

**THE CORPORATION OF THE TOWN OF WASAGA BEACH
BY-LAW NO. 2019-26**

**A BY-LAW TO LICENSE, REGULATE AND GOVERN BUSINESSES
CARRIED ON OR WITHIN THE MUNICIPALITY**

WHEREAS pursuant to Part IV of the Municipal Act, 2001, as amended, the Council of the Corporation of the Town of Wasaga Beach may pass By-laws for licensing, regulating and governing businesses;

AND WHEREAS the Municipal Act 2001, as amended, allows a municipality to license, regulate and govern any business wholly or partially carried on within the municipality, even if the business is being carried on from a location outside of the municipality;

AND WHEREAS pursuant to Part II, Section 11(2)(6) of the Act, a municipality may pass By-laws respecting the health, safety and well-being of persons;

AND WHEREAS it is desirable to continue a system of Business Licenses for the purpose of the health, safety and well being of people in the Town of Wasaga Beach where Council determines it to be in the municipal interest;

AND WHEREAS the Act further empowers the municipality to require the payment of license fees and to pass By-laws for imposing fees or charges for permits and services provided or done by them;

AND WHEREAS notice of By-law consideration at Council was given, and a public notice was published, at which time any persons who attended or provided feedback had an opportunity to make representation with respect to this By-law;

AND WHEREAS the Council of the Corporation of the Town of Wasaga Beach is exercising its licensing powers, including the imposition of conditions as are set out in the accompanying Schedules attached to and forming part of this By-law;

NOW THEREFORE THIS COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH ENACTS AS FOLLOWS:

DEFINITIONS

ACT – means the Municipal Act, R.S.O., 2001, c. 25, as amended from time to time, or any successor thereof;

APPEAL COMMITTEE – means the Town of Wasaga Beach Property Standards Committee.

APPLICANT - means any Person or Person(s) whose names appear on any Business License application filed with the Town;

BUILDING – means any building as defined in the Building Code Act, or any structure but does not include a vehicle;

BUILDING CODE ACT – means the Ontario Building Code Act, 1992, S.O. 1992, c. 23 and all regulations thereto, as amended from time to time, or any successor thereof;

BUSINESS – includes, without limitation, any trade, occupation or business carried on or engaged in wholly or partly within the Town of Wasaga Beach, and any trade, occupation or business carried on or engaged in by a charitable or non profit organization;

BUSINESS LICENSE - means current, valid, business license issued by the Town pursuant to this By-law;

CAO – means the Chief Administrative Officer for the Town of Wasaga Beach and/or his/her designate;

CBO – means the Chief Building Official for the Town of Wasaga Beach and/or his/her designate;

BY-LAW – means this By-law and all schedules forming part of this By-law, and includes any amendments thereto;

CLERK – means the Clerk of the Town and/or his/her designate;

COUNCIL – means the Council of the Corporation of the Town of Wasaga Beach;

FIRE CHIEF - means the Chief of the Wasaga Beach Fire Department and/or his/her designate;

FIRE PROTECTION AND PREVENTION ACT – means the Fire Protection and Prevention Act, 1997, R.S.O., 1997, c. 4, and all regulations thereto, as amended from time to time, or any successor thereof;

GENERAL GOVERNMENT COMMITTEE – means a standing committee of Council created under the Procedural By-law;

HEALTH PROTECTION AND PROMOTION ACT – means the Health Protection and Promotion Act R.S.O., 1990, c. H. 7, and all regulations thereto as amended from time to time, or any successor thereof;

HEALTH UNIT – means the Simcoe Muskoka District Health Unit and/or its successor;

HOURS OF OPERATION - except as otherwise stated in this By-law, means the hours of operation as listed on the application;

HIGHWAY - shall have the same meaning as set out in the Highway Traffic Act, R.S.O., 1990, c. H.8, as amended from time to time, or any successor thereof;

IDENTIFICATION – means a current, valid government issued:

1. Drivers License – issued within North America;
2. Canadian Passport;
3. Canadian Citizenship Card; and
4. Provincial Health Card;

INSPECTION - includes a physical visit to the premises, where applicable, or a document review or search;

ISSUER OF LICENSES – means the individual designated by the Clerk to issue, suspend or revoke a Business Licenses and/or administer this By-law;

LICENSEE – means a person to whom a Business License has been issued;

MEDICAL OFFICER OF HEALTH – means the Medical Officer of Health for Simcoe Muskoka District Health Unit or his/her designate;

OFFICER - means any person authorized by the Town to enforce this By-law or to carry out inspections in relation to this By-law, and includes a Municipal Law Enforcement Officer, Licensing Officer, Property Standards Officer, Police Officer, and the Medical Officer of Health;

PERSON – includes a Corporation;

PREMISES – includes any land, including a building, structure or installation and also includes any vehicle, vessel or conveyance used in the operation of the Business;

REGISTER – means a written record containing entries of items or details;

RENT - means the exchange of a sum of money or other financial consideration for the temporary use of property, and “Rental” has the corresponding meaning;

SALE - means the exchange of a sum of money or other financial consideration for goods and/or services, and “Sell” has the corresponding meaning;

SECRETARY TO THE APPEALS COMMITTEE – means the Council Committee Coordinator of the Town and/or his/her designate;

TOWN or CORPORATION – means the Corporation of the Town of Wasaga Beach;

WELL-BEING – means a peaceful, healthy, prosperous and beneficial state.

