



**BY-LAW NUMBER 187-2004
OF THE CORPORATION OF
THE CITY OF STRATFORD**

BEING a By-law to licence, regulate and govern certain businesses in the City of Stratford and to establish licencing fees and to repeal certain By-laws.

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

AND WHEREAS section 150 of the Act allows a municipality to licence, regulate and govern any business wholly or partially carried on with the Municipality, even if the business is being carried on from a location outside the Municipality;

AND WHEREAS sections 390-400 of the Act enable municipalities to pass by-laws for imposing fees or charges for permits and services provided or done by them;

AND WHEREAS in accordance with section 150 (4)(a) and (b) of the Act, proper notice of a public meeting was given and a public meeting was held at which any persons who attended had an opportunity to make representation with respect to this by-law;

AND WHEREAS pursuant to section 150 of the Act, the Council of The Corporation of the City of Stratford is exercising its licensing powers under this section, including imposing conditions for the following reasons:

- a) health and safety; and/or
- b) nuisance control; and/or
- c) consumer protection;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

TITLE

This By-law may be cited as the "**Business Licencing By-law**" of The Corporation of the City of Stratford.

**A By-law for the Licensing, Regulating and Governing
of Certain Businesses in the City of Stratford**

Table of Contents

Part

Part 1	Definitions
Part 2	General Provisions
Part 3	Offence and Penalties
Part 4	Interpretation and Schedules
Part 5	Commencement
Part 6	Repeal
Part 7	Adult Entertainment Establishments and Performers
Part 8	Auctioneers
Part 9	Body Piercing Parlours
Part 10	Body Rub Parlours and Attendants
Part 11	Circus
Part 12	Old Gold, Other Precious Metals and Old Jewellery Sales
Part 13	Outdoor Cafes
Part 14	Refreshment Vehicles and Bicycle Ice Cream Vehicles
Part 15	Hawker-Pedlar (Flea markets, craft/antique/trade shows, door to door sales)
Part 16	Tattoo Parlours

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PART 1

DEFINITIONS

1.1 Unless otherwise specifically defined in any part of this By-law:

“Applicant” means a person who is required to be licenced pursuant to this By-law or who has made application for a licence to the City Clerk and shall include a Licencee;

“business” includes:

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

but does not include:

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

for the purposes of this definition, a business shall be deemed to be carried on within the City if any part of the business is carried on within the City even if the business is being carried on from a location outside the City.

“by-law” means any by-law passed by Council;

“carrying on” when used in relation to “business” as defined in this By-law, includes promoting advertising, soliciting for, or offering goods or services in connection with such business;

“Chief Building Official” means the person who may, from time to time, be appointed by Council to the position of Chief Building Official in conformity with the provisions of the *Building Code Act, R.S.O. 1990 c.B.13* and amendments thereto, or his or her designate;

“Chief of Police” means the person who may, from time to time, be appointed by the Stratford Police Services Board to the position of Chief of Police of the Stratford Police Service;

“City” and **“City of Stratford”** mean “The Corporation of the City of Stratford”;

“City Clerk” means the Clerk of The Corporation of the City of Stratford or a person designated by him/her for the purposes of this By-law;

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

“Enforcement Officer” means a police officer, by-law enforcement officer, special constable and any other public officer engaged in the enforcement of this or any other law;

“Fire Chief” means the person who may, from time to time, be appointed by Council to the position of Fire Chief of the City, or his or her designate;

“food stuffs” means food or drink for human consumption and includes refreshments and confections, but excludes liquor;

“Health Unit” means the Perth District Health Unit and any successor agency;

“**hearing**” includes a hearing or an opportunity given for a hearing, where an applicant or licensee may show cause why the licence should be granted or not refused, revoked or suspended with or without conditions;

“**highway**” means the travelled portion of a roadway and the untravelled portion of the roadway under the jurisdiction of the City, and includes the boulevard and the sidewalk;

“**licence**” means the actual licence issued pursuant to this By-law, and includes a renewal licence;

“**Licencee**” means a person who has been issued a licence or renewal licence pursuant to this By-law either in the current calendar year or in a previous calendar year, and shall include an Applicant;

“**Medical Officer of Health**” means the Medical Officer of Health of the Perth District Health Unit or his or her designate;

“**non-resident**” means a person who does not reside in or have a regular place of business in, the City;

“**operator**” means any person who alone or with others, operates, manages, supervises, runs or controls a business, trade or calling, and “operate,” “operation” and other words of like import or intent shall be given a corresponding meaning;

“**owner**” with respect to premises, means the registered owner of the land on which the premises is situated, and includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land;

“**owner**” with respect to business, means the person, company or partnership that carries on the business and whose name appears on the licence issued by the City for such business pursuant to this by-law;

“**person**” includes an individual, a director or officer of a corporation, agents and employees of the employer, company, firm, organization, partnership, body corporate or politic, and the heirs, executors, administrator or other legal representatives of a person to whom the context can apply according to law;

“**Perth District Health Unit**” means the existing Perth District Health Unit and includes any successor agency;

“**place of business**” means any place, premises or location, or part thereof, in which a business is carried on, and includes a shop, store or office, an office in a dwelling unit which is accessible to the public and, where there is not such a place, includes the premises or location from which the business is carried on, and also includes a vehicle or other equipment used for the purpose of carrying on the business;

“**premises**” means a building or part of building or a location where a person carries on any business to which this by-law applies;

“**proof of insurance**” means a certified copy of a policy of insurance or a certificate of insurance issued by a company authorized to carry on the business of insurance in the Province of Ontario in accordance with the *Insurance Act, R.S.O. 1990, c. I.8* as amended, that shows the proof of liability coverage as required by this by-law.

“**property standards by-law**” means a by-law enacted under the *Building Code Act* that prescribes standards for the maintenance and occupancy of property;

“**regular place of business**” means the place of business in which a business is normally carried on, but does not include a place, premises or location in which a business is conducted on a one-time or temporary basis;

“**resident**” means a person who resides in or has a regular place of business in the City;

“**sidewalk**” means any public sidewalk, or portion of a highway between the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of pedestrians;

“**safety standards certificate**” means a safety standards certificate issued pursuant to sections 88 to 100 of the *Highway Traffic Act*;

“**vehicle**” means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, cart and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;

“**zoning by-law**” means a by-law enacted by Council of The Corporation of the City of Stratford under section 34 of the *Planning Act* that restricts the use of land.

PART 2 **GENERAL PROVISIONS**

Administration and Enforcement

- 2.1 Unless otherwise indicated, the administration of this by-law is assigned to the City Clerk who may delegate the performance of his/her functions under this By-law from time to time as required.
- 2.2 The enforcement of this By-law is assigned to persons appointed as or authorized as enforcement officers within the City.
- 2.3 All of the regulations contained in this Part of this By-law shall apply to all licences and renewal licences required under the provisions of this By-law, except as otherwise provided.

Exemptions

- 2.4 The provisions of this By-law do not apply to:
 - a) the sale of popcorn by Harry Tsaltas in front of Tom Patterson Island;
 - b) vendors of the Art in the Park Association, provided that all fees and charges have been paid to the City;
 - c) vendors at the Stratford Farmers’ Market operated by the Stratford Agricultural Society;

General Requirements

- 2.5 No person shall carry on, conduct, operate, maintain, keep or engage in any business as provided for in this By-law within the City without first obtaining a licence to do so from the City:
 - Adult Entertainment Establishments and Performers
 - Auctioneers
 - Body Piercing Parlours
 - Body Ruby Parlours and Attendants
 - Circus
 - Old Gold, Other Precious Metals and Old Jewellery Sales
 - Outdoor Cafes
 - Refreshment vehicles and bicycle ice cream vehicles
 - Hawker-Pedlar (Flea markets, craft/antique/trade shows, door to door sales)
 - Tattoo Parlours
- 2.6 A licence shall be required for each separate place of business.
- 2.7 A person is not eligible to hold a licence if the operation of his or her business does not conform with the applicable standards and requirements of:

- a) every By-law of the City;
 - b) every provincial or federal Act, and any regulation made under such Act; and
 - c) every instrument of a legislative nature made or issued under a provincial or federal Act or regulation, including standards and requirements with respect to the qualifications of the persons carrying on or engaged in the business and with respect to the vehicles and equipment used for the purposes of the business.
- 2.8 A person licenced under the provisions of this By-law shall continuously maintain the standards and requirements which were necessary to obtain the original approval of the licence application, and any standards and requirements that have been imposed since the issuance of the licence.
- 2.9 Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and the premises or of the person named therein and for the nature of business stated in the licence and no licence may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized, distrained or otherwise dealt with.
- 2.10 No person shall hinder or obstruct or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.
- 2.11 No person licenced to carry on any business pursuant to this By-law shall advertise or promote or carry on such business under any name other than the name endorsed upon his or her licence.
- 2.12 No licensee or employee or agent of a licensee shall refuse to permit a person to enter and remain in a place of business or other premises used for the business to which the public are customarily admitted for the reason that he or she is a person with a disability accompanied by a guide dog.

Application for New Business Licence or Renewal Licence

- 2.13 Any person required to obtain a licence or to renew a licence pursuant to this By-law shall apply in writing on the appropriate application form provided by the City Clerk and shall deposit at the time of application, with the City Clerk, all required licencing fees as set out in Schedule A to this By-law for each business category, premise or person to be licenced, as well as any required approvals, inspections or documentation required by the provisions of this By-law or as deemed necessary by the City Clerk.
- 2.14 Any person required to obtain a licence or to renew a licence pursuant to this By-law shall be required to have their application commissioned by a Notary Public or Commissioner of Oaths.
- 2.15 The City Clerk shall:
- a) receive and process applications for licences and renewal of licences to be issued under this By-law;
 - b) generally perform all the administrative functions conferred upon him or her by this By-law, including the receipt of licencing fees on behalf of the City;
 - c) circulate the application to Stratford Police Services, Perth District Health Unit, Fire Department, Engineering and Public Works Department, Building and Planning Department, Corporate Services Department and any other department, agency or organization as deemed necessary for their review and/or inspection;

- d) make or cause to be made all investigations and inspections as provided for in Schedule A herein and to any other persons, agency, governmental body deemed necessary to determine whether an applicant meets the requirements of this By-law and all applicable by-laws and laws;
- e) make, cause to be made or request any additional documents, investigations or inspections to be made in respect of such application for a licence or renewal licence as deemed appropriate or in the interest of the general public, and any costs incurred for such inspection or documents shall be at the Applicant's expense;
- f) issue licences and renewal licences to persons who meet the requirements of this By-law and suspend licences and renewal licences pursuant to the provisions of this By-law;
- g) where a licence has been issued pursuant to this By-law and otherwise remains in full force and effect, renew the licences of persons who meet the requirements of this By-law;
- h) shall make such investigations or inquiries with respect to any application for a licence under this By-law, as he or she may see fit, and may obtain such information relevant to such applications as he or she feels may be warranted, and may, where there do not appear to be grounds pursuant to which the Council might refuse a licence, pursuant to the criteria referred to in subsection 2.42 , issue such licence in accordance with this By-law.

