truck is placed on private property.

3. Every Licensee shall ensure that the Municipal Plate issued in respect of the Licence and is securely affixed to the rear of the Food Truck.

4. A Licence shall be required for each Food Truck.
5. The Director may issue a temporary Food Truck Licence for operation at a Significant Community Festival or Special Event.

6. Food Trucks shall be exempt from hourly parking limits on City highways provided they are:
   a) parked in legal parking spaces;
   b) in compliance with the City’s Traffic and Parking By-laws;
   c) actually engaged in the operation of the Food Truck Business; and,
   d) in compliance with this By-law.

7. No Person shall operate a Food Truck Business except during the following hours:
   a) 8:00 a.m. to 3:00 a.m. in locations other than City parks; and,
   b) 8:00 a.m. to 11:00 p.m. in City parks.

8. No Person shall permit Food Trucks to park overnight on City Property or private property after operating hours except on land owned, leased or rented by the operator for the storage of the Food Truck and in compliance with the Zoning By-Law.

9. No Person shall operate a Food Truck Business:
   a) within 10 metres of a restaurant or a Food Trailer with a Class “B” Licence;
   b) on highways under the jurisdiction of the Regional Municipality of Waterloo;
   c) in a manner that interferes with the normal use of a sidewalk by pedestrians;
   d) within 100 metres of any elementary or secondary school;
   e) on private property without the written consent of the property owners;
   f) in a residential area, except on the specific request and with the written permission of a resident to provide food to that resident and guests at the resident’s address; or,
   g) on highways outside of the UpTown Waterloo Commercial Core.

10. Every Licensee shall maintain all Food Trucks in a clean and sanitary condition with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the Food Truck.
11. A Licence shall be required for Food Trucks operating at a Significant Community Festival, but the licence fee for a temporary Food Truck Licence may be waived for the duration of the Significant Community Festival.

12. Food Trucks shall be prohibited from operating within the boundaries of the UpTown Waterloo Business Improvement Area during a Significant Community Festival or Special Event held in the UpTown Waterloo Business Improvement Area, unless the Licensee has written permission of the event organizer.

13. The permitted Food Truck locations and area of operations are defined in Schedule 41.
SCHEDULE 22

GROUP HOME

1. This schedule shall apply to those Persons seeking to carry on a Group Home.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

   a) for a Class “A” Licence:
      i. proof of an Annual Fire Inspection; and,
      ii. Declaration of Compliance; and,

   b) for a Class “B” Licence:
      i. the documents listed in subsection 2 a) above; and,
      ii. a Fire Safety Plan.

3. Other than those Group Homes identified in section 4 below, a Class “A” Licence shall be required for all Group Homes.

4. A Class “B” Licence shall be required for the following establishments:

   a) care occupancies;
   b) care and treatment occupancies;
   c) detention occupancies;
   d) residential group homes with more than 10 occupants; or,
SCHEDULE 23
HOME OCCUPATION

1. This schedule shall apply to those Persons seeking to carry on a Home Occupation.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

   a) a Criminal Record Check;

   b) proof that the Applicant resides in the Dwelling Unit associated with the Home Occupation;

   c) a floor plan of the entire Dwelling Unit, which indicates the units of measurement for the area; and,

   d) a parking plan.

3. No Licensee shall:

   a) change the exterior character of the Dwelling Unit from a private residence;

   b) have external storage of goods or materials;

   c) create or become a public nuisance with respect to noise, odour, fumes, vibration, dust, glare, traffic or parking which is evident outside the Dwelling Unit;

   d) occupy more than twenty five percent of the gross floor area of the Dwelling Unit;

   e) sell goods or materials unless such goods or materials are made in the Dwelling Unit;

   f) service more than two clients, students, or customers at any one time;

   g) have more than one Home Occupation per Dwelling Unit;

   h) engage in, or permit the repair and service of Motor Vehicles or internal combustion engines, or manufacturing or a body massage or body rub parlour;

   i) under a Home Occupation Class One Licence, employ more than two Persons, full or part time, including residents of the Dwelling Unit; or,
j) under a Home Occupation Class Two Licence, conduct or allow to be conducted a Business by any other Person who do not reside in the Dwelling Unit.

4. Every Licensee must have one parking space provided on site in addition to the parking space or spaces required for the residential use.

5. The parking space in section 4 above may include a tandem parking space, or a parking space located in front of the building line within the driveway provided that the Motor Vehicle does not encroach into the right of way or over the public sidewalk.