BUSINESS LICENSE REQUIRED

1.
 - a. No Person shall within the geographic limits of the Town, carry on any Business, set out in Schedule “A” of this By-law, without a Business License.

- b. For purposes of this By-law, a Person is deemed to be carrying on a Business if engaged in the Business directly or if employing a person, directly or indirectly, to carry on or engage in the Business.
- c. Unless otherwise specified, each Business, required to be licensed under Schedule “A”, must be separately licensed.
- d. Every Person who is licensed by the Town to operate a business shall pay the license fees as set out in Schedule “C” of this By-law, and the license fees shall be non-refundable and non-transferable.
- e. Where more than one (1) Business is operated at one (1) Premise, all-applicable Business Licenses are required, and all applicable fees must be paid in full, unless otherwise provided by this By-law.
- f. Every Person who is licensed by the Town to operate a business is encouraged to ensure compliance with the Accessibility for Ontarians with Disabilities Act (AODA).
- g. This By-law shall not apply to any activities carried on by or on behalf of the Town of Wasaga Beach.

OBTAINING A BUSINESS LICENSE

- 2.
 - a. Any Person seeking to obtain a new Business License shall submit to the Issuer of Licenses an application in accordance with this By-law, requesting all required inspections set out in Schedule “B” of this By-law.
 - b. The Issuer of Licenses shall not accept any application for a Business License if any of the Applicants are under the age of eighteen (18) years.
 - c. The Issuer of Licenses shall not accept any application for a Business License or renewal until all requirements relating to the application, as set out in this By-law, have been met.
 - d. The Applicant shall pay the required license fee(s) and/or any other required fee or deposit as set out in Schedule “C” attached to this By-law when making an application.
 - e. In addition to any license fees to be paid by any Applicant as set out in Schedule “C” attached to this By-law, a late payment fee shall apply to any application received by the Town after the due date established for obtaining such license. Incomplete applications shall be considered not to have been received and may be returned to the Applicant. In any case, where the application remains incomplete after the date established to obtain such license, the late payment fee shall apply.

- f. Acceptance of the license fee does not constitute approval of the application or oblige the Town to issue a Business License.
- g. No Person shall operate a Business except in conformity with the terms and conditions as set out and imposed in the Business License.
- h. Every application for a Business License under this By-law, shall be made in writing and shall include:
 - 1. the fully and correctly completed Business License application form;
 - 2. the applicable application fee, as set out in Schedule "C" of this By-law;
 - 3. proof of contractual or proprietary interest in the Premises upon which the Business is to be operated;
 - 4. a Floor Plan or a Site Plan, as per the Licensing Officer's request;
 - 5. proof of insurance in an amount not less than two (2) million dollars as required by this By-law;
 - 6. where registration of the name of the Business is required pursuant to the Business Names Act, R.S.O. 1990, c. B. 17, as amended from time to time, or any successor thereof, a copy of the current Master Business License registered with Service Ontario, and certified by the Ministry of Government Services, bearing the proposed name of the Business as shown on the application; and,
 - 7. any other information required pursuant to this By-law.
- i. It is the responsibility of the Applicant to ensure that all inspections required pursuant to Schedule "B" of this By-law are completed within ninety (90) calendar days of the date on which the Issuer of Licenses received the completed application for inspections.
- j. If all inspections required pursuant to Schedule "B" of this By-law are not completed and approved within ninety (90) calendar days of the date on which the Issuer of Licenses received the completed application, the application shall expire. In that case, the Applicant shall be required to submit a new application, including licensing fees.
- k. The Issuer of Licenses will, as a courtesy, notify the Applicant in writing of the status of their application after ninety (90) calendar days from the date on which the Issuer of Licenses received the completed application.
- l. Notwithstanding section 2(i), the Issuer of Licenses may, prior to the expiry of the ninety (90) calendar day period, upon request by the Applicant in writing:
 - 1. grant an extension of up to thirty (30) calendar days to the application for inspections, if the Applicant demonstrates to the satisfaction of the Issuer of Licenses that completion of works required to pass the inspection(s) is in progress; or
 - 2. extend the ninety (90) calendar day period for such additional period of time as is determined by the Issuer of Licenses to be appropriate, where due to

extenuating circumstances, for reasons outside the control of the Applicant, the inspecting authorities have not carried out the Inspections required by Schedule “B” of this By-law.

- m. Notwithstanding subsection 2(i), the Issuer of Licenses may, at any time, extend the ninety (90) day calendar period for such additional period of time as is determined by the Issuer of Licenses to be appropriate, to provide for a period of transition or an additional period of transition in the event of new or amended provisions of this By-law affecting the process or requirements for obtaining a new Business License.