2.16 The City Clerk shall not issue a licence or a renewal of a licence until:

- a) all required approvals and inspections have been obtained;
- b) required documentation has been provided;
- c) business licence fees have been paid in full;
- d) all taxes, fees, fines and penalties are paid up to the City of Stratford when required as a condition of licencing.

2.17 There shall be a separate application for each premises to be used or person to be licenced.

2.18 There shall be a separate application for each classification or category of business operated and to be licenced.

2.19 The Applicant shall comply with any and all requirements as set out in this By-law as well as any other provisions which may govern the business, place of business or premises used in the carrying on of the business and/or the person carrying on the business or engaged in it and to which the application pertains.

2.20 Upon conformation that the Applicant has complied with all provisions of this By-law, the City Clerk shall prepare and issue a licence to the said Applicant.

Form of Licence

2.21 Every licence shall include the following information:

- a) the operating name of the business and the person to whom the licence is issued;
- b) the operating address of the premises or place of business for which the licence is issued;
- c) the category or type of licence granted;

- d) the date of issue;
- e) the date of expiration;
- f) any special conditions related to the issuance of the licence, beyond what is provided for under this By-law; and
- g) the signature of the City Clerk or his or her designate
- h) the By-law number for which the licence has been issued.

2.22 In the event a licence issued under this By-law is lost or destroyed, the City Clerk, upon satisfactory proof of such loss or destruction and upon payment of a replacement fee as prescribed in Schedule "A" of this By-law, shall issue a duplicate of the original licence, upon which shall be stamped or marked the word "DUPLICATE".

Change in Information

2.23 Every licensee shall notify the City Clerk within seven (7) calendar days of any change in his or her business or home address.

2.24 Where ownership of a business is not changed or affected, but such operating name of business changes, the Licensee shall immediately notify the City Clerk and upon payment of a fee as shown in Schedule A, and being satisfied that there have been no other changes in the circumstances of the licenced business, the City Clerk may issue a replacement of the original licence. The Licensee shall return and surrender his or her licence in order to effect such a change.

2.25 Where the applicant or licensee is a corporation, it shall, within 15 calendar days after the there is a change in an officer or director of the corporation or where there is a change in the controlling interest, notify the City Clerk of the change in writing.

2.26 Every Licensee shall, upon change of ownership of the licenced business, return and surrender his or her current licence to the City Clerk. The new owner shall make application for a new licence as set out in this By-law.

2.27 Where a currently licenced business changes location or premise, such new location or premises shall not be deemed to be licenced. The Applicant must immediately make application for a new licence under the provisions of this By-law, and shall surrender to the City Clerk the licence issued in respect of his or her previous location or premises.

Licences Personal

2.28 No person shall enjoy a vested or property right in any licence or the continuance of any licence and such licence and such rights shall remain the property of the City.

2.29 Licences are not transferable.

Nuisance Control

2.30 Every person required to be licenced under this By-law, in addition to any other provisions or requirements expressed elsewhere in this By-law, shall comply with the following requirements:

- a) at all times maintain and keep safe and clean and in good condition and repair any object, vehicle, place of business or premises for which the licence is issued;

- b) shall not breach or violate or cause, suffer, or permit any breach or violation of any By-law of the City or of any local board thereof, or of any statute, Orders-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the business or premise for which, or in relation to which, such licence was issued;
- c) shall not cause or commit any nuisance to arise in, or in connection with the object, vehicle, place of business or premises for which the licence is issued;
- d) shall not cause or permit any shouting, noise or other disturbance on, in or in connection with the object, vehicle, place of business or premises for which the licence is issued, which is unnecessary, unreasonable or contrary to any municipal by-law prohibiting the same, and if any such shouting, noise or other disturbance occurs, the licensee shall immediately take steps to cause the same to be abated;
- e) shall not cause or permit any obstruction on any highway, lane or public place in front of or adjoining the place of business or premises for which the licence was issued, unless authorized by the City;
- f) shall not cause or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any vehicle, place of business or premises for which the licence was issued.

2.31 Every person who acquires a licence that is issued under this By-law is responsible for the due performance and observance of all the provisions of this By-law by himself/herself and by his/her employees and all other persons in or upon the premises which are licenced under the provisions of this By-law.

Inspection

2.32 A Police Officer, Enforcement Officer, Health Inspector, Fire Inspector, Building Inspector or any other duly appointed individual may at all reasonable times, inspect or cause to be inspected, the premises, facilities, equipment, vehicles used or kept for hire in connection with the carrying on of a business which is licenced or which is required to be licenced pursuant to this By-law.

2.33 Every licensee shall allow, at any reasonable time, an Enforcement Officer, Health Inspector, Fire Inspector, Building Inspector or any other duly appointed individual to inspect his or her place of business and any other premises, other than a room or place actually being used as a dwelling; equipment; vehicles; and other personal property used for the business to determine whether the requirements of this By-law are being complied with, and no person shall obstruct, hinder or otherwise interfere with such an inspection.

Posting of Licence

2.34 The person to whom a licence is issued shall post at all times, the current licence on the premises or that part thereof to which the licence pertains in a prominent and visible place that it may be readily seen and read by persons entering the premises.

2.35 Where a licence is issued to a person who goes from place to place or to a particular place with goods, wares, or merchandise for sale, or who carries on business from a vehicle, shall keep the licence with him or her at all times while carrying on his or her business and shall exhibit it to anyone when requested.

Refusal to Grant a Licence

- 2.36 The City Clerk may make a recommendation to council to refuse to grant or issue a licence to any applicant who:
- a) has past breaches of this By-law, and in respect of whom the City Clerk determines that it is not in the public's interest to grant such a licence; or
 - b) has failed to comply with the requirements of this By-law or other applicable By-law of the City or of any local board thereof, or of any statute, Orders-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the applied for licenced activity of the business or premises, facilities, equipment, vehicle and other property used or kept for hire in connection with the licenced activity; or
 - c) has outstanding taxes, fines, penalties or fees owing to the City; or
 - d) has any outstanding fines that have been imposed under the *Provincial Offences Act* for the contravention of any provision of this By-law or any other municipal by-law or Provincial Statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business.

Suspension or Revocation

- 2.37 No person shall operate any business or place of business while his or her licence is suspended or revoked or in contravention of any terms and conditions of the licence suspension or revocation.
- 2.38 The City Clerk may revoke a licence that is voluntarily surrendered by the holder for revocation.

Notice and Appeal

- 2.39 Where the City Clerk makes a recommendation to refuse to issue, or suspends or revokes a licence, the City Clerk shall notify the applicant in writing of such decision and the said notice shall set out the grounds upon which the issue of the said licence is refused and shall state that the Applicant or Licencee may appeal any such decision by filing an appeal with the City Clerk within fifteen (15) days of being notified of the decision as set out in this By-law.
- 2.40 Upon receipt of an appeal from the licencee or applicant, the City Clerk shall fix a date and time for such matter to be considered by Council and shall mail a Notice of Hearing to the Licencee at his or her address as shown in the records of the City Clerk or the current year's Assessment Roll, and to any other person who has applied to be heard with regard to the matter. The Notice shall be mailed at least fifteen (15) days prior to the date and time fixed for such hearing.
- 2.41 Upon receipt of any appeal from the Applicant, the City Clerk and Council shall follow the procedure set out in this By-law.
- 2.42 Council, in considering whether or not to grant a licence, or to revoke or suspend a licence, shall have regard to the following:
- a) whether or not the Applicant or Licencee and the premises, equipment, vehicle, facilities or other personal property used or kept for hire in connection with the carrying on of a business that is licenced pursuant to this By-law, complies with all requirements of this By-law;

- b) whether or not the Applicant or Licencee has failed to promptly remedy any reasonable concern with regard to those matters set out in this By-law or has committed past breaches of this By-law;
 - c) whether or not the Applicant or Licencee has failed to comply with any requirements of any other applicable By-law of the City or of any local board thereof, or of any statute, Orders-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the licenced activity of the business or place of business, facilities, equipment, vehicles and other property used or kept for hire in connection with the licenced activity;
 - d) whether or not the Applicant or Licencee or his/her tenant has any outstanding taxes or fees owing to the City in respect of the business or place of business in question.
 - e) has past breaches of this By-law;
 - f) has any outstanding fines or penalties imposed under the *Provincial Offences Act* for the contravention of any provision of this By-law or any other municipal by-law or Provincial Statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business;
 - g) where Council believes it is not in the public interest to do so;
 - h) where the Council concludes, after a Hearing, that an individual under the age of 18 years has been found at or in an adult entertainment establishment, such conclusion may, in the discretion of the Council, acting according to law, constitute grounds for the revocation of the licence of the owner or operator of such adult entertainment establishment.
- 2.43 Council may, in its sole discretion, afford any other person who applied to be heard and who appears to have an interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before Council and to ask questions of any person presenting evidence or a report to Council relevant to the said issues,
- a) for the purposes of this section of this By-law, a quorum of Council shall be a majority of the members of Council, and a decision by the majority of members present shall be the decision of Council.
- 2.44 Where the applicant has been provided with Notice of Hearing and does not attend, Council may proceed with the meeting in the absence of the applicant.
- 2.45 The City may be represented at the Hearing by the City's Solicitor, who is entitled to adduce evidence and submit arguments in reply to evidence and argument that has been submitted on behalf of the Applicant or Licencee.
- 2.46 Council may, after hearing all of the evidence and submissions made to it by the Applicant or Licencee and the City Clerk, hold an in-camera session, where allowed by law, to debate the matter and to reach its decision.
- 2.47 The decision made by Council in in-camera session, shall be confirmed in Open Council by resolution, and a copy of such resolution shall be mailed to the Licencee and to any person who has appeared before Council and who has requested that a copy of the Resolution be provided to them.