6. A Home Occupation Licence shall not be issued to an Applicant who holds a valid Residential Rental Licence.
SCHEDULE 24

HEATING, VENTILATING AND AIR CONDITIONING (H.V.A.C.) CONTRACTOR

1. This schedule shall apply to those Persons seeking to carry on as a H.V.A.C. Contractor.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) evidence that the Applicant maintains a regular lawful place of Business in the Province of Ontario; and,
   b) evidence that the Applicant has a Master H.V.A.C. Installer in their employ.

3. No Licensee shall use the services of a Master H.V.A.C. Installer who is employed by another H.V.A.C. Contractor.

4. Every Licensee shall:
   a) have in his or her regular full-time employ one or more Master H.V.A.C. Installer;
   b) within five days of the date upon which any Master H.V.A.C. Installer ceases to be employed by him or her, notify the Director of the fact and provide the name and address of any new Master H.V.A.C. Installer prior to his commencement of any heating, ventilating or air conditioning work;
   c) before allowing any Master H.V.A.C. Installer to undertake any heating, ventilating or air conditioning work, furnish the name of the Master H.V.A.C. Installer to the Director for his or her name to be endorsed on the H.V.A.C. Contractor’s Licence; and,
   d) be responsible to oversee that the heating, ventilating or air conditioning work is carried out by a Master H.V.A.C. Installer or by an apprentice under the supervision of a Master H.V.A.C. Installer.

5. Notwithstanding the prohibitions set out in section 2 of this By-law, a Person doing heating, ventilating, or air conditioning work on a single family dwelling occupied by him or her is not required to be licenced as a Heating, Ventilating and Air Conditioning (H.V.A.C) Contractor under this By-law.
SCHEDULE 25
MOTOR VEHICLE FACILITY

1. This schedule shall apply to those Persons seeking to carry on a Motor Vehicle Facility.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) for a Class “A” Licence:
      i. a brief description of the Business being operated or to be operated;
      ii. proof of an Annual Fire Inspection; and,
      iii. Declaration of Compliance;
   b) for a Class “B” Licence:
      i. the documents listed in section 2 a) above; and,
      ii. a Fire Safety Plan.

3. Other than those Motor Vehicle Facilities identified in section 4 below, a Class “A” Licence shall be required for all Motor Vehicle Facilities.

4. A Class “B” Licence shall be required for the following Motor Vehicle facilities:
   a) a Motor Vehicle Facility with an Occupancy Load of more than 100 Persons;
   b) a Motor Vehicle Facility with flammable material spray operations with an Occupancy Load of more than 25 Persons; or,
   c) a Motor Vehicle Facility where the quantities of Flammable Liquids or Combustible Liquids exceeds 500 Litres in total, or exceeds 250 liters of Flammable Liquids.

5. Every Licensee shall report to the Waterloo Regional Police Service when a Motor Vehicle is left on the Licenced Premises for a period of twenty-four hours, if the Motor Vehicle has been left without permission of the Licensee or when the Licensee may have reason to believe the Motor Vehicle is either stolen or abandoned.

6. Every Licensee shall ensure that Motor Vehicles are parked within the boundaries of the property and in accordance with the approved site plan.
SCHEDULE 26

NEWSPAPER VENDING BOX OPERATOR

1. This schedule shall apply to those Persons seeking to carry on as a Newspaper Vending Box Operator.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) a Criminal Record Check; and,
   b) a list of the number and locations of all of Newspaper Vending Boxes owned by the Licensee within the City;

3. Every Newspaper Vending Box Operator shall obtain from the Director a permit for each Newspaper Vending Box located on City Property.

4. An application for a permit referenced in section 3 above shall be accompanied by:
   a) the list of the locations where the Newspaper Vending Box is to be located; and,
   b) the applicable fees as set out in the Fees and Charges By-law.

5. Every Newspaper Vending Box Operator shall:
   a) ensure that the Newspaper Vending Box is placed not less than three hundred (300) metres from another Newspaper Vending Box for the same newspaper, magazine or other publications;
   b) ensure that the Newspaper Vending Box is placed in such a manner that it does not restrict the movement of pedestrians or vehicular traffic; and,
   c) ensure that the Newspaper Vending Box is maintained in good and proper repair and in a condition satisfactory to the Director.

6. The Director shall have the authority to alter the location or temporarily remove a Newspaper Vending Box where repair of any public highway or sidewalk necessitates the same.

7. No Newspaper Vending Box shall be located on City Property if the Newspaper Vending Box or the Newspaper Vending Box Operator fails to comply with the terms of this schedule.