APPLICATION FOR RENEWAL

- 3.
 - a. Every application for renewal of a Business License under this By-law shall be made in a form satisfactory to the Issuer of Licenses and shall include:
 - 1. the fully and correctly completed renewal application form, if applicable;
 - 2. the applicable renewal fee, as set out in Schedule “C” of this By-law;
 - 3. proof of valid insurance in an amount not less than two (2) million dollars as required by this By-law; and
 - 4. any other information required in the applicable schedule of this By-law.
 - b. It is the responsibility of the Applicant to ensure that all inspections required for the renewal pursuant to Schedule “B” to this By-law are completed no later than the expiry date of the current Business License.
 - c. If all inspections required for renewal, as set out in Schedule “B” of this By-law, are not completed by the expiry date of the current Business License, the application for renewal shall expire.
 - d. Notwithstanding section 3(b), the Issuer of Licenses may, prior to the expiry of the Business License, upon request by the Applicant in writing:
 - i. grant an extension of up to thirty (30) calendar days to the application for renewal, if the Applicant demonstrates to the satisfaction of the Issuer of License that completion of work required to pass the inspection(s) is in progress; or
 - ii. grant an extension for such additional period of time as determined by the Issuer of Licenses to be appropriate, where due to extenuating circumstances, for reasons outside the control of the Applicant, the inspecting authorities have not carried out the Inspections required by Schedule “B” of this By-law.
 - e. A Business License that is not renewed by the expiry date or any extension of that date under this By-law is no longer valid.

- f. The Issuer of Licenses will, as a courtesy, notify the Applicant in writing of the status of their expired Business License after the date of expiry.

ADDITIONAL APPLICATION CRITERIA

4. If an agent is applying on behalf of an Applicant, a signed letter from the Applicant designating the agent to act on their behalf is required.

CARRYING ON A BUSINESS

5. The submission of an application for a Business License or an application for renewal, including the related fee, does not entitle the Applicant to carry on or engage in a Business under this By-law. The Applicant is only entitled to do so once the Business License(s) required by this By-law have been issued for the said Business.

PARTNERSHIPS AND CORPORATIONS

Partnerships

6. In addition to all other requirements of this By-law, if an application for Business License is made by a partnership, the application shall be accompanied by a written declaration, signed by all partners, stating:
 1. the full name of every partner and the address of his or her ordinary residence;
 2. the name or names under which he or she intends to carry on the Business;
 3. that the Persons therein named are the only members of the partnership; and,
 4. the complete mailing address for the partnership, if applicable, and for each partner.

Corporations

7. In addition to all other requirements of this By-law, if an application for Business License is made by a corporation, the application shall be accompanied by a valid Corporation Profile Report certified by the Ministry of Government Services, or a true copy of the current Articles of Incorporation for the corporation and any other incorporating documents or amendments, along with a written declaration signed by the authorized signing officers of the corporation stating:
 1. the full name of every director and officer of the corporation and the address of his or her ordinary residence;
 2. the name or names under which the corporation intends to carry on the Business;
 3. that the Persons therein named are the only officers of the corporation; and
 4. the complete registered mailing address for the corporation.

8. If any member of a partnership is a corporation, such corporation shall provide all of the information set out in Section 7. of this By-law as part of the application for inspections and application for Business License by the partnership.
9. If any director or officer of a corporation is a corporate body, it shall also provide all of the information set out in Section 7. of this By-law as part of the application for inspections and application for Business License by the partnership.

ISSUANCE OF LICENSES AND INVESTIGATIONS:

10.
 - a. The Issuer of Licenses is authorized to issue and renew Business Licenses in accordance with this By-law.
 - b. Without limiting Section 10(a), the Issuer of Licenses may impose special conditions on a Business in a class that have not been imposed on all of the Businesses in that class in order to obtain, continue to hold or renew a Business License; and
 - c. The Issuer of Licenses may impose conditions, including special conditions, as a requirement of continuing to hold a Business License at any time during the term of the license, upon the grounds that the conduct of the Applicant or Licensee, or any officer, director, employee, or agent of the Applicant or Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry or engage in the Business in accordance with the law or with honesty or integrity.
 - d. The Issuer of Licenses shall sign all Business Licenses issued and renewed, and such license shall be in such form as the Town may from time to time direct.
 - e. The Issuer of Licenses may revise the Business License where the license contains an error or omission.
 - f. All Business Licenses will be issued to the Applicant and bear the name of the Applicant.
 - g. Where two (2) or more Persons carry on or engage in partnership in any Business set forth in Schedule "A" of this By-law, the required Business License(s) shall be issued to and bear the name of all partners, who will be jointly and severally responsible for complying with the requirements of this By-law, including without limitation, complying with the conditions of any Business License issued hereunder.
 - h. Presumptive Clause
 1. In the absence of reasonably demonstrative evidence to the contrary, the posting of signs or advertisements, including those on the internet or other electronic media, shall be interpreted broadly, as to be regulated by this By-Law.