- 2.48 The decision of Council to issue a licence, refuse to issue a licence, revoke a licence or suspend a licence may be subject to such terms as Council shall impose and shall be final.
- 2.49 a) The City Clerk shall notify the Applicant or Licencee of the decision of Council by serving a copy of the Resolution personally or by registered mail to:
- i) the Applicant or Licencee at the address shown on the application, or the address last on file with the Clerk's Office, or
 - ii) the counsel or agent of the Applicant or Licencee, if any, at the address as stated to the City Clerk.
- b) If the decision rendered is to grant the Applicant the licence applied for, the licence shall be issued.
- c) If the decision is to suspend or revoke the licence, the licensee shall within, 24 hours of service of notice by registered mail, or immediately if the notice is personally served, return the licence to the City Clerk and the City Clerk or Enforcement Officer, Health Inspector, Fire Inspector, Building Inspector or any other duly appointed individual shall have access to any premises or other property of the licensee for the purpose of receiving or taking the licence.
- d) If the decision is to impose conditions on the licence, the licensee shall within 24 hours of service of notice by registered mail, or immediately if the notice is personally served, advise the City Clerk as to his or her acceptance of the conditions.

Insurance

- 2.50 All businesses required to be licensed in accordance with this by-law shall provide and maintain, at their own expenses, liability and property damage insurance in the minimum amount of \$5,000,000 or such other amount as determined by the City from time to time, to protect the City as owner of the municipal property against all liability.
- 2.51 Every person required to provide proof of insurance to the City Clerk shall do so at the time of applying for a licence pursuant to this By-law. Where applicable, the Certificate of Insurance shall name The Corporation of the City of Stratford as an additional insured. All liability insurance shall contain an endorsement specifying that the City shall be given thirty (30) days' written notice of any cancellation, expiration or change in the policy.
- 2.52 A licensee who is required to file proof of insurance shall maintain the insurance in force, shall renew the insurance in a timely manner when required and shall pay all premiums owing in respect of the insurance.
- 2.53 The City Clerk shall, upon receipt of notice that a policy of insurance is to expire on a stated date, notify the licensee that unless further proof of insurance is filed on or before the expiry date, the licence will be suspended on the date the policy of insurance expires, is cancelled or otherwise is terminated.
- 2.54 The Licensee is required to advise the City Clerk at least fifteen (15) days in advance, as to cancellation or change of coverage or any other such change in status of his or her insurance coverage that is required pursuant to this By-law.

- 2.55 If for any reason such liability insurance is cancelled, expires or for any other reason does not remain in effect, the licence in respect of which the insurance was required shall become void on the final date for which the insurance was valid.

Licence Fees and Inspections

- 2.55 Schedule A herein, sets out the inspections and approvals required for the class of business licence and further establishes the licence fee to be paid by the Applicant at the time of application. All licence fees and renewal fees are payable in Canadian funds only, by cash, cheque, certified cheque, money order, or Interac.
- 2.56 All business licence fees are non-refundable if the application is refused or is withdrawn by the applicant prior to the issuance of the licence.

Scope and Authority

- 2.57 Where a matter is subject to provincial regulation, any provision of this By-law is without effect to the extent that it prohibits or regulates the matter in substantially the same way as or in a more restrictive way than the provincial regulation.

Expiry of Licence

- 2.58 All business licences that are issued in 2005 and any year thereafter will have an expiry date of December 31st of that corresponding year. Any business licences issued prior to December 31, 2005 will have the expiry date as noted on the licence issued.

Licence Records

- 2.59 The City Clerk shall maintain records of business licence applications, documentation, inspection reports, departmental and agency approvals and business licences issued, in accordance with the City's Record Retention By-law.
- 2.60 The City Clerk shall cause a list of business licences issued under this By-law to be prepared and maintained showing name of Licencee, business address and contact person, which list shall be available to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and any other applicable Act or Regulation.

PART 3

OFFENCE AND PENALTY PROVISIONS

- 3.1 Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to a fine as provided for in the *Municipal Act, 2001* or the *Provincial Offences Act*.
- 3.2 Any person who contravenes any provision of Part 7 or Part 10 of this By-law, and every director or officer of a corporation who concurs in the contravention by the corporation is guilty of an offence and on conviction is liable to a fine.
- a) a penalty in the case of persons, other than a corporation, not to exceed \$25,000.00 or imprisonment for a term not to exceed one year or both;
 - b) a penalty in the case of a corporation, not to exceed \$50,000.00; and

- c) an order closing the adult entertainment establishment or body rub parlour, which is the subject to the contravention, for a period not to exceed two years.
- 3.3 Every person who contravenes any provision of any other Part of this By-law and every director or officer of a corporation who concurs in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine:
- a) a penalty in the case of persons, other than a corporation, not to exceed \$25,000.00, or
 - b) a penalty in the case of a corporation, not to exceed \$50,000.00.
- 3.4 The making of a false or intentionally misleading recital of fact, statement or representation in any agreement, statutory declaration or application form required by this By-law shall be deemed to be a violation of the provisions of this By-law.
- 3.5 Every person shall comply with the provisions of this By-law applicable to him or her whether or not he or she is licenced under this By-law.
- 3.6 If this By-law is contravened and a conviction entered, the Court in which the conviction has been entered and Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 3.7 If this By-law is contravened and a conviction entered, the Court may also order that the premises or part of the premises be closed to any use for a period not exceeding two (2) years.

Part 4

INTERPRETATION AND SCHEDULES

- 4.1 All Schedules referred to in this By-law are deemed to be part of this By-law.
- 4.2 Where the time for doing any act or taking any proceeding expires on a Saturday, Sunday or holiday when City Hall is closed, the act or proceeding may be done on the next business day.
- 4.3 If a Court with competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law, that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

Part 5

COMMENCEMENT

- 5.1 This By-law comes into force on January 1, 2005.

Part 6

REPEAL

6.1 The following By-laws and any amendments thereto are hereby repealed effective January 1, 2005:

By-law 4-2001	Adult Entertainment and Body Rub Parlours
By-law 14-2001	Business Licencing By-law (auctioneers, pool halls, circus)
By-law 42-2001	Refreshment Vehicles
By-law 43-2001	Outdoor cafes on municipal property
By-law 44-2001	Amusement Arcades
By-law 45-2001	Hawkers and Peddlars
By-law 82-2001	Transient Traders

Part 7

ADULT ENTERTAINMENT ESTABLISHMENTS AND PERFORMERS

The following businesses and trades and occupations are licenced for the following reasons:

Adult Entertainment Establishments: for the purposes of protecting the health and safety of the performers, ensuring that any person under the age of 18 years is not permitted to enter or remain in the establishment, ensuring the business is not a nuisance to the surrounding properties and neighbourhood, and ensuring consumer protection of individuals who attend and partake in services of the establishment.

Performers: for the purpose of protecting the health and safety of the performers and the public, and ensuring that any person under the age of 18 years is not permitted to enter or remain in the establishment and ensuring the consumer protection of those individuals who attend and partake in services of the establishment.

7.1 In this Part,

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

“**certificate of proof of age**” means an original of a legal birth certificate or other certificate or card issued pursuant to a statute or regulation of the Government of Canada or the Province of Ontario or another Province or Territory within Canada, attesting to the date of birth or age of the individual referred to therein;

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

“**individual**” means a natural person;

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

- a) of which a principal feature or characteristic is the nudity or partial nudity of any person; and

- b) in respect of which the word "nude", "naked", "topless" "bottomless" "sexy" or any other word, picture, symbol or representation having like meaning or implication is displayed in any sign, advertisement, or advertisement device, and

without restricting the generality of the foregoing, includes any performance, exhibition, or activity, involving striptease dancers, go-go dancers, exotic dancers, wet clothing contests, or best body part contests;

"operator" means a person who, alone or with others, operates, manages, supervises, runs or controls an adult entertainment establishment and "operates" has a corresponding meaning;

"owner" means a person who, alone or with others has the right to possess or occupy an adult entertainment establishment or who actually does possess or occupy an adult entertainment establishment and includes a lessee of an adult entertainment establishment or a premises in which an adult entertainment establishment is located;

"performer" means an individual, other than a licenced owner or operator, who provides services designed to appeal to erotic or sexual appetites or inclinations through performing or through being the subject of exhibition or viewing;

Adult Entertainment Establishment Licence

7.2 No person shall, in the City of Stratford carry on the business of an adult entertainment establishment without holding a current valid licence for such business issued under the provisions of this By-law.

7.3 Every person applying for a licence for an adult entertainment establishment shall make application to the City Clerk on the application form provided by the City Clerk, shall provide the following information, including any documentation supporting the information as required by the City Clerk and pay the applicable licence fee:

- a) The full legal name, contact telephone number, street address, and mailing address of the applicant;
- b) Whether or not the applicant is a sole proprietorship, partnership or corporation;
- c) The full legal name, contact telephone number, street address and mailing address of the individual signing the application form and of the intended licensee, if not already provided on the application form;
- d) Where the applicant is a sole proprietorship or partnership, the full legal name, contact telephone number, street address, mailing address, occupation, date of birth, citizenship or immigration status, and marital status of the individual who is a sole proprietor or of each individual who is a partner in the partnership;
- e) Where the applicant is a corporation, or a partnership in which a partner is a corporation, the date and jurisdiction of incorporation and the full legal name, contact telephone number, street address, mailing address, occupation, date of birth, citizenship or immigration status, and marital status of each officer, director and shareholder of record, the total number of shares held by each shareholder, and the number of voting shares held by each shareholder;

- f) Particulars of the nature of business or employment during the previous 3 years of the individual who is the sole partner or of each partner in the partnership or of each officer, director, and shareholder of the corporation;
- g) The full legal name, contact telephone number and address of any individual or corporation whose name is not otherwise disclosed and who has an interest in the applicant or the business or otherwise exercises control or direction over the applicant;
- h) Particulars of any conviction, except one in respect of which a pardon has been granted, or any proceedings currently pending under the Criminal Code (Canada) or under this By-law involving the applicant or any person whose name is disclosed in the application;
- i) The full legal name, contact telephone number and address of the owner of any premises upon, in or from which any business is to be carried on pursuant to the licence applied for;
- j) the name and street address under which the adult entertainment establishment is to be operated;
- k) the current zoning of the premises in which the adult entertainment establishment is to be operated;
- l) the class and status of any licence issued to, or required to be obtained by, the applicant or any other person under the *Liquor Licence Act*, in respect of any place of business, in or at which the business activity for which the licence is sought is to be carried on or engaged in by the applicant, and the particulars of any special terms and conditions attached thereto.

Performer Licence

- 7.4 No person shall carry on, engage in, or intend to carry on or engage in the business of a performer as provided for in this By-law within the City, without first obtaining a licence to do so from the City Clerk.
- 7.5 No individual under the age of 18 years may apply for or be issued a licence as a performer.
- 7.6 The City Clerk shall require adequate proof of identification and certificate of proof of age as provided for in this Part of this By-law at the time an individual requests a performer's licence, or such further or other proof of identify as in the discretion of the City Clerk, is satisfactory for the purposes of this subsection:
 - a) Age of majority card; or
 - b) Valid Health card with current photo identification; or
 - c) Valid Passport; or
 - d) Valid Driver's licence with current photo identification.
- 7.7 Every person issued a performer's licence by the City Clerk shall comply with the provisions of this By-law.
- 7.8 The City Clerk may revoke any performer's licence issued under this By-law on the basis of reasonable grounds for belief that any application for a licence or any other document or information provided by or on behalf of the individual to whom

the licence is intended contains a false statement or that the Applicant provided false information or provided false identification.