8. The Director may order the removal of a Newspaper Vending Box, upon fourteen (14) days written notice to the owner of the Newspaper Vending Box, if the Newspaper Vending Box:
a) obstructs vehicular and pedestrian traffic; or,
b) creates visibility obstructions for either pedestrian or vehicular traffic.
SCHEDULE 27

NIGHTCLUB

1. This schedule shall apply to those Persons seeking to carry on a Nightclub.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) for a Class “A” Licence:
      i. a Criminal Record Check;
      ii. proof of an Annual Fire Inspection;
      iii. Health Approval, issued within twelve (12) months prior to the date of the Application; and,
      iv. Declaration of Compliance; and,
   b) for a Class “B” Licence:
      i. the documents listed in subsection 2 a) above; and,
      ii. a Fire Safety Plan.

3. Other than those Nightclubs identified in section 4 below, a Class “A” Licence shall be required for all Nightclubs.

4. A Class “B” Licence shall be required for the following Nightclubs:
   a) a Nightclub with an Occupancy Load of 31 Persons or more.

5. Every Licensee shall:
   a) ensure that where queues are formed for the purpose of gaining entrance to the Nightclub, a uniformed attendant is present for the purpose of regulating the queue and prohibiting undue obstruction or encumbering of any exit door, walkway, driveway or highway by the queue;
   b) provide suitable storage facilities and garbage containers for refuse from the operation of the Business; and,
   c) not permit a Nightclub to operate between the hours of 3:00 a.m. and 11:00 a.m. of the same day.

6. A Food Shop Licence is required where food is sold at the Nightclub.
SCHEDULE 28

OLD GOLD SHOP

1. This schedule shall apply to those Persons seeking to carry on an Old Gold Shop.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by.

3. No Licensee shall:

   a) purchase, take in exchange or receive any gold, jewellery or other precious metals for the purpose of smelting the same and recovering the gold therefrom from any Person who is under the age of 18 years;

   b) purchase, take in exchange or receive any gold, jewellery or other precious metals for the purpose of smelting the same and recovering the gold therefrom from any Person who is, or appears to be, under the influence of alcohol or other substance;

   c) operate an Old Gold Shop before 7:00 a.m. and after 11:00 p.m.; or,

   d) alter, repair, dispose of any gold, jewellery or other precious metals, or a part thereof, purchased or acquired until after 15 clear days from the date of the purchase or acquisition, exclusive of Sundays and holidays.

4. During the 15 days referenced in subsection 4 d) above, the gold, jewellery or other precious metals purchased or acquired shall remain on the Licensed Premises and shall be kept in a separate location from any other gold, jewellery or precious metals previously purchased or acquired by the Licensee and shall be subject to an inspection at any time during business hours by a MLEO.

5. Every Licensee shall maintain a record of all gold, jewellery or other precious metals purchased or acquired, which shall include the following:

   a) date and time of purchase or acquisition;

   b) all payments and other consideration exchanged for the items;

   c) the name, address and description of the Person from whom the purchase or acquisition was made; and,

   d) description of the gold, jewellery or other precious metals, including:

      i) weight;

      ii) colour;

      iii) karat;
iv) gem type; and,
v) engravings.
SCHEDULE 29
PET SHOP

1. This schedule shall apply to those Persons seeking to carry on a Pet Shop.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

   a) a written report from the Kitchener-Waterloo and North Waterloo Humane Society or the Ontario Society for the Prevention of Cruelty to Animals confirming the adequacy of the Licenced Premises for the keeping of animals in accordance with the standards set out by the Canadian Council on Animal Care and any other applicable standard; and,

   b) a Criminal Record Check.

3. Every Licensee, when acquiring an animal for the purpose of offering the animal for sale, shall obtain the animal only from the following sources:

   a) municipal animal shelter;

   b) registered humane society;

   c) registered shelter; or,

   d) Rescue Group.

4. Every Licensee shall:

   a) post in a conspicuous place in the Licenced Premises:

      i. a list of all animals permitted to be kept within the boundaries of the City;

   b) keep and maintain a register of each animal purchased or otherwise obtained by the Licensee, which shall include:

      i. the date the Licensee obtained the animal;

      ii. a full description of the animal including gender, colour, breed or crossbreed, distinguishing markings and name, if any;

   c) ensure the register referenced in section 4 of this Schedule is:

      i. retained for at least 24 months in respect of each entry and transaction date;
ii. maintained in good condition and that all entries are legible and written in the English language; and,

iii. made available for inspection during normal Business hours by a MLEO;

d) ensure that every Person who is sold a dog is advised of the City’s dog licensing requirements; and,

e) make every reasonable effort to obtain the name, address, and description of anyone offering to the Licensee any animal which the Licensee suspects or ought reasonably to suspect has been stolen or otherwise unlawfully obtained and report that information promptly to the Waterloo Regional Police Service.