2. For purposes of clarity the following presumptions will automatically apply:

- a. where a sign that advertises a business, product or service is placed or erected in Town or posted to the internet, it shall be deemed to have been placed or erected on behalf of said business for the purpose of operating a business, whether or not a Business License has been issued.
- b. where a residentially zoned property within the Town, is posted on the internet or advertised in anyway as being available for rent and does not clearly state or define the rental to be for the purpose of establishing a residential tenancy, then it will be deemed as being offered for a Commercial Business purpose as a Tourist or Short-Term Accommodations that requires compliance with this and other By-laws.

CHANGES IN INFORMATION, OWNERSHIP OR LOCATION:

11.

- a. Every Business License issued under this By-law shall be personal to the Licensee(s) indicated on the Business License, and to the location as indicated on the Business License, and shall not be transferable from Person to Person or location to location.
- b. A Business License shall be deemed void immediately upon change of ownership or location of the Business, or upon discontinuation of the business.
- c. Where, at any time, there is any change in, or relating to, any of the information or documents required to be filed with the Town under this By-law, the Applicant or Licensee, as the case may be, shall report the change in writing to the Issuer of Licenses no later than seven (7) calendar days following the change.

REQUESTS FROM APPLICANTS OR LICENSEES:

12. Where the Applicant or Licensee is more than one (1) person, any requests regarding any application or license shall be made by all such persons.

TERM OF BUSINESS LICENSE:

13.

- a. Licenses issued pursuant to this By-law shall, unless they are expressly issued for a shorter time or unless they are sooner revoked or suspended, shall expire in accordance with the license classifications as contained in Schedule "D" attached and forming part of this By-law.
- b. Every Business License shall be renewed no later than its date of expiry. Any Business License which is not renewed shall become null and void.

- c. Any Person who has not renewed their Business License prior to the date of its expiry will be required to pay a late fee, which will be thirty percent (30%) of the renewal fee.
- d. Every Business License shall cease to be valid if the business ceases to operate.

INSURANCE REQUIREMENTS:

15.

- a. Every Licensee shall carry valid general liability insurance relating to the Business throughout the term of the Business License in an amount not less than two million dollars (\$2,000,000) per occurrence.
- b. The insurance policy as set out in Section 15(a) must be valid at all times during the term of the Business License and the Licensee shall provide proof of current insurance at any time, upon demand of the Issuer of Licenses, or an Officer.
- c. Without limiting Section 15(a), where a Licensee's insurance policy, as required by this By-law, requires renewal during the term of the Business License, the Licensee shall provide proof of such renewal to the Issuer of Licenses no later than the date of the current insurance policy expiry.
- d. Without limiting Section 15(a), where there is a change in any information relating to the insurance required by this By-law, the Licensee shall notify the Issuer of Licenses of the change, and provide written details of the change to the Issuer of Licenses, no later than fourteen (14) calendar days following the date of the change.

DUPLICATE BUSINESS LICENSE:

16.

- a. In the event that a Business License issued in accordance with this By-law is lost or destroyed, the Issuer of Licenses upon request by the Licensee and upon satisfactory proof of such loss or destruction, and payment of a replacement fee of twenty-five dollars (\$25.00), shall issue a duplicate of the original business license to the Licensee, upon which shall be stamped or marked "duplicate".
- b. If the ownership of a business for which a Business License has been issued under this By-law has not changed, but the name of the business changes, the Licensee shall:
 - 1. notify the Issuer of Licenses of such change in accordance with Section 12; and,
 - 2. where the Business Names Act requires registration of the name, provide a Master Business License certified by the Ministry of Government Services bearing the new name of the business.

- c. Upon receiving these documents listed in 16(b) and upon payment of a replacements fee of twenty-five dollars (\$25.00), the Issuer of Licenses shall issue a duplicate Business License, bearing the new name of the business. If the ownership of the business has changed, a new Business License shall be required.
- d. Issuance of a duplicate Business License in accordance with this section shall not affect the expiry date of the Business License.

DISPLAY OF BUSINESS LICENSE

17.

- a. Every Licensee shall ensure that the Business License, or duplicate Business License issued by the Town, is posted within the Premises from which the Business to which the Business License applies is operated. It must be in a conspicuous place, clearly visible to all persons entering the Premises, at all times during the Hours of Operation of the Business.
- b. Notwithstanding Section 17(a) of this By-law, every Licensee shall ensure that the Business License is displayed in accordance with the provisions of the schedule governing the Business in question, in all cases where such provisions differ from Section 17(a) of this By-law.
- c.
 - 1. notwithstanding Section 17(a), every Licensee shall ensure that, where the Business License does not apply to a Premises, that the Business License is in the Licensee's possession at all times while engaged in the Business for which the Business License was issued.
 - 2. such Person referred to in section 17(c)(1) above, shall produce such Business License immediately to the Issuer of Licenses or an Officer, upon request.
- d. No Person, other than the Licensee, shall carry a Business License issued by the Town, while engaging in the Business for which the Business License was issued.
- e. Without limiting any other Provision of this By-law, every Person who is in possession of a Business License while engaged in the Business for which this Business License was issued, shall produce, upon request by an Officer, identification for the purpose of confirming that the carrier of the Business License is the Licensee.
- f. Without limiting any other Provision of this By-law, and in addition to any other remedy available to the Town, the carrier of the Business License shall, upon request by the Officer, surrender said License to an Officer until such time as Identification is produced, in which case the Business License shall be deemed to be suspended until Identification has been produced.
- g. If the bearer of the Business License is not the Licensee, the Officer may seize the Business License and, in such case, the Officer or the Issuer of Licenses shall notify

the Licensee and hold the Business License for safekeeping until it can be returned to the Licensee.