- 7.9 When applying for a licence, the performer shall also remit to the City Clerk by cash, certified cheque, interac or money order as the City Clerk may require, an amount of money equal to the licence fee in accordance with Schedule A.
- 7.10 No performer shall, while providing services as a performer at an adult entertainment establishment, touch or have physical contact with any other person in any manner whatsoever involving any part of that person's body.

Adult Entertainment Licence Conditions

- 7.11 No holder of an adult entertainment establishment licence nor operator of an adult entertainment establishment shall permit any person under the age of 18 years to enter and remain in the adult entertainment establishment where such adult entertainment establishment is not licenced under the *Liquor Licence Act*.
- 7.12 No holder of an adult entertainment establishment licence or operator of an adult entertainment establishment shall employ any person under the age of 18 years to entertain in an adult entertainment establishment.
- 7.13 No holder of an adult entertainment establishment licence or operator of an adult entertainment establishment shall in respect of an adult entertainment establishment, knowingly permit any performer, while providing services as a performer, to touch or be touched by, or have physical contact with, any other person in any manner whatsoever involving any part of that person's body.
- 7.14 A holder of an adult entertainment establishment licence or operator of an adult entertainment establishment shall ensure that all services provided by a performer are within view of the main stage without obstruction by any wall, curtain or other enclosure.
- 7.15 Every licence that is issued under this Part of this By-law, is subject to the following conditions of obtaining, continuing to hold and renewing a licence all of which shall be performed and observed by the holder of the licence or by the operator of an adult entertainment establishment:
- a) the holder of an adult entertainment establishment licence or operator of an adult entertainment establishment shall ensure that evidence as to the age of the person, satisfactory to the licence holder, is obtained prior to permitting a person apparently under the age of 18 years to enter or remain in the adult entertainment establishment during the hours of operation;
 - b) the holder of an adult entertainment establishment licence or operator of an adult entertainment establishment shall, at the request of an Enforcement Officer carrying out an inspection pursuant to this By-law, request evidence as to the age of any person in the adult entertainment establishment whom the Enforcement Officer believes may be under the age of 18 years;
 - c) the holder of an adult entertainment establishment licence or operator of an adult entertainment establishment shall not refuse entry any time of the day or night, to an Enforcement Officer carrying out an inspection pursuant to this By-law, to determine whether the By-law is being complied with, and may make such examinations, investigations and inquiries as are necessary;
 - d) the holder of an adult entertainment establishment licence or operator of an adult entertainment establishment shall not construct or equip the

premises in which an adult entertainment establishment is located, so as to hinder or prevent entry by an Enforcement Officer carrying out an inspection pursuant to this By-law, at any time during the day or night;

- e) the holder of an adult entertainment establishment licence or operator of an adult entertainment establishment shall not permit any person to carry on the activity, outside the premises of shouting or speaking to or distributing handbills to persons passing by for the purpose of promoting the adult entertainment establishment or soliciting persons passing by to patronize or enter the adult entertainment establishment;
- f) the holder of an adult entertainment establishment licence or operator of an adult entertainment establishment shall not use any public address system, sound equipment, loud speaker or similar devices outside the premises in which an adult entertainment establishment is located;
- g) the use of the premises for the purpose of an adult entertainment establishment is permitted or conforms with the uses of the premises permitted under the applicable zoning by-law;
- h) the premises in which the adult entertainment establishment is located shall be constructed so that the entertainment cannot be seen or heard outside the premises;
- i) the use of any licenced premises for the purposes of an adult entertainment establishment shall not extend to any part of the premises used for residential purposes and no lodging unit or dwelling unit in a building licenced as an adult entertainment establishment shall be employed for any live performance as defined under this Part of this By-law;
- j) no entrance to any residential use in a building licenced under this By-law shall be through any part of the premises used for purposes of the adult entertainment establishment;
- k) the owner or operator shall have contractual or proprietary interest in the lands and premises upon which the business is to be operated which will enable the owner or operator to carry on business;
- l) the holder of a licence or the operator of an adult entertainment establishment shall ensure that no services or live entertainment are visible outside the premises in which the adult entertainment establishment is located.

Performer Licence Conditions

7.16 No performer shall, while providing services as a performer at an adult entertainment establishment, touch or have physical contact with any person in any manner whatsoever involving any part of that person's body.

Signs and Advertisements

7.17 No owner, licensee or operator of an adult entertainment establishment shall use any sign, advertising or advertising device, including any printed matter, posted or used outside the premises for the purpose of promoting the adult entertainment establishment or any photograph, drawing or other artistic rendering appealing to or designed to appeal to erotic or sexual appetites that shows:

- a) the nipples or areolae uncovered of a female person or the pubic, perineal or perianal areas uncovered of a male or female person; or

- b) the act, whether actual or simulated, of sexual intercourse, cunnilingus, fallatio, buggery, bestiality, masturbation, urination or defecation or the bonding, flagellation, mutilation, maiming or murder of one or more human beings.

7.18 Notwithstanding Section 7.17, no person may erect or maintain any sign advertising an adult entertainment establishment, except in accordance with City By-laws, including the Sign By-law as amended.

- a) Nothing within this By-law shall be deemed to constrain any person from erecting or maintaining any sign or advertising on any interior wall of an adult entertainment establishment, provided the content of such sign is not visible from the exterior of the adult entertainment establishment.

Location and Number of Adult Entertainment Licences

7.19 Notwithstanding subsection 150(12) of the *Municipal Act, 2001 S.O. 2001 c. 25* as amended, no person shall operate an adult entertainment establishment in the City except:

- a) in the defined areas or locations of the City's Zoning By-law; and
- b) under the authority of a current licence that is issued or renewed pursuant to this Part of this By-law and that is not suspended or revoked.

7.20 The number of licences authorized by this Part of this By-law for the operation of adult entertainment establishments within the City is limited at any time to two (2).

Design of Premises

7.21 No person may be an owner or operator of an adult entertainment establishment except in accordance with the following regulations:

- a) The owner or operator shall provide the City Clerk with a floor plan showing the designated room or rooms for the provision of live performance, and no person may provide a live performance in any other room, cubicle, enclosure or partitioned area located within an adult entertainment establishment. In the event that the owner or operator wishes to amend the floor plan, he or she shall first file with the City Clerk, a copy of the amended floor plan and shall not proceed to make such alterations without first obtaining the approval of the City Clerk;
- b) No premises or part thereof used as an adult entertainment establishment shall be used as a dwelling or for sleeping purposes or shall contain therein any furniture which is commonly used or which may be used for sleeping purposes.

Hours of Operation

7.22 No owner or operator may permit an adult entertainment establishment to be open for business or remain open for business and no performer at an adult entertainment establishment shall provide live performances in an adult entertainment establishment except between the hours of 12:00 p.m of one day and 2:00 am of the next day.

- 7.23 Every owner, operator and attendance shall ensure the hours of operation of the adult entertainment establishment are posted on a sign in a conspicuous place, visible from the outside of the premises.

Part 8

AUCTIONEERS

The business is licenced for the following reasons:

Auctioneer: for the purposes of consumer protection to ensure that the auction items are not misrepresented, to require the identification of the auctioneer and to govern the keeping of transaction records for investigative purposes, and to ensure that the business is not a nuisance to the surrounding properties and neighbourhood.

- 8.1 In this Part,

“**auctioneer**” means a person carrying on the business of selling or putting up for sale, goods, wares, merchandise or effects by public auction.

Licence

- 8.2 No person shall carry on business as an auctioneer, or sell or put up for sale, goods, wares, merchandise or effects by public auction within the City, without first obtaining a licence to do so from the City Clerk.

- 8.3 This Part of this By-law shall not apply to:

- a) a service club or charitable organization conducting an auction for the purpose of raising money for its charitable purposes;
- b) a sheriff or court bailiff acting under a court procedure;
- c) a person licenced to engage in the business of operating community sales of livestock under the *Livestock and Community Sales Act, R.S.O. 1990, Chap. L.22*;
- d) a municipality conducting an auction under the tax sale provisions of the *Municipal Act, 2001*;
- e) a sale of land by auction;
- f) any person who intends to sell, or put up for sale, goods, wares, merchandise or effects by public auction, if such person has engaged the services of an auctioneer licenced by the City to conduct the sale.

- 8.4 Every person applying for a licence under this Part of this By-law shall make application to the City Clerk on the application form provided by the City Clerk, including any documentation supporting the information as required, including the applicable licence fee as shown in Schedule “A” of this By-law, and the application shall be accompanied by:

- a) a statement giving particulars as to the location of the premises together with a description of the items being auctioned.

- 8.5 Upon receipt of the application, the City Clerk may make inquiries to the Departments and Agencies as provided for in Schedule A herein, and to any other agency, government department etc as may be necessary at the discretion of the City Clerk.

Licence Conditions

- 8.6 Every licence that is issued is subject to the following conditions of obtaining, continuing to hold and renewing a licence all of which shall be performed and observed by the holder of the auctioneer's licence:
- a) the licensee shall be at least eighteen (18) years of age;
 - b) every auctioneer shall keep proper books of account of the business transacted, which books shall include:
 - i) the names and addresses of the owners of the goods, wares or merchandise to be sold, and the description of same;
 - ii) the price for which the item may be sold;
 - iii) the names and addresses of the persons purchasing such goods, wares and merchandise, or any portion thereof;
 - iv) the price for which the item was sold.
 - a) All books kept by the auctioneer, pursuant to the foregoing, shall be open at all times during business hours to an enforcement officer.
 - b) every auctioneer shall ensure that all stationery, forms, bills, invoices, statements and any other printed or written advertising material, including any published advertisement in a newspaper used in the course of business, bears his or her name and business address;
 - c) no auctioneer shall conduct or permit to be conducted any mock auction, or knowingly or willingly permit to be made any misrepresentations as to the quality or value of any goods, wares, merchandise or effects which may be offered for sale by him or her.
- 8.7 No auctioneer shall:
- a) do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he or she pays for any article or articles,
 - b) avail himself or herself of the services of, or act in concert with persons known in the trade as "beaters", "boosters" or "shills" for the purpose of raising or stimulating bids,
 - c) sell or put up for sale by auction any goods, wares or merchandise or effects on a reserve bid basis without first having announced clearly to those in attendance at the auction the fact of such reserve bid, or
 - d) advertise for sale prior to the auction, any goods or merchandise which are not available for sale at the time, date and place of the auction.
- 8.8 The auctioneer shall, at each auction, prominently display his or her licence issued under this Part of this By-law and shall in all public advertisements of any nature used by him or her in the course of his or her business, include his or her municipal licence number.