5. No Licensee shall:

a) sell or offer for sale or give away any wild animal or exotic animal or any other animal which is not permitted within the boundaries of the municipality as defined by the City’s Animal Control By-law or applicable laws;

b) sell any diseased animal;

c) display any animal unless such animal is adequately protected from drafts, direct sunlight, excessive heat or cold, and ample space is provided;

d) sell, offer to sell, display or give to any Person a dog or cat that is under the age of eight weeks;

e) sell, offer to sell or give any animal to a Person under the age of eighteen years;

f) sell, offer to sell or give to any Person a chicken, duckling or other fowl that is under the age of three weeks;

g) sell, offer to sell, display or give to any Person an animal to which dye has been applied by any means; or,

h) sell, offer to sell or give to any Person a cat or dog that does not have a medical health certificate issued by a licenced veterinarian.

6. Every Licensee shall provide the following conditions and care for animals in accordance with the guidelines and policies of the Canadian Council on Animal Care, as revised from time to time:

a) provide all animals with sanitary quarters and environmental conditions appropriate to their species, including temperature, ventilation, lighting, and social and behavioural enrichment;
b) provide all animals with housing units of adequate size and height to ensure their comfort and to permit the expression of a full range of natural movements and species-appropriate behaviours for the purpose of maintaining their physical, psychological and social well-being;

c) provide all animals with adequate and species-appropriate food and water;

d) ensure the animals are in good health and, where the animals are showing sign of illness or disease, ensure the animals are receiving proper treatment;

e) ensure that animals of the same or different species which are incompatible are not confined or displayed in the same enclosure;

f) provide all animals with species-appropriate enrichment devices to ensure their physical, behavioural, and psychological welfare;

g) in the event of an emergency, make every reasonable effort to remove from the Pet Shop all animals whose lives are in danger, provided that it can be done with the health and safety of the animal, individual, and community in mind; and,

h) ensure that all garbage, refuse and animal droppings are collected and stored in metal or plastic containers with tight-fitting lids and are regularly disposed of in an appropriate manner.
SCHEDULE 30
PLUMBING CONTRACTOR

1. This schedule shall apply to those Persons seeking to carry on as a Plumbing Contractor.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) a Criminal Record Check;
   b) evidence that the Applicant maintains a regular lawful place of Business in the Province of Ontario;
   c) evidence that the Applicant has a Qualified Plumber in his or her employ; and,
   d) evidence that he or she is registered with the Workplace Safety Insurance Board if he or she employs another Person as a Plumbing Contractor.

3. Every Licensee shall:
   a) have in his or her regular full-time employ one or more Qualified Plumbers;
   b) obtain all necessary permits prior to the commencement of any work, and upon completion, procure an inspection from the City;
   c) within five days of the day upon which any Qualified Plumber ceases to be employed by him or her, notify the Director of the fact and provide the name and address of any new Qualified Plumber;
   d) before allowing any Qualified Plumber to undertake any Plumbing work, furnish the name of the Qualified Plumber to the Director for his or her name to be endorsed on the Plumbing Contractor’s Licence; and,
   e) be responsible to oversee that the Plumbing work is carried out by a Qualified Plumber, journeyman plumber or by an apprentice under the supervision of a Qualified Plumber or a journeyman plumber.

4. A Person licenced as a Plumber Contractor under this By-law shall also be deemed to be licenced as a Drain Laying Contractor for the purposes of this By-law.

5. Notwithstanding the prohibitions set out in Section 2 of this By-law, an individual engaged in Plumbing Work in a single family dwelling owned or occupied, or about to be occupied, by him or her is not required to be licenced under this By-law.
1. This schedule shall apply to those Persons seeking to carry on as a Pool Installation Contractor.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) a Criminal Record Check.

3. Every Licensee shall ensure that all debris, mud, garbage or stone tracked onto the highway as a result of the pool installation is removed by 9 pm of each day.

4. Every Licensee shall:
   a) have printed or otherwise impressed on all business stationery, forms, invoices, statements and advertising materials the Pool Installation Contractor’s name, business address and telephone number;
   b) prepare a written contract which shall be signed by the Licensee and the Person for whom the work is being done before commencing any work, such contract to contain:
      i. have printed or otherwise displayed on the driver and passenger sides of all vehicles owned, leased or used on a regular basis by the Pool Installation Contractor in the course of Business, in figures no less than ten (10) centimetres in height, the Pool Installation Contractor’s name;
      ii. the year’s current Licence number;
      iii. the name and address of the Licensee and the Person for whom the work is being done;
      iv. the address where the work is to be done;
      v. a description of the materials and services to be supplied sufficient to identify them with certainty;
      vi. the itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
      vii. when credit is extended, the statement required by Section 79 (1) of the Consumer Protection Act, 2002, as amended;
viii. warranties or guaranties, if any; and,

ix. the estimated date of completion;

c) give a copy of the contract referred to in subsection 4(b) to the Person for whom the work is being done; and,

d) where required, obtain all necessary permits prior to the commencement of any work, and upon completion, procure an inspection from the City.
SCHEDULE 32