- h. Every Licensee shall ensure that the Business License is not posted or displayed, or held out as valid, when the Business License has expired, or has been revoked or suspended pursuant to this By-law.
- i. Every Licensee shall ensure that the Business to which the Business License applies is not, at any time during the term of the Business License, advertised or promoted or carried on under any name other than the name endorsed upon the Business License issued to the Licensee.

COMPLIANCE WITH OTHER LAWS REQUIRED:

- 18. The issuance of a Business License under this By-law does not permit or condone the violation of any By-law, statute, order, or regulation in effect in the Town of Wasaga Beach, the Province of Ontario or the Dominion of Canada and it shall be the responsibility of the Licensee to ensure that such applicable legislation is complied with at all times.

INSPECTIONS:

- 19.
 - a. Subject to the provisions of the Municipal Act, an Officer, accompanied by any person under his or her direction, may, at any reasonable time, enter onto or into any Premises for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - 1. any provision of this By-law;
 - 2. a direction or order of an Officer or of the municipality made under this By-law or made under the Act in relation to the subject-matter of this By-law;
 - 3. a condition of a Business License issued under this By-law; and
 - 4. an order made under Section 431 of the Municipal Act in relation to the subject matter of this By-law.
 - b. For purposes of an inspection under Section 19(a), an Officer may:
 - 1. require the production for inspection of documents or things relevant to the inspection;
 - 2. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - 3. require information from any person concerning a matter related to the inspection; and
 - 4. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take test, samples or photographs necessary for the purposes of the inspection.

- c. Further, it shall be a condition of every Business License issued under this By-law that the Licensee shall provide to the Officer such information, documents or things relevant to the inspection as may be requested by the Officer pursuant to Section 19(b) of this By-law, and permit any examinations, tests, samples or photographs determined by the Officer to be necessary for the purposes of the inspection.
- d. No Person shall Obstruct or attempt to Obstruct any person, including an Officer, having authority for the enforcement or administration of this By-law.

For purposes of this clause, "OBSTRUCT" means to hinder, mislead, provide false information or make a false claim or statement, or to prevent or attempt to prevent the execution of a power or duty, and without limiting the foregoing, includes:

- 1. providing false or misleading information;
 - 2. failing to identify oneself in accordance with Sections 19(e)(1);
 - 3. preventing, barring or delaying or attempting to prevent, bar or delay entry or inspection by an Officer, or any person under his or her direction, as provided for by this By-law, including but not limited to the removal of documents or things relevant to the inspection, or the taking of any tests, samples or photographs necessary for the purposes of the inspection;
 - 4. preventing, barring or delaying or attempting to prevent, bar or delay any person, including an Officer, from carrying out his or her duties or exercising his or her powers under this By-law;
 - 5. preventing, barring or delaying or attempting to prevent, bar or delay an Officer, or any person under his or her direction, from exercising his or her authority pursuant to an order issued by a provincial judge or justice of the peace under Section 438 of the Municipal Act;
 - 6. failing to provide, upon request by an Officer, any information, documents or things relevant to an inspection, including without limitation, any documents specifically required to be kept or provided by this By-law; and
 - 7. failing to surrender a Business License, upon request by an Officer.
- e. Every Person who is required to obtain a Business License under this By-law, is a Licensee under this By-law or is in possession of a Business License issued under this By-law:
 - 1. shall identify themselves verbally by giving their correct name and address, or with Identification as defined in this By-law, to an Officer upon request, while such Officer is executing his or her duties in relation to this By-law.
 - f. In addition to any other provision of this By-law, and subject to the provisions of the Act, a provincial judge or justice of the peace may issue an order made under Section 438 of the Act, authorizing an Officer and any person under his or her direction, to enter onto or into any Premises, including a room or Premises actually being used as a dwelling, for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

1. any provision of this By-law;
2. a direction or order of an Officer or of the municipality made under this By-law or made under the Act in relation to the subject-matter of this By-law;
3. a condition of a Business License issued under this By-law; and
4. an order made under Section 431 of the Municipal Act in relation to the subject-matter of this By-law,

and to exercise powers described in Section 19(b) of this By-law, where the provincial judge or justice of the peace is satisfied by evidence under oath that the inspection is reasonably necessary and the Officer has been prevented or is likely to be prevented from doing anything set out in Section 19(a), (b) or (c) of this By-law.

- g. An Officer named in an order described in Section 19(f), and any person under his or her direction named therein, may, in accordance with the order, enter onto or into the Premises described therein, including any room or Premises actually being used as a dwelling, which is described therein, to undertake the said inspection, and may, for that purpose, exercise any power set out in the order.