Part 9

BODY PIERCING PARLOURS

The business is licenced for the following reasons:

Body Piercing Parlour: for the purposes of protecting the health and safety of clients to ensure the potential for illness or disease is minimized and to regulate the operation of the business so clients are not exposed to health risks, to ensure that the business is not a nuisance to the surrounding properties and neighbourhood and for consumer protection to ensure proper health standards are in place.

9.1 In this Part,

“**body piercing parlour**” means a business or premises where parts of a body are punctured by a sharp-pointed instrument for the purpose of making a hole or opening through which an item may be attached to the body, but shall not include a premise which is operated solely for the purpose of piercing earlobes, or a premises where hair is cut or styled and where the piercing of earlobes is an accessory use.

Licence

- 9.2 No person shall carry on or engage in or intend to carry on or engage in the business of a body piercing parlour within the City without first obtaining a licence to do so from the City Clerk.
- 9.3 Every person applying for a licence under this Part of this By-law shall make application to the City Clerk on the application form provided by the City Clerk, including any documentation supporting the information as required and including the appropriate licencing fee as set out in Schedule “A” of this By-law.
- 9.4 Upon receipt of the application, the City Clerk may make inquiries to the Departments and Agencies as provided for in Schedule “A” herein, and to any other agency, government department etc as may be necessary at the sole discretion of the City Clerk.
- 9.5 The City Clerk shall cause to be made an inspection and report by the Medical Officer of Health and such licensee shall ensure that his or her business will comply with any regulations, guidelines or protocols published or recommended, as amended by Health Canada or the Ontario Ministry of Health and Long Term Care.

Licence Conditions

- 9.6 No person shall fail to use a new, never used before, needle or other similar piercing instrument, item or tool on each client, or patron.
- 9.7 No person shall dispose of any needle or other similar piercing instrument, item or tool in an unsafe manner.
- 9.8 The Licensee shall ensure that the conditions as established by the Perth District Health Unit are adhered to at all times.
- 9.9 The Licensee shall ensure that no food or beverages are offered for sale or sold on the premises.
- 9.10 The Licensee shall ensure that no room in the premises is being used as living, eating, food preparing, bathing or sleeping quarters.

Part 10

BODY RUB PARLOURS AND ATTENDANTS

The following businesses are licenced for the following reasons:

Body Rub Parlours, for the purpose of protecting the health and safety of the attendants and the public, to ensure the business is not a nuisance to the surrounding properties and neighbourhood, and for the consumer protection of those individuals who attend and partake in services of the establishment and the ability to ensure that any person under the age of 18 years is not permitted to enter or remain in the establishment.

Attendants: for the purpose of protecting the health and safety of the attendants and the public, and consumer protection of those individuals who attend and partake in services of the establishment and the ability to ensure that any person under the age of 18 years is not permitted to enter or remain in the establishment.

10.1 In this Part,

“**attendant**” includes a person, other than a licenced owner or operator, who, in pursuance of a trade, business or occupation, provides body rubs at a body rub parlour;

“**body rub**” includes the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person’s body, but does not include body rubs performed, offered or solicited for the purpose of medical or therapeutic treatment persons otherwise duly qualified, licenced or registered to do so under the laws of the Province of Ontario;

“**body rub parlour**” means any establishment used in the pursuance of a business where body rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person’s body are performed, offered or solicited in the premises or part of the premises, but does not include premises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment are performed or offered by persons otherwise duly qualified, licenced or registered to do so under the laws of the Province of Ontario;

“**individual**” means a natural person;

“**operator**” means a person who, alone or with others, operates, manages, supervises, runs, directs or controls the trade, calling, business, or occupation carried on at a body-rub parlour;

“**owner**” means a person who, alone or with others has the right to possess or occupy a body rub parlour or who actually does possess or occupy a body rub parlour and includes a lessee of a body rub parlour or a premises in which a body rub parlour or a premises in which a body rub parlour is located.

Body Rub Parlour Licence

10.2 No person shall own, operate or maintain a body rub parlour business within the City without first obtaining a licence to do so from the City Clerk.

10.3 Every person applying for a licence for a body rub parlour shall make application to the City Clerk on the application form provided by the City Clerk, including the applicable licence fee as shown in Schedule “A”, and shall provide the following

information, including any documentation supporting the information as required by the City Clerk:

- a) The full legal name, contact telephone number, street address and mailing address of the applicant;
- b) Whether or not the applicant is a sole proprietorship, partnership or corporation;
- c) The full legal name, contact telephone number, street address and mailing address of the individual signing the application form and of the intended licensee, if not already provided on the application form;
- d) Where the applicant is a sole proprietorship or partnership, the full legal name, contact telephone number, street address, mailing address, occupation, date of birth, citizenship or immigration status, and marital status of the individual who is the sole proprietor or of each individual who is a partner in the partnership;
- e) Where the applicant is a corporation or a partnership of which a partner is a corporation, the date and jurisdiction of incorporation and the full legal name, contact telephone number, street address, mailing address, occupation, date of birth, citizenship or immigration status, and marital status of each officer, director and shareholder of record, the total number of shares held by each shareholder, and the number of voting shares held by each shareholder;
- f) Particulars of the nature of business or employment during the previous 3 years of the individual who is the sole partner or of each partner in the partnership or of each officer, director, and shareholder of the corporation;
- g) The full legal name, contact telephone number and address of any individual or corporation whose name is not otherwise disclosed and who has an interest in the applicant or the business or otherwise exercises control or direction over the applicant;
- h) Particulars of any conviction, except one in respect of which a pardon has been granted, or any proceedings currently pending under the Criminal Code (Canada) or under this By-law involving the applicant or any person whose name is disclosed in the application;
- i) The full legal name, contact telephone number and address of the owner of any premises upon, in or from which any business is to be carried on pursuant to the licence applied for;
- j) the name and street address under which the body rub parlour is to be operated;
- k) the current zoning of the premises in which the body rub parlour is to be operated;

10.4 The City Clerk shall issue a body rub parlour licence to an applicant, except where,

- a) the applicant is carrying on activities that are, or will be, if the applicant is licenced, in contravention of this By-law;
- b) the premises in which the body rub parlour is, or will be, located do not comply with the provisions or requirements of this By-law;

- c) in the case of an application for a licence, all licences authorized by this Part of this By-law have been issued or renewed and are outstanding;
- d) the application therefore is incomplete.

Attendant Licence

- 10.5 No person shall carry on, or engage, or intend to carry on or engage in the business of an attendant within the City without first obtaining a licence to do so issued by the City Clerk.
- 10.6 No individual under the age of 18 years may apply for or be issued a licence as an attendant.
- 10.7 An individual applying for an attendant's licence to be issued in accordance with this By-law, is entitled to be issued such licence, unless:
 - a) the individual is under the age of 18 years; or
 - b) the individual is unable to provide adequate proof of identification and proof of age as required herein.
- 10.8 The City Clerk shall require adequate proof of identification and proof of age as provided in this subsection at the time an individual requests an attendant's licence, or such further or other proof of identify as in the discretion of the City Clerk, is satisfactory for the purposes of this subsection:
 - a) Age of majority card; or
 - b) Valid Health card with current photo identification; or
 - c) Valid Passport; or
 - d) Valid Driver's licence with current photo identification.
- 10.9 It shall be a condition of every licence issued by the City Clerk that the individual to whom the permit is issued shall comply with the provisions of this by-law.
- 10.10 The City Clerk may revoke any attendant's licence issued under this By-law on the basis of reasonable grounds for belief that any application for a licence or any other document or information provided by or on behalf of the individual to whom the licence is intended contains a false statement or provides false information or provides false identification.
- 10.11 At the time of making a request for a licence, the attendant shall also remit to the City Clerk by cash, certified cheque, interac or money order as the City Clerk may require, an amount of money equal to the licence requested as set out in Schedule "A".
- 10.12 No individual may be an attendant without making application for, obtaining and maintaining, pursuant to the terms of this By-law, an attendant's licence from the City.

Body Rub Parlour Licence Conditions

- 10.13 No owner or operator of a body rub parlour shall employ or cause or permit any individual under the age of 18 years to provide body rub services.

10.14 No person may be an owner or operator of a body rub parlour except in compliance with the following conditions:

- a) No attendant may provide body rubs in a body rub parlour to any person under the age of 18 years and no person under the age of 18 years may be allowed to enter or remain in any part of a body rub parlour;
- b) Each owner or operator shall ensure that there is posted in a prominent location at the entrance to the body rub parlour, a sign indicating that no person under the age of 18 years may enter or remain in such premises;
- c) No owner or operator may permit any employee or person under contract to work at a body rub parlour unless such person is at least 18 years of age and such person has been instructed with regard to the provisions of this By-law and complies with such provisions;
- d) No owner or operator may permit a body rub parlour to be open for business unless the owner or operator is in attendance in person;
- e) No owner or operator may permit any attendant to provide body rubs at a body rub parlour unless such attendant is licenced pursuant to the provisions of this By-law and their licence has not expired, been revoked or suspended;
- f) No attendant may provide a body rub at a body rub parlour unless there is in attendance at the premises, a licenced body rub parlour owner or operator who does not provide body rubs;
- g) Every attendant at a body rub parlour shall be clothed in a manner such that the attendant's pubic and genital area and in the case of a woman, her breasts, are fully covered by opaque material;
- h) No owner or operator may use or permit to be used any camera or other photographic or recording device at a body rub parlour by any person, except in the entrance lobby of the premises for security purposes.
- i) No attendant shall provide or offer to provide services to any person unless such person's pubic and genital area and buttocks and in the case of a woman, her breasts are fully covered by opaque material;
- j) No owner or operator shall permit any attendant to provide or offer to provide services to any person unless such person's pubic and genital area and buttocks and in the case of a woman, her breasts, are fully covered by opaque material;
- k) Every body rub parlour owner and operator shall ensure that no services are provided at the body rub parlour other than in accordance with the requirements of this By-law;
- l) No person shall provide services in a body rub parlour unless the owner of the body rub parlour holds a body rub parlour licence, which has not expired, been revoked or suspended;
- m) No person shall be an operator of a body rub parlour unless the owner of the body rub parlour holds a body rub parlour licence, which has not expired, been revoked or suspended;
- n) Every attendant shall ensure the window provided to permit the observation of body rubs by third parties remains unobstructed;

- o) No person, while acting as an owner or operator, shall perform any body rub services.