PORTABLE SIGN LESSOR

1. This schedule shall apply to those Persons seeking to carry on as a Portable Sign Lessor.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) a written declaration that all Portable Signs to be leased shall:
      i. have the name and phone number of the Applicant clearly affixed to the Portable Sign at a clearly visible location;

3. No Licensee shall:
   a) locate, or permit the location, of a Portable Sign on or overhanging City Property unless a permit to do so has been obtained under the Sign By-law.

4. In addition to section 6.1 of the By-law, the Director may revoke or suspend a Licence at any time where the Licence has violated any of the provisions of the City’s Sign By-law.
SCHEDULE 33

PRIVATE PROPERTY ENFORCEMENT CONTRACTOR

1. This schedule shall apply to those Persons seeking to carry on as a Private Property Enforcement Contractor.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) one of the following:
      i. a Criminal Record Check;
      ii. a valid Security Guard Licence, issued under the Private Security and Investigative Services Act, 2005, SO 2005, c 34; or,
      iii. a valid Private Investigator Licenced, issued under Private Security and Investigative Services Act, 2005, SO 2005, c 34;
   b) proof of the property owner's consent to the Parking Enforcement on their property; and,
   c) a complete list of all Private Property Enforcement Officers employed by the Private Property Parking Enforcement Contractor.

3. Every Private Property Enforcement Contractor shall advise the Director of all changes in Private Property Enforcement Officers employed by them within seven (7) days of the occurrence.

4. Every Private Property Enforcement Contractor shall register with the Director all properties that are to receive Parking Enforcement services from the Private Property Enforcement Contractor.

5. The Director may refuse the registration of a property where the property owner has not erected Signs related to Parking Enforcement, which have been reviewed and approved by the Director.

6. No Private Property Enforcement Contractor shall cause or permit Parking Enforcement on property without registering the property with the Director.

7. Every Private Property Enforcement Contractor shall advise the Director of any change to the number of properties receiving Parking Enforcement services.

8. No Private Property Enforcement Contractor shall cause or permit any Person to carry on any Parking Enforcement activity on property unless licensed as a Private Property Enforcement Officer.
9. No Private Property Enforcement Contractor shall cause or permit the issuance of any document in relation to a vehicle that is parked, stopped or standing on private property other than:

a) a certificate of parking infraction and parking infraction notice issued under Part II of the *Provincial Offences Act*.

10. Private Property Enforcement Contractors may only employ licenced Private Property Enforcement Officers for the purposes of Parking Enforcement on private property in the City.

11. Signs must be posted on the property indicating policies to be enforced and must be reviewed and approved by the Director prior to enforcement.
SCHEDULE 34

PRIVATE PROPERTY ENFORCEMENT OFFICER

1. This schedule shall apply to those Persons seeking to carry on as a Private Property Enforcement Officer.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   
a) one of the following:

   i. a Criminal Record Check;
   
   ii. a valid Security Guard licence, issued under the *Private Security and Investigative Services Act, 2005*, SO 2005, c 34; or,
   
   iii. a valid Private Investigator licence, issued under *Private Security and Investigative Services Act, 2005*, SO 2005, c 34.

3. All Applicants must attend a training session administered by the City.

4. All Applicants must pass a written test at the training session referenced in section 3 above.

5. No Private Property Enforcement Officer shall conduct Parking Enforcement where there is no signage posted or approved by the Director relating to a parking offence.

6. No fee, commission, gift or other consideration shall be paid or given by the Private Property Enforcement Officer to an owner or occupant of property in return for permitting the Private Property Enforcement Officer to provide or perform Parking Enforcement services.

7. The Private Property Enforcement Officer shall not demand or receive any financial incentive from the owner or occupant of the property relating to the number of Parking Enforcement actions taken on the property.

8. The Director shall implement policies and procedures establishing the requirements for the licensing of Private Property Enforcement Officers to enforce municipal parking by-laws on private property, which shall include, but not limited to: application and training requirements, site registration requirements, fees, and any and all other requirements for becoming and remaining licenced.

9. Any Person who has been licenced pursuant to the policies and procedures established by the Director, and who complies with the requirements to maintain the Licence, is appointed as a Private Property Enforcement Officer for the
purposes of enforcing the City’s Private Property Parking By-Law 08-092, as amended, and any subsequent by-law, on private property.