ORDERS AND REMEDIAL ACTIONS:

20.
 - a. If an Officer is satisfied that a violation of this By-law has occurred, the Officer may make an order requiring the person who violated the By-law to discontinue the violating activity.
 - b. An order under section 20(a) shall set out:
 - i. Reasonable particulars of the violation adequate to identify the violation and the location of the land on which the violation occurred; and
 - ii. The date by which there must be compliance with the order.
 - c. No Person shall fail to comply, in whole or in part, with an order issued under section 20(a).

REFUSAL TO ISSUE OR RENEW A BUSINESS LICENSE:

21. The Issuer of Licenses may refuse to issue or renew a Business License:
 - a. if all inspections required pursuant to this By-law have not been completed and passed;
 - b. upon the grounds that the conduct of any person, including the officers, director, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law;

- c. where the issuance of the Business License, or renewal of the Business License would be contrary to the health, safety, or well-being of the people in the Town of Wasaga Beach;
- d. where the Applicant or Licensee has past convictions under this By-law, or any other By-law relating to the business within the Town of Wasaga Beach;
- e. where it is determined that the business does not comply with applicable legislation such as but not limited to the Building Code Act, Fire Protection and Prevention Act, Health Protection and Promotion Act, and the Property Standards By-law;
- f. where a business has ceased to operate.

22. Where the Issuer of Licenses refuses to issue or renew a Business License as noted in Section 21 above, the Issuer of Licenses shall notify the applicant in writing of such decision and set out the grounds upon which the issuance of said license is refused and shall include in such writing, the availability of an appeal of this decision to the Chief Administrative Officer.

REVOKING OR SUSPENDING A BUSINESS LICENSE:

23. The Issuer of Licenses may suspend a license for a period of time and upon such conditions as are considered appropriate, without a hearing, where the licensee fails to meet any of the administrative requirements upon which the license was issued. The applicant of such business shall be provided with the reasons for the suspension, either verbally or in writing, and be provided with an opportunity to respond to same. In any event, any suspension shall not exceed increments of fourteen (14) days.
24. Notwithstanding that a license has been issued, where the Issuer of Licenses has reasonable grounds to believe that a Licensee may no longer satisfy the requirements of this By-law, the Licensee may be required to file further documents evidencing compliance with the Issuer of Licenses.
25. The Business Licensing Officer may, where a license has been issued, revoke or suspend any license where, in the opinion of the officer:
- a. upon the grounds that the holder is in breach of the Business Licensing By-law, including any conditions of a license issued there under, or
 - b. the license holder fails to comply with any “order to remedy or comply”, issued pursuant to the Municipal Act 2001, R.S.O., 2001 c.25, as amended or the Building Code Act, R.S.O., 1992, c.23, as amended, or
 - c. the license holder fails to pay any arrears, penalties or taxes when required or requested, or

- d. the license was issued in error or upon information that was not complete, accurate or truthful, or is no longer reflective of current business practices, or
- e. upon the grounds that the conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

Reinstatement:

26. The Issuer of Licenses shall reinstate a license which has been suspended upon satisfactory proof that the requirements have been met and upon receipt of payment of any administrative penalties/fees and/or re-inspection fees that were required due to the said suspension.

APPEALS PROCEDURE:

27. Where the Issuer of Licenses refuses to issue or renew a Business License, or suspends or revokes a Business License:

- a. The Issuer of Licenses shall send written notice advising the Applicant or Licensee of a suspension over (14) consecutive days, or revocation of the Business License;
- b. The written notice of the Issuer of Licenses shall be sent to the Applicant or Licensee at the address of the Applicant or the Licensee provided on the Application, or where a change of information has been provided by the Applicant or Licensee regarding address, at the address reflecting that change of information;
- c. The written notice shall:
 - 1. set out the grounds for the refusal, suspension over fourteen (14) days or revocation;
 - 2. be signed by the Issuer of Licenses; and
 - 3. indicate the final date and time by which the Applicant or Licensee may appeal the decision to refuse to issue, renew, or suspend or revoke the Business License, and the method for doing so, as set out in section 27(d) and;
- d. The Applicant or Licensee may appeal the decision to suspend over fourteen (14) days or revoke a Business License, by filing a written request with the Clerk, which must set out the grounds or basis for the request, and must be received by the Clerk no later than 4:00pm, within seven (7) business days of receipt of notification.

28. If no written request for an appeal is received before the deadline as set out in section 27(d), the decision to revoke or suspend the Business License is final.

HEARING OF APPEALS:

29. Upon receipt of a written request for a hearing from the Applicant or Licensee, in accordance with section 27(d), the Clerk shall:
- a. fix a date and time for such matter to be heard by the Appeals Committee within thirty (30) days of receipt of the appeal; and,
 - b. send by registered mail or hand delivery the notice of hearing, which shall include the date, time, and location of the hearing, at least fifteen (15) days prior to the date and time fixed for such hearing, to the Applicant or Licensee, the Issuer of Licenses, as determined by the Clerk, or any other Person who has requested such notification in writing from the Clerk.