10.15 Every licence that is issued for the first time and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold and renewing a licence all of which shall be performed and observed by the owner or operator of the body rub parlour:

- a) the owner or operator of a body rub parlour licence shall, at the request of a person carrying out an inspection pursuant to this By-law, or an enforcement officer, request evidence as to the age of any person in the body rub parlour whom the inspector or enforcement officer believes may be under the age mentioned in this Part of this By-law;
- b) the owner or operator of body rub parlour shall not refuse entry to a person carrying out an inspection pursuant to this By-law, or an enforcement officer in the course of his/her duties at any time during the hours of operation;
- c) the owner or operator of body rub parlour shall not construct or equip the premises in which a body rub parlour is located so as to hinder or prevent entry by a person carrying out an inspection pursuant to this By-law, or an enforcement officer in the course of his/her duties at any time during the hours of operation;
- d) the owner or operator of a body rub parlour shall not permit any person to carry on the activity, outside the premises of shouting or speaking to or disturbing handbills to persons passing by for the purpose of promoting the body rub parlour or soliciting persons passing by to patronize or enter the body rub parlour;
- e) the owner or operator of a body rub parlour shall not use any public address system, sound equipment, loud speaker or similar devices outside the premises in which a body rub parlour is located;
- f) the use of the premises for the purpose of a body rub parlour is permitted or conforms with the uses of the premises permitted under the applicable zoning by-law;
- g) the premises in which the body rub parlour is located shall be constructed so that the body rub cannot be seen or heard outside the premises;
- h) no entrance to any residential use in a building licenced under this By-law shall be through any part of the premises used for purposes of the body rub parlour;
- i) the owner or operator shall have contractual or proprietary interest in the lands and premises upon which the business is to be operated which will enable the owner or operator to carry on business;

Signs and Advertisements

10.16 No person may erect or maintain any sign advertising a body rub parlour or the body rubs provided from such premises, except in accordance with City By-laws, including the Sign By-law as amended.

- a) Nothing within this By-law shall be deemed to constrain any person from erecting or maintaining any sign or advertising on any interior wall of a

body-rub parlour, provided the content of such sign is not visible from the exterior of the body rub parlour;

Location and Number of Licences

10.17 Notwithstanding subsection 150(12) of the *Municipal Act, 2001 S.O. 2001 c. 25* as amended, no person shall operate a body rub parlour in the City except:

- a) in the defined areas or locations of the City's Zoning By-law; and
- b) under the authority of a current licence that is issued or renewed pursuant to this Part of this By-law and this is not suspended or revoked.

10.18 The number of licences authorized by this Part of this By-law for the operation of body rub parlours within the City is limited at any time to two (2).

Design of Premises

10.19 No person may be an owner or operator of a body rub parlour except in accordance with the following regulations:

- a) The owner or operator shall provide the City Clerk with a floor plan showing the designated room or rooms for the provision of body rubs and no person may provide body rubs in any other room, cubicle, enclosure or partitioned area located within the body rub parlour. In the event that the owner or operator wishes to amend the floor plan, he or she shall first file with the City Clerk, a copy of the amended floor plan and shall not proceed to make such alterations without first obtaining the approval of the City Clerk;
- b) No premises or part thereof used as a body rub parlour shall be used as a dwelling or for sleeping purposes or contain therein any furniture which is commonly used or which may be used for sleeping purposes;
- c) Every body rub parlour shall be equipped with a window to permit observation of the provision of body rubs by third parties. The window must be 3 inches by 5 inches clear glass, located in the door to each massage room at a height of not less than 5 feet and not greater than 6 feet and must not be obstructed in any way
- d) Every body rub parlour and all fixtures and equipment therein, shall be regularly washed and kept in a sanitary condition.

Hours of Operation

10.20 No owner or operator may permit a body rub parlour to be open for business or remain open for business and no attendance at a body rub parlour shall provide body rubs in a body rub parlour except between the hours of 9:00 a.m and midnight on any given day.

10.21 Every owner, operator and attendance shall ensure the hours of operation of the body rub parlour are posted on a sign in a conspicuous place, visible from the outside of the premises.

Part 11

CIRCUS

The business is licenced for the following reasons:

Circus: for the purposes of protecting the health and safety of the public, including children, by ensuring that structures and equipment used do not expose the public to undue risks, and to ensure that the business is not a nuisance to surrounding properties and neighbourhood.

11.1 In this Part,

“**circus**” means a variety show usually including feats of physical skill and performances by jugglers and clown, except other live exhibitions with performing exotic or wild animals as defined in By-law 89-2003;

Licence

11.2 No person shall carry on, or engage, or intend to carry on or engage in the business of owner or operator of a circus within the City without first obtaining a licence to do so from the City Clerk.

11.3 Every person applying for a licence shall make application to the City Clerk on the application form provided by the City Clerk, including the applicable licence fee as set out in Schedule A of this By-law and shall include the following information:

a) written permission from the owner of the property where the circus is to be held;

11.4 Upon receipt of the application, the City Clerk may make inquiries to the Departments and agencies as provided for in Schedule A herein, and to any other agency, government department etc. as may be necessary at the sole discretion of the City Clerk.

Licence Conditions

11.5 The Licencee shall ensure that the electrical systems, equipment, fuses and switches are inaccessible to the public and cables in the ground in areas used by the public are placed in trenches or suitably protected as required by Ontario Hydro.

11.6 The licencee shall ensure that all electrical systems are operated and maintained in a safe and conscientious manner.

11.7 No licence shall be issued for a circus involving amusement devices or show involving carnival rides unless the applicant submits copies of the current valid permits issued by the Director of the Elevating Devices Branch of the Ministry of Consumer and Commercial Relations, pursuant to the *Amusement Devices Act*.

11.8 Notwithstanding any other provision of this By-law, circuses or other live exhibitions with performing exotic or wild animals as defined in By-law 89-2003 are prohibited within the municipal boundaries of the City of Stratford.

Part 12

OLD GOLD, OTHER PRECIOUS METALS AND OLD JEWELLERY SALES

The businesses are licenced for the following reasons:

Old Gold, Other Precious Metals and Old Jewellery Sales for the purposes of protecting the consumer selling items by identifying the dealers and to ensure that the business is not a nuisance to surrounding properties or the neighbourhood.

12.1 In this Part,

“antique jewellery” for the purposes of this Part of this By-law, antique jewellery shall mean jewellery which is of a higher value because of its age.

“old gold or other precious metals dealer” means any person who for hire or gain, deals in old gold or other precious metals or old jewellery or other articles for the purpose of smelting the same and recovering the gold therefrom, or for the purposes of resale, including but not limited to resale to the public, but does not include antique jewellery resold by antique dealers;

Licence

12.2 No person shall carry on or engage in, or intend to carry on or engage in the dealing of old gold, other precious metals and old jewellery sales within the City, without first obtaining a licence to do so from the City Clerk.

12.3 Every person applying for a licence for Old Gold, Other Precious Metals and Old Jewelry Sales shall make application to the City Clerk on the application form provided by the City Clerk, including the applicable licence fee as set out in Schedule A.

Licence Conditions

12.4 No Licencee shall purchase, take in exchange or receive any old gold, other precious metals, old jewellery or other articles for the purpose of smelting the same and recovering the gold therefrom from any person who appears to be under the age of 18 years, or from any person under the influence of liquor or drugs.

12.5 No Licencee shall alter, repair, dispose of or in any way part with any old gold or old jewellery or other articles purchased or taken in exchange under after the expiration of 10 clear days, from the date of such purchase or exchange, and during these 10 days such old gold or other precious metals or old jewellery or other similar articles so obtained shall remain on the premises listed in the application as the Licencee’s business premises, and shall be kept in a separate location from any old gold or precious metals or old jewellery or other similar articles previously purchased, and shall be subject to inspection at any time during business hours by any enforcement officer.

12.6 Every licenced dealer shall keep a record of all old gold or other precious metals or old jewellery or other similar articles purchased or taken in exchange or otherwise acquired, such record shall be entered in ink in a plain, legible hand on a register form. Each entry must be made at the time of purchase or immediately thereafter and shall include in addition to the date and hour of purchase, a full description of the old gold or other precious metals or such article or articles, the price paid therefor and the name, address and description of the person from whom the purchase or exchange was made.

- 12.7 Every Licencee in old gold or other precious metals or old jewellery or other similar articles shall make every reasonable effort to obtain the name, address and description of any person offering him old gold or other precious metals or old jewellery or other similar articles which he or she has cause to suspect have been stoke, or otherwise wrongfully obtained and shall report promptly to the Chief of Police and the City Clerk.
- 12.8 Every Licencee shall deliver or cause to be delivered at the office of the Chief of Police, not later than 9:00 o'clock in the morning of every week day, a transcript of the purchases of the previous day, accurately copied from the register for that purpose.

Part 13

OUTDOOR CAFES – on Municipal Property

The businesses are licenced for the following reasons:

Outdoor cafes for the purposes of health and safety of the public by ensuring that the applicable health regulations, fire regulations and building regulations are followed, and to ensure that the outdoor café does not hinder pedestrian traffic and/or cause a hazard in any way and/or have an negative aesthetic impact on the City which would fall under nuisance control.

13.1 In this Part,

“**outdoor café**” includes any areas adjacent to a building where outdoor seating on municipal property, including a sidewalk, is provided for the serving or consumption of food or beverage;

“**sidewalk**” means any public sidewalk, or portion of a highway between the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of pedestrians;

Licence

- 13.2 No person shall carry on or engage in, or intend to carry on or engage in, the business of an outdoor café within the City without first obtaining a licence from the City Clerk.
- 13.3 Every person applying for a licence for an outdoor cafe shall make application to the City Clerk on the application form provided by the City Clerk, including the applicable licence fee as shown in Schedule “A”, and shall include the following information, including any documentation supporting the information as required by the City Clerk:
- a) detailed drawing or sketch of the proposed outdoor café and surrounding area, including the location of existing street furniture, parking meters, landscape features, sandwich board signs, vegetation, encroachments, unless at the time of application, it is for the purposes of a renewal licence and there have been no changes;
 - b) any other documentation as deemed necessary by the City Clerk.
- 13.4 In addition to requiring a licence for the operation of an outdoor café on municipal property, the Applicant shall be required to enter into an agreement with The Corporation of the City of Stratford which sets out the terms and conditions and rental fees for use of municipal property as an outdoor café.