10. No owner of private property shall cause or permit any Person to conduct Parking Enforcement activities on their property unless they are licenced as a Private Property Enforcement Officer.

11. No Private Property Enforcement Officer shall issue any document in relation to a vehicle parked, stopped or standing on private property other than:
   a) a certificate of parking infraction and parking infraction notice issued under Part II of the Provincial Offences Act.

12. No Private Property Enforcement Officer shall request or require payment of any fee by the owner or driver of a Motor Vehicle parked, stopped or standing on private property.

13. Private Property Enforcement Officer shall carry their Licence at all times when performing their duties and shall produce the Licence upon request.

14. The provisions of this Schedule do not apply to any Person demanding or obtaining parking fees from customers for the consensual purchase of a permit for parking on private property, where the parking rates are posted in clear view of all drivers upon entering the private property, and the property is in compliance with all other municipal by-laws.

15. Pursuant to section 23.1 of the Municipal Act, Council hereby delegates to the Director the power to appoint Private Property Enforcement Officers.

16. The Director may revoke the appointment of a Private Property Enforcement Officer at any time where:
   a) the Director is of the opinion that the Private Property Enforcement Officer cannot carry out his duties on an impartial and objective basis due to conflict of interest, which includes without limitations:
      i. engaging in any Business or transaction or having financial or other Personal interest which is incompatible with the discharge of a Private Property Enforcement Officer's official duties;
      ii. any activities which adversely interfere or conflict with a Private Property Enforcement Officer's regular duties in relation to the City; or,
      iii. any activities, representations or conduct outside of the normal functions of their appointment, which could appear to be an official act of the City or could appear to represent the opinion or policy of the City; or,
b) the Director is of the opinion that the Private Property Enforcement Officer is engaged in behaviour that is fraudulent or that constitutes a breach of trust with the City, including without limitation:

   i. using deceit to gain a personal advantage or benefit for oneself or others;

   ii. illegally obtaining money, including the solicitation or acceptance of bribes;

   iii. intentionally providing false or incomplete information to the City;

   iv. intentionally falsifying records; or,

   v. intentionally circumventing City policy or procedure to gain personal advantage for oneself or for others.
SCHEDULE 35

PUBLIC HALL

1. This schedule shall apply to those Persons seeking to operate a Public Hall.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

   a) Declaration of Compliance;

   b) proof of an Annual Fire Inspection; and,

   c) a Fire Safety Plan.

3. No Licensee shall:

   a) permit any disorderly conduct to take place on the Licenced Premises;

   b) permit any Person to loiter, create a disturbance or cause undue noise in or about the Licenced Premises;

   c) fail to ensure the protection of the public health and public safety on the Licenced Premises;

   d) conduct Business in a manner that would create any nuisance, cause undue noise, or cause an adverse impact upon a residence or another Business abutting or near the Licenced Premises; or,

   e) permit the Licenced Premises to be open to the public unless:

      i. a Person over the age of 18 years is present to supervise the use of the Licenced Premises; and,

      ii. the Licenced Premises are in a clean and sanitary condition and do not present a hazard to public health or safety.
SCHEDULE 36

REFRESHMENT VEHICLE

1. This schedule shall apply to those Persons seeking to operate a Refreshment Vehicle.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

   a) for a Refreshment Vehicle Class “A”:
      i. where the Refreshment Vehicle contains equipment fuelled by propane or natural gas, a certificate issued within 6 months of the Application by a provincially certified propane contractor, confirming the equipment has been inspected and found to conform to the Propane Storage and Handling Regulations, being Ontario Regulation 211/01, as may be amended or replaced from time to time;
      ii. Health Approval, issued within twelve (12) months prior to the date of the Application;
      iii. proof of ownership of the Refreshment Vehicle; and,
      iv. proof that the Refreshment Vehicle is licensed as a commercial vehicle pursuant to the Highway Traffic Act.

   b) for a Refreshment Vehicle Class “B”:
      i. the documents listed in 2a) above, save and except the document listed at paragraph iv.

3. No Licensee shall:

   a) sell or permit the selling of food from a Refreshment Vehicle in a City park or upon other City owned property, except pursuant to a contract or permit issued by the City and subject to any conditions attached thereto;

   b) sell or permit the selling of food from a Refreshment Vehicle unless:
      i. the food has been prepared, assembled and packaged in accordance with the Health Protection and Promotion Act, and regulations thereto; and,
      ii. the Persons engaged in the handling and selling of food comply with the Health Protection and Promotion Act and regulations thereto;
c) operate or permit the operation of a Refreshment Vehicle unless the Municipal Plate is issued for the Refreshment Vehicle and is affixed to the rear of the Refreshment Vehicle;

d) operate or permit the operation of a Refreshment Vehicle within 30 metres of the entrance or exit of any school grounds, public park, dock or intersection;

e) sell refreshments from a vehicle drawn by an animal; or,

f) operate or permit the operation of a Refreshment Vehicle which is not neat and clean in appearance.