SERVICE OF WRITTEN NOTICE:

- 30.
- a. Written correspondence relating to the Appeals and Hearing procedure referred to in this By-law is sufficiently served if hand delivered or sent by registered mail addressed to the Applicant or Licensee at the address provided on the Application or most recent address provided by the Applicant or Licensee, as the case may be, according to the Issuer of Licenses records.
 - b. When service is made by registered mail, the service shall be deemed to be received on the seventh (7) day after the day of mailing, and where served by hand delivery shall be deemed to be received immediately.

HEARING PROCEDURE:

31. The following procedure shall be followed for hearings relating to the refusing, suspending or revoking of any Business License under this By-law:
- a. the Secretary of the Appeals Committee shall circulate copies of all reports from the Issuer of Licenses and any officers, inspectors, investigators, employees of the corporation or other municipal, provincial, or federal agencies, police officers or Medical Officers of Health, who may be involved in the matter, to the Applicant, Licensee or any other Person to whom notice of the hearing has been given;
 - b. the Applicant or Licensee, either personally or through an agent or solicitor, shall be afforded an opportunity to present such material and evidence relevant to the issue before the Appeals Committee, and may ask questions of any person presenting evidence, relating to the evidence presented, or of any author of a report to Council relevant to the said issue;

- c. the Appeals Committee may afford any other Person who appears to have an interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before the Appeals Committee;
 - d. the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, except Sections 17.1, 18 and 19, as amended from time to time, or any successor thereof, shall apply to all hearings conducted by the Appeals Committee under this By-law; and,
 - e. any person presenting evidence relevant to the hearing must be present to answer questions in relation to that evidence.
32. If the Applicant or Licensee who has been sent notice of the hearing does not appear at the appointed time and place of the hearing, the Appeals Committee may proceed with the hearing in the absence of the Applicant or Licensee and if so, the Applicant or Licensee shall not be entitled to any further proceeding or any further notice of the proceedings; but shall be sent a copy of the Appeals Committee's recommendation.
33. The Appeals Committee shall, after having heard all of the evidence and submissions made at the hearing, make a decision in writing, as soon as practicable;
- a. that a Business License be suspended for a period over fourteen (14) days or revoked with or without conditions, relevant to the subject of the hearing, or as agreed to by the Applicant; and
 - b. in the case of a decision to suspend a Business License, that the suspension be for such length of time as deemed appropriate by the Appeals Committee.
34. The decision of the Appeals Committee is final.
35. The Secretary to the Appeals Committee or Clerk shall:
- a. within five (5) days of the hearing of the Appeals Committee, send a copy of the decision to the Applicant or Licensee, Issuer of Licenses and any other persons affected by the decision..

RETURNING BUSINESS LICENSES:

38. The Clerk shall send written notice to the Applicant or Licensee or any other Person requesting to be notified of the decision respecting the hearing and such notice shall be sent within three (3) days of the decision of the Appeals Committee.
39. When a Business License has been revoked or suspended; the holder of the license shall return the license to the Issuer of Licenses within three (3) business days of the written notice of the decision.

Enforcement and Penalty Provisions:

39.

- a. Every person who contravenes any provision of this By-law or orders made under this By-law or every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:
 1. on a first offence, to a fine not more than \$10,000.00; and
 2. on a second offence and each subsequent offence, to a fine of not more than \$100,000.00.
- b. Every person who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law shall be subjected to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- c. In the case of a continuing offence, for each day or part of a day that the offence continues, a maximum fine of \$10,000.00. The total of all of the daily fines for the offence is not limited to \$100,000.00.
- d. No person shall hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- e. Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.
- f. Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

SCHEDULES:

40. Unless otherwise stated, the requirements of the Schedules shall be in addition to all other requirements of this By-law.

ULTRA VIRES:

41.

- a. It is hereby declared that notwithstanding any Section of this By-law, or parts thereof, may be found by any Court of law to be invalid or beyond the power of the Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and that all other Sections or parts of this By-law are separate and independent therefrom and enacted as such;
- b. When any requirement of this By-law is at variance with any other By-law in effect in the Town of Wasaga Beach or with any applicable Provincial or Federal statute or

regulation, the more restrictive requirement shall apply unless otherwise stated in such legislation.

RESCINDING OF EXISTING BY-LAWS:

42. By-law 2007-38 passed by Council on the 27th day of March, 2007 and amendments By-laws 2009-20, 2009-21, 2009-32, 2009-45, 2011-53, 2012-94, 2013-43, 2014-63, 2015-11, 2016-43, and 2016-77 are hereby rescinded.