- 13.5 Where the proposed outdoor café complies with existing City policies and by-laws, the Mayor and Clerk are authorized to execute the agreement on behalf of The Corporation of the City of Stratford.
- 13.6 Where the applicant proposes to sell or offer for sale alcoholic beverages from the outdoor café, the applicant shall provide to the City Clerk at the time of application, a copy of the Liquor Licence issued to the applicant by the Alcohol and Gaming Commission.

Licence Conditions

- 13.7 Every licence that is issued is subject to the following conditions of obtaining, continuing to hold and renewing a licence all of which shall be performed and observed by the holder of the licence:
- a) (Deleted by By-law 82-2007)
 - b) ensuring that the outdoor café is operated in the area of the sidewalk immediately adjacent to the building as approved by the City;
 - c) ensuring that the outdoor café does not obstruct pedestrian access or access to parking meters, street furniture, utility poles;
 - d) ensuring that sufficient litter containers are provided and maintained;
 - e) ensuring that the area used by the outdoor café and the surrounding area is kept clean of any litter, garbage, waste, recycling materials or refuse at all times;
 - f) ensuring that the area used for the outdoor café and surrounding area is cleaned of any residue, spoil or spill;
 - g) ensuring that no fixtures, furniture, apparatus, fencing, or structures are affixed to the sidewalk, ground, or municipal property and that all furniture must be of a commercial weight and construction;
 - h) ensuring that all components of the outdoor café shall be removed each evening after the close of business operation and shall not be replaced until the commencement of business operations the next business day, or if not removed on a daily basis, subject to 13.7 g), secured in such manner so that the furniture is secured for the evening by chain or cable;
 - i) ensuring that no sound is permitted or allowed that is contrary to the provisions of the Noise Control By-law of the City;
 - j) ensuring that no amusement device or game is operated or allowed to be operated within any outdoor café.
- 13.8 No person shall permit the consumption of alcoholic beverages within any outdoor café unless such café is licenced under the provisions of the *Liquor License Act* to permit the consumption of alcoholic beverages and unless such outdoor café is operated in conjunction with a restaurant or tavern holding a valid liquor licence.
- 13.9 Where such outdoor café is licenced to permit the consumption of alcoholic beverages, no person shall serve or allow the consumption of alcoholic beverages contrary to any applicable law.

- 13.10 The Licencee shall at all times, indemnify and save harmless, the City of and from all loss, costs, and damages which the City may suffer, be at or be put to for or by reason or on account of any matter or thing which may occur, be done or arise by reason of the use of the area, or of any other property of the City, to gain ingress to or egress from the area or anything which may be done thereon or which may be neglected to be done thereon by the Applicant, his agents, servants or others.

Part 14

REFRESHMENT VEHICLES AND BICYCLE ICE CREAM VEHICLES

The business is licenced for the following reasons:

Refreshment vehicles: for the purposes of health and safety of the public by ensuring that the licensee is following the required health regulations to ensure the consumer does not become ill, and the required fire regulations to ensure public safety, and to ensure that the vendors are not hindering vehicle or pedestrian traffic and/or causing a hazard in any way; and to ensure consumer protection by identifying vendors.

14.1 In this Part,

“**refreshment vehicle**” means any vehicle from which food stuffs and/or refreshments, other than prepared ice cream products, are sold or offered for sale for consumption by the public and includes without limiting the generality of the foregoing, carts, wagons, trailers and trucks, irrespective of the type of motive power employed to move the refreshment vehicle from one point to another;

“**bicycle ice cream vehicle**” means any cart, bicycle or tricycle, irrespective of the type of motive power employed to move the bicycle ice cream vehicle from one point to another, and from which the only food stuffs sold or offered for sale by consumption by the public, are prepared ice cream products

Refreshment Vehicle Licence

14.2 The following categories of refreshment vehicle are hereby established:

Category 1 a refreshment vehicle from which food stuffs are sold or offered for sale and where the food stuffs are prepared or cooked on the refreshment vehicle or elsewhere.

Category 2 a bicycle ice cream vehicle from which the only food stuffs sold or offered for sale are prepared ice cream products.

14.3 No person shall carry on or engage in, or intend to carry on or engage in the business of owning or operating a refreshment vehicle or bicycle ice cream vehicle within the City without first obtaining a licence to do so from the City Clerk.

14.4 Every person applying for a licence for a refreshment vehicle or bicycle ice cream vehicle shall make application to the City Clerk on the application form provided by the City Clerk, including the applicable licence fee as shown in Schedule “A”, and shall provide the following information:

- a) proof of valid Province of Ontario driver’s licence, except in the case of a cart that is not driven by a vehicle;
- b) proof of a current motor vehicle permit issued pursuant to the *Highway Traffic Act* that permits the refreshment vehicle to be driven on any highway, where applicable;

- c) proof that the vehicle complies with propane, handling and storage regulations under the *Technical Standards and Safety Act, 2002*, as amended, where applicable;
 - d) any other documentation as deemed necessary by the City Clerk
- 14.5 No person shall operate a refreshment vehicle or bicycle ice cream vehicle for which a licence under this Part of this By-law is required, on any private property within the City without the express written permission of the property owner including the specific time frame for which the applicant is permitted to operate at such location and the applicant shall provide to the City Clerk at the time of application or as otherwise requested, such written permission and statement of time frame from the property owner. The onus of obtaining the necessary approval to vend from a particular location from the owner of the property is on the Licencee.
- 14.6 No person under the age of 18 years may apply for a refreshment vehicle or bicycle ice cream vehicle licence.

Licence Conditions

- 14.7 No person, either alone or through an agent, shall sell or offer to sell food stuffs in the City from any horse-drawn refreshment vehicle.
- 14.8 Every licencee shall:
- a) ensure that every refreshment vehicle or bicycle ice cream vehicle is equipped with a refuse container with a self-closing lid, adequate recycling material containers and that such containers shall be kept in a clean and sanitary condition and emptied at least once daily;
 - b) ensure that every refuse container and recycling material container is located on the vehicle so as to be easily accessible by persons making purchases while the vehicle is stopped;
 - c) ensure that the vehicle and all parts and equipment for use in the dispensing of refreshments are maintained in a clean and sanitary conditions and at all times in good repair;
 - d) ensure that hard ice cream and related products are maintained in a hard condition in the vehicle at all times;
 - e) ensure that no thawed or partially thawed products are refrozen, stored or sold from the vehicle;
 - f) ensure that soft ice cream and related products are stored in a refrigerated cabinet suitable for the storage of soft ice cream and related products, as approved by the Health Unit;
 - g) ensure that all foodstuffs are wrapped or sold in individual packages;
 - h) ensure that adequate refrigeration, as approved by the Medical Officer of Health, is provided for perishable foodstuffs which shall be kept so refrigerated;
 - i) ensure that where a vehicle is powered by propane, the vehicle is inspected and certified at the time of application and on an annual basis by an

authorized inspector and such certification shall be filed with the City Clerk annually, or at the time of application, or as may be required;

- j) ensure that where the vehicle is powered by propane, or as otherwise may be required by the Fire Chief or City Clerk, a minimum five pound ABC dry chemical fire extinguisher shall be mounted on the vehicle and the operator of such vehicle shall be knowledgeable in the proper use of such fire extinguisher;
 - k) ensure that vehicles from which hot, prepared food stuffs are sold or offered for sale, are so equipped as to maintain such food stuffs so heated at temperature as approved by the Medical Officer of Health;
 - l) ensure that no LPG (liquefied petroleum gas), LNG (liquefied natural gas) or any combustible fuelled appliance is operated within 10 feet of any structure, door, window, or opening which shall include an alcove or alleyway;
 - m) ensure that the vehicle is free from holes, crevices or cracks and the surface is readily washable and is kept clean and in good condition;
 - n) ensure that only single service disposable cups, plates, forks, spoons, knives and containers are used and serviettes shall be provided from a dispenser;
- 14.9 Every person selling or handling refreshments and food stuffs shall be clean and neat in appearance and shall maintain clean hands at all times.
- 14.10 The licensee shall ensure that the food handling protocols established by the Medical Officer of Health are adhered to at all times.
- 14.11 No licence shall permit any individual other than a bona fide employee to operate the refreshment vehicle or bicycle ice cream vehicle.
- 14.12 The licensee shall ensure that every vehicle displays in clearly visible letters on both side panels, the operating name of the business as it appears on their business licence.
- 14.13 Every licensee shall at his own expense, whenever required to do so by the City Clerk or Medical Officer of Health, Health Inspector, or Fire Prevention Officer, bring such vehicle to any person designated for inspection.
- 14.14 No person shall stop, park or otherwise carry on business from a refreshment vehicle for the purpose of selling or offering for sale any refreshments or product at a distance of less than 50 feet from any intersection, within 100 feet of any public park, or within the public park system, or in the designated downtown business core unless authorized by Council to do so.
- 14.15 No person shall carry on the business from a bicycle ice cream vehicle within 100 feet of any public park or within the public park system and also the designated downtown business core unless authorized by Council to do so.
- 14.16 No person shall obstruct traffic in any way on any street.
- 14.17 Every licensee shall ensure that each operator or employee is made familiar with the contents of this Part of this By-law and shall not permit any operator or employee under his control, management, supervision or direction to breach any of the provisions of this By-law.

- 14.18 No person shall operate a refreshment vehicle or bicycle ice cream vehicle from any boulevard, sidewalk, park or other municipal property within the City unless authorized to do so in writing by Council.
- 14.19 No person shall stand, stop or park or permit to stand, stop or be parked, any vehicle contrary to any City by-law, the *Highway Traffic Act*, or other by-law or statute as may be applicable.
- 14.20 No person shall sound a horn or other signaling device in connection with the conduct of business from, or in conjunction with, a refreshment vehicle or bicycle ice cream vehicle between the hours of 9:00 pm of one day and 7:00 am of the next day.
- 14.21 No person shall operate a refreshment vehicle equipped with a deep fat fryer or similar equipment unless such vehicle is equipped with a fire extinguishing system to the satisfaction of the Fire Prevention Officer.
- 14.22 No person shall operate a refreshment vehicle within 60 metres of the property line of an existing restaurant or food premises business within the City of Stratford unless the said refreshment vehicle is a legal and conforming accessory use to the existing restaurant or food premises business, or if operating from municipal property, where prior authorization has been granted by the City.

Number of Licences

- 14.23 Notwithstanding sections 14.14 and 14.15, the number of licences authorized by this Part of this By-law for the operation of a refreshment vehicle within the boundaries of the designated downtown core of the City is limited at any time to two (2) as follows:
- a) one hot dog cart at Memorial Gardens on Ontario Street; and
 - b) one refreshment vehicle in Market Square.