4. Every Licensee shall ensure that:

a) the body, doors and windows of the Refreshment Vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter;

b) the floor of the Refreshment Vehicle shall be of a suitable hard, impervious material, free from holes, cracks or crevices and the surface shall be readily washable and kept clean and in good condition;

c) every Person selling or handling refreshments shall wear clean clothes, be clean and neat in appearance and have clean hands; and,

d) the Municipal Plate issued in respect of the Licence is securely affixed to the rear of the Refreshment Vehicle and in a conspicuous place.

5. Every Licensee of a Refreshment Vehicle Class “A” shall:

a) not operate or permit the operation of the Refreshment Vehicle on a highway, except where necessary to service a construction site or work crew, and in no case shall the duration of the operation exceed 10 minutes; or,

b) operate a Refreshment Vehicle only between the hours of 8:00 a.m. and 9:00 p.m.

6. Every Licensee of a Refreshment Vehicle Class “B” shall:

a) ensure that the operator of the Refreshment Vehicle is physically capable of handling the vehicle under all conditions;

b) equip each vehicle with the refuse container;

c) use only a soft-toned bell or chime on each vehicle; and,
d) operate a Refreshment Vehicle only between the hours of 9:00 a.m. and 7:00 p.m.

7. The requirements set out in this Schedule are applicable to Refreshment Vehicle Class “A” and Class “B”, except those sections that identify a specific class for which that requirement is applied.
SCHEDULE 37

SPECIAL SALE

1. This schedule shall apply to those Persons seeking to operate a Special Sale.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

a) a detailed list of the goods, wares or merchandise to be offered for sale, including the price to the owner thereof and approximate retail value;

b) the names and addresses of Persons from whom goods were purchased and the date or dates of purchase;

c) particulars of the ownership of the goods to be sold if they are not owned by the Applicant and the relationship, if any, between the owner and the Applicant;

d) particulars of any damage or other deterioration caused to the goods by fire, smoke, water or any other means;

e) particulars of the information to be included in any sign, pamphlet, handbill or other advertisement to be displayed, distributed, announced or published by any means before or during the Special Sale, purporting to indicate the reason for such sale; and,

f) a declaration in a form provided by the Director.

3. A Licence for a Special Sale issued under this By-law shall expire thirty (30) days after the date of issue, provided that a Licensee shall be entitled to apply for and receive a Licence for one additional thirty (30) day period to permit the further sale of any goods, wares or merchandise unless it is revoked in accordance with this By-law.

4. Every Licensee shall:

a) produce such books, records or other documents or information as the Director considers necessary to corroborate any of the statements contained in the Application; and,

b) ensure that all advertising material distributed or published relating to a Special Sale, including each radio or television broadcast, shall contain a statement that such sale is held pursuant to this By-law and shall state the Licence number and Licence expiry date and a similar statement shall be prominently displayed on the premises at which such sale is conducted.
5. No Licence shall be extended where:

   a) an attempt is made to add to or replenish the goods described in the Application or if any attempt is made to substitute other goods, wares or merchandise;

   b) the sale is advertised or conducted in any manner other than the one described in the Application or is in any manner calculated to mislead or deceive the public, or contrary to the provisions of this By-law; or,

   c) the Applicant refused to produce any books, documents, records or other information or refuses to permit inspection of any goods or premises requested under this By-law.

6. Notwithstanding Section 2 of this By-law, a receiver, trustee or liquidator under any legislation, such as the *Bankruptcy and Insolvency Act*, R.S.C., 1985, c. B-3 or the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, a court or receiver appointed by the court, a bailiff, sheriff, executor or administrator, is not required to be licenced under this By-law.
SCHEDULE 38

TEMPORARY VENDOR LICENCE ON PRIVATE PROPERTY

1. This schedule shall apply to those Persons seeking to carry on a Temporary Vendor Business on Private Property.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:

   a) written permission of the Owner of the private property consenting to the use of their property by the Applicant;

   b) proof that the event is a maximum ninety (90) consecutive days;

   c) description of all the merchandise or services offered;

   d) proof that it is a Registered Charity or Community Organization, if applicable;

   e) Health Approval, issued within twelve (12) months prior to the date of the Application, if applicable;

   f) proof of inspection by the Technical Safety Standards Authority, issued within twelve (12) months prior to the date of the Application, if applicable; and,

   g) a building permit, if applicable.

3. No Licensee shall sell or offer to sell any goods or services other than those goods or services identified in the Licence.