Part 15

Hawker- Pedlar – Including Flea Market, Craft Show, Antique Show, Trade Show, Door to Door Sales

The businesses are licenced for the following reasons:

Hawker-Pedlar- including Flea Market, Craft Show, Antique Show, Trade Show, Door to Door Sales: for the purpose of ensuring the vendor is following all required health regulations to ensure that the consumer does not become ill, to ensure that the business is not a nuisance by hindering vehicles or pedestrian traffic, and/or causing a hazard in any way and/or having a negative impact on the municipality, to protect the consumer who is purchasing the products being sold, to control locations where vending occurs, to require the identification of vendors and to ensure that vending is not a nuisance to the surrounding properties and neighbourhood.

15.1 In this Part,

“**Hawker-Pedlar**” means (a) any person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the City afterwards; (b) any retailer which has an employee or agent who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and displays samples, patterns, or specimens of any goods, wares or merchandise for

which orders are taken and that are to be delivered in the City afterwards; (c) but excludes a consumer craft show open to the public or a trade show by invitation or registration only, the primary purpose of which are the display of goods and products and not the direct sale of them.

"flea market" means a business or premises, whether enclosed by a building or structure or not, in which individual stalls are rented or supplied to vendors, other than the owner, for the purpose of individually exposing, offering for sale or selling new or used articles, foodstuffs, fruits, vegetables, services or other goods, wares or merchandise or exposing samples, patterns or specimens of any goods, wares or merchandise to be delivered at a later date;

"Door to door sales" means any business, person or organization involved with the sale of goods on a door to door basis.

"Antique/Collectible Show" means the exhibiting or offering for sale, on a temporary basis, at one location by crafts people, goods, wares or merchandise which they themselves have produced.

Trade Show means the exhibiting or offering for sale, on a temporary basis, at one location by several manufactures or distributors, goods, wares or merchandise which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer but excludes a consumer show open to the public or a trade show open by invitation or registration only, the primary purpose of which is the display of goods and products and not the direct sale of them, and also excludes a consumer show or trade show operating as an integral part of the convention or conference.

Licence

15.2 No person shall:

- a) carry on the business of Hawker-Pedlar (flea market, antique show, craft show, trade show);or
- b) be engaged in services to the public in connection with the business of Hawker-Pedlar(flea market, antique show, craft show, trade show);or
- c) operate as Hawker-Pedlar (flea market, antique show, craft show, trade show)

in the City, without holding first obtaining a licence to do so from the City Clerk.

15.3 Every person applying for a licence shall make application to the City Clerk on the application form provided by the City Clerk, including the applicable licence fee as shown in Schedule "A", and shall include any documentation supporting the information as required by the City Clerk:

15.4 No person shall operate or conduct business for which a licence under this Part of this By-law is required, on any private property within the City without the express written permission of the property owner including the specific time frame for which the applicant is permitted to operate at such location and the applicant shall provide to the City Clerk at the time of application or as otherwise requested, such written permission and statement of time frame from the property owner. The onus of obtaining the necessary approval to vend from a particular location from the owner of the property is on the Licencee.

15.5 The provisions of this Part of this By-law which require a licence, are not applicable to:

- a) tenant associations or community associations holding garage sales of personal effects provided that the personal effects are owned by the members of the association and the sale is for a period no longer than two (2) days and no more than two (2) sales are held in a calendar year;
- b) A private individual holding a garage sale of personal effects provided that the personal effects are owned by the individual and the sale is for a period no longer than two (2) days and no more than two (2) sales are held in a calendar year;

Flea Market – Location/Premise

- 15.6 No person shall operate or maintain premises or location operated as a flea market within the City of Stratford without first having obtained a licence to do so.
- 15.7 The licensee shall ensure that all premises are constructed and established in such manner as to provide a specified area for each vendor.
- 15.8 The licensee shall ensure that every stall is numbered in such manner as to display the number to the general public.
- 15.9 The licensee shall ensure that garbage, waste and recyclable materials are removed from the premises at least once weekly or as often as is necessary to maintain the premises in a sanitary condition.

Flea Market – Owner/Operator

- 15.10 No person shall operate or carry on business as a Flea Market Owner or Flea Market Operator within the City of Stratford without first having obtained a licence to do so.
- 15.11 No person shall permit any exit, corridor or public corridor to be blocked, impeded or otherwise obstructed in any way.
- 15.12 Every owner or operator shall:
 - a) upon request, provide an enforcement officer or other duly appointed individual, an accurate site plan of the premise, including all outdoor areas, operated as a flea market, with such site plan to identify and number each stall;
 - b) upon leasing, renting or otherwise providing a stall to a vendor or other person, enter into an agreement which shall establish the terms of such arrangements and the rules and regulations governing operation of the flea market and such agreement shall contain the legal name of the vendor or other person entering into such agreement, his or most recent address, contact telephone number, the registered name of the business, the operating name of the business, the Provincial Vendor's Permit Number and shall be signed and dated by both Parties;
 - c) maintain and upon request, provide to an enforcement officer or other duly appointed individual, a duplicate copy of the Agreement entered into between the owner and/or operator for the rental of a stall operated within the flea market by a vendor or any other person;
 - d) for each stall, maintain a book to be known as a "register" which shall be a comprehensive record of the Registered name and Operating name of each person or business operating within the flea market; the owner/principal of

such business; and the address, contact telephone number, date of birth and, if available, driver's licence number, vehicle licence number and make of vehicle in respect of each business.

- 15.13 The owner or operator shall make such entries to the registrar at the time of rental or immediately thereafter and shall not knowingly make any false entries into the register.
- 15.14 The licensee shall ensure that such register is kept and all records are maintained for a period of at least two (2) years from the date of entry.
- 15.15 The licensee shall provide the register to an enforcement officer or other duly appointed individual at any reasonable time for inspection.
- 15.16 Every owner or operator shall provide for each Flea Market premises or location, on the first day of each month, a list of all vendors having entered into agreement with such owner or operator to conduct business at or within the Flea Market for the next immediate month. Such list shall identify the registered business name, operating name and owner's name of each business having entered into such agreement for operation.

Flea Market – Vendor

- 15.17 No person shall operate or carry on business as a Flea Market Vendor within the City without first having obtained a licence to do so.
- 15.18 No vendor shall operate within any exit, corridor or public corridor and shall not, in any way, impede the ingress or egress of the flea market or any stall.
- 15.19 Every vendor licenced under the provision of this Part of this By-law shall also comply with any other specific conditions which may be set out herein for the operation of a specific class of business.

Exemption from licence – circumstances

- 15.20 No Hawkers-Pedlars (Door to Door Sales, Craft Shows, Trade Shows, Antique/Collectibles Show) shall require a licence in the following circumstances:
- a) Wholesale or retail dealers in similar goods, wares or merchandise; or
 - b) if the goods, wares or merchandise are sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays property taxes in the City with respect of premises used for the sale of such goods, wares or merchandise; or
 - c) existing local retailers are exempt from obtaining a licence and paying a licence fee for day sales or seasonal sales if the temporary selling activity is an extension of the existing business at that location;
 - d) local farm growers are exempt from obtaining a licence and paying a licence fee for day sales or seasonal sales if the produce they are selling is being sold from their own property and has been grown and harvested by them.

Exemption from Licence Fees

- 15.21 a) Registered charitable organizations or not-for-profit organizations shall be required to obtain a licence but shall be exempt from paying the appropriate licence fee.

- b) Local existing retailers shall be required to obtain a licence if the retailer is operating at an alternate temporary location but shall be exempt from paying the appropriate licence fee.

Part 16

TATTOO PARLOURS

The business is licenced for the following reasons:

Tattoo Parlour: for the purposes of protecting the health and safety of the patrons by ensuring proper health standards are followed, to ensure that the business is not a nuisance to the surrounding properties and neighbourhood and for consumer protection of patrons who partake of tattoo services.

16.1 In this Part,

“**tattoo parlour**” means a business or premise where the skin of an individual is marked by puncturing it and inserting a pigment or pigments to make permanent marks or designs.

Tattoo Parlour Licence

16.2 No person shall carry on or engage in, or intend to carry on or engage in, the business of a tattoo parlour, within the City without first obtaining a licence from the City Clerk to do so.

16.3 Before issuing any licence for a tattoo parlour under this By-law, the City Clerk shall cause to be made an inspection and report by the Medical Officer of Health or his or her designate and such licencees shall ensure that his or her business will comply with any regulations, guidelines or protocols published or recommended, as amended by Health Canada or the Ontario Ministry of Health and Long Term Care.

16.4 Every person applying for a licence for a tattoo parlour shall make application to the City Clerk on the application form provided by the City Clerk, including the applicable licence fee as shown in Schedule “A”.

Licence Conditions

16.5 The Licencee shall ensure that his or her business shall continue to comply with any regulations guidelines or protocols published or recommended by Health Canada or the Ontario Ministry of Health and Long Term Care, that pertain to a tattoo parlour, for as long as any licence that is issued to him or her under this By-law remain in effect.

16.6 No person shall dispose of any needle or other similar piercing instrument, item or tool in an unsafe manner.

16.7 The licencee shall ensure that the conditions as established by the Medical Officer of Health are adhered to at all times.

16.8 The licencee shall ensure that no room in the premises is being used as living, eating, food preparing, bathing or sleeping quarters.

Read a FIRST, SECOND and THIRD time and
FINALLY PASSED this 20th day of December, 2004.

"Daniel Mathieson"
Mayor – Daniel B. Mathieson

"Joan Thomson"
Clerk – Joan L. Thomson

This is Schedule "A" to By-law 187–2004Enacted this 20th day of December, 2004

Licence Class	Original Licence Fee*	2008 Licence Fee*
Adult Entertainment Establishments	\$330.00	\$349.00
Adult Entertainment Performers	\$105.00	\$111.00
Auctioneers	\$175.00	\$186.00
Body Piercing Parlours	\$185.00	\$196.00
Body Rub Parlours	\$330.00	\$349.00
Body Rub Attendants	\$105.00	\$111.00
Circus	\$200.00	\$211.00
Hawker Pedlar (Door to door, flea markets, craft shows, trade shows, auctioneer/collectible shows, special event)	\$285.00	\$301.00
Old Gold, Other Precious Metals, Old Jewellery Sales	\$120.00	\$126.00
Outdoor Cafes	\$465.00	\$491.00
Refreshment vehicles	\$390.00 per Refreshment Vehicle	\$412.00 per Refreshment Vehicle
Bicycle Ice Cream vehicles	\$130.00	\$137.00
Tattoo Parlours	\$280.00	\$296.00

Duplicate Licence Fee \$25.00

Change in operating name of business \$25.00

* These rates shall automatically increase and be rounded to the nearest dollar on the first day of January (commencing in 2006) in each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) published by Statistics Canada during the 12-month period ending on October in the year immediately preceding the rate increase date.