4. A Licence issued to a Temporary Vendor shall be valid for the time period stated on the Licence which shall not exceed ninety (90) consecutive days.
SCHEDULE 39

TEMPORARY VENDOR LICENCE ON CITY PROPERTY

1. This schedule shall apply to those Persons seeking to carry on a Temporary Vendor Business on City Property.

2. In addition to the licensing requirements set out in Section 3 of this By-law, a completed Application for a Licence shall be accompanied by:
   a) proof that the event is a maximum six (6) months;
   b) written permission from the organizer of the Significant Community Festival or event;
   c) a rental agreement from Facility Bookings and Allocations, if applicable;
   d) proof that it is a Registered Charity or Community Organization, if applicable;
   e) description of all the goods or services offered at the event;
   f) names of all vendors attending the event, if applicable; and,
   g) Health Approval, issued within twelve (12) months prior to the date of the Application, if applicable.

3. No Licensee shall sell or offer to sell any goods or services other than those goods or services identified in the Licence.

4. A licenced Temporary Vendor may operate in the following locations during a Significant Community Festival:
   a) highways;
   b) sidewalks; and,
   c) City parking lots.

5. The Director, in his or her sole discretion, may waive the licence fee for a Temporary Vendor Licence operating at a Significant Community Festival.

6. A Licence issued to a Temporary Vendor shall be valid for the time period stated on the Licence which shall not exceed six (6) months.
SCHEDULE 40

TOBACCONIST

1. The schedule shall apply to those Persons seeking to carry on as a Tobacconist.

2. Every Licensee shall:

   a) comply with all applicable laws with respect to the sale and display of tobacco products, including, but not limited to, the Smoke-Free Ontario Act, S.O. 1994, c. 10.
SCHEDULE 41

FOOD TRUCK AND FOOD TRAILER LOCATIONS OF OPERATION

1. This schedule shall apply to those Persons seeking to operate a Food Truck or Food Trailer.

2. Food Trucks are permitted in the following locations on a daily first-come, first-served basis:
   a) Caroline North Lot, City Centre Lot, Museum Lot (but only in the hourly parking spots) and Regina Lot, as shown in Schedule 43;
   b) curbside on Caroline Street, east side, Willis Way to William Street;
   c) curbside in the first three parking spaces closest to King Street on Willis Way, north side;
   d) curbside on William Street, north side, Regina Street to Willow Street;
   e) curbside on Father David Bauer Drive, from Caroline Street to Westmount Road North;
   f) curbside on Regina Street, William to Bridgeport Road;
   g) vacant City-owned land at the corner of King Street and Bridgeport Road;
   h) City recreational facilities (RIM Park, Waterloo Memorial Recreation Centre, Hillside Park or other City-owned recreational facilities) subject to the following:
      i. being requested by facility managers to attend the property;
      ii. having a written agreement with facility management; and,
      iii. operating in compliance with regulations provided by the facility.
   i) curbside on John Street West, from King Street South to Park Street;
   j) curbside on Caroline Street South, west side, from John Street West to Allen Street West.

3. Food Trailers are permitted in the following locations on a daily first-come, first-served basis:
   a) Caroline North Lot, City Centre Lot, Museum Lot (but only in the hourly parking spots) and Regina Lot, as shown in Schedule 43;
   b) vacant City-owned land at the corner of King Street and Bridgeport Road;
c) City recreational facilities (RIM Park, Waterloo Memorial Recreation Centre, Hillside Park or other City-owned recreational facilities) subject to the following:

i. being requested by facility managers to attend the property;

ii. having a written agreement with facility management; and,

iii. operating in compliance with regulations provided by the facility.

4. Food Truck and Food Trailer operators may be permitted to operate outside the UpTown Waterloo Commercial Core on private property in zones that permit “restaurant (take-out)” as noted in the chart below, where the Food Truck or Food Trailer satisfies the requirements of the Zoning By-law and the City’s Traffic and Parking By-laws for the proposed location:

<table>
<thead>
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<th>By-Law No. 1108</th>
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5. Notwithstanding section 3 above, the Director may approve the operation of a Food Truck or Food Trailer for a Special Event in any zone with the submission of the following:

a) written proof of invitation to the location from the property owner or event organizer; and,
b) written proof the event is no more than three (3) consecutive days in length.

6. Submissions for the operation of a Food Truck or Food Trailer during a Special Event in any zone shall be submitted no less than two (2) days prior to the Special Event.

7. In approving or denying a submission to operate during a Special Event, the Director shall consider:

   a) the general intent of the By-law;

   b) the past actions by the Food Truck or Food Trailer operator; and,

   c) the impact of the Business on the community.