EFFECTIVE DATE:

43. This By-law shall come into effect immediately upon passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26th DAY OF MARCH, 2019

Nina Bifulchi, Mayor

Dina Lundy, Clerk

SCHEDULE "A"
to Town of Wasaga Beach By-law Number 2019-26

SCHEDULE #	TYPE OF BUSINESS
1	Amusement Establishment
2	Basic Business
3	Car Wash
4	Catering Company
5	Contracting Company
6	Driving Instructor
7	Food & Beverage Premise
8	Food Vehicle
9	Hawker & Peddler
10	Holistic Services: Owner, Operator or Practitioner
11	Home Occupation
12	Kennel
13	Limousine Services: Company/Driver or Vehicle
14	Personal Service Establishment
15	Pet Groomer
16	Physical Fitness Establishment
17	Retail Business
18	Special Sale
19	Taxicab Services: Company or Driver & Vehicles for Hire
20	Tourist Establishment/Short-Term Accommodation
21	Tow Services: Company/Driver or Vehicle

SCHEDULE “B”
to Town of Wasaga Beach By-law Number 2019-26

REQUIRED INSPECTIONS FOR BOTH INITIAL APPLICATIONS AND RENEWALS

SCHEDULE #	TYPE OF BUSINESS	APPLICATION	RENEWAL
1	Amusement Establishment	Zoning, Building, Fire, Property Standards	Building, Fire, Property Standards
2	Basic Business	If Permanent Building: Zoning, Building, Fire, Property Standards	If Permanent Building: Building, Fire, Property Standards
3	Car Wash	Zoning, Building, Fire, Property Standards	Building, Fire, Property Standards
4	Catering Company	Property Standards, Health	Health
5	Contracting Company	If Permanent Building: Zoning, Building, Fire, Property Standards	If Permanent Building: Building, Fire, Property Standards
6	Driving Instructor	Property Standards	Property Standards
7	Food & Beverage Premise	Zoning, Building, Fire, Property Standards, Health	Building, Fire, Property Standards, Health
8	Food Vehicle	Zoning, Fire, Property Standards, Health	Fire, Property Standards, Health
9	Hawker & Peddler	Zoning Property Standards*, Health*	Zoning Property Standards*, Health*
10	Holistic Services: Owner, Operator, or Practitioner	Zoning, Building, Fire, Property Standards, Health*	Building, Fire, Property Standards, Health*
11	Home Occupation	Zoning	Zoning
12	Kennel	Zoning, Building, Fire, Property Standards	Building, Fire, Property Standards
13	Limousine Services: Company and Driver or Vehicle	Property Standards	Property Standards
14	Personal Service Establishment	Zoning, Building, Fire, Property Standards, Health	Building, Fire, Property Standards, Health

15	Pet Groomer	Zoning, Building, Fire, Property Standards	Building, Fire, Property Standards
16	Physical Fitness Establishment	Zoning, Building, Fire, Property Standards, Health*	Building, Fire, Property Standards, Health*
17	Retail Business	Zoning, Building, Fire, Property Standards	Building, Fire, Property Standards
18	Special Sale	Property Standards	Property Standards
19	Taxicab Services: Company and Driver or Vehicle Vehicle for Hire	Property Standards	Property Standards
20	Tourist Establishment/ Short-Term Accommodation	Zoning, Building, Fire, Property Standards, Health*	Building, Fire, Property Standards, Health*
21	Tow Services: Company and Driver or Vehicle	Property Standards	Property Standards

***Subject to services included in Business**

***Every Licensee shall ensure that they obtain and maintain the required approvals as set out in this Schedule and comply with the Ontario Building Code, Ontario Fire Code, Ontario Health Protection and Promotion Act, Town of Wasaga Beach Zoning By-law, Town of Wasaga Beach Property Standards By-law and any other applicable Town of Wasaga Beach By-laws.**

SCHEDULE "C"
to Town of Wasaga Beach By-law Number 2019-26

January 1, 2020 to December 31, 2020

TYPE OF BUSINESS	APPLICATION	RENEWAL
Amusement Establishment	\$182.00	\$154.50
Basic Business*	\$75.00	\$75.00
Car Wash	\$182.00	\$154.50
Catering Company*	\$75.00	\$75.00
Contracting Company*	\$100.00	\$100.00
Driving Instructor	\$105.00	\$105.00
Food & Beverage Premise	\$182.00	\$154.50
Food Vehicle Yearly	\$253.00	\$200.00
Food Vehicle Daily (1-4 Days)	\$100.00	\$100.00
Food Vehicle Special Event	\$267.00	\$267.00
Hawker & Peddler	\$234.00	\$226.00
Holistic Services: Owner or Operator	\$273.00	\$273.00
Practitioner	\$120.00	\$120.00
Home Occupation*	\$75.00	\$75.00
Kennel	\$182.00	\$154.50
Limousine Services: Company	\$170.00	\$170.00
Driver	\$105.00	\$105.00
Vehicle	\$70.00	\$70.00
Personal Service Establishment	\$182.00	\$154.50
Pet Groomer	\$182.00	\$154.50
Physical Fitness Establishment	\$182.00	\$154.50
Retail Business 2 Year License	\$350.00	\$340.00
Retail Business 1 Year License	\$224.00	\$196.00
Special Sale	\$10.00/licence per property	
Group Special Sale	\$25.00/licence up to 25 properties	
Taxicab Services: Company		
1-10 Drivers	\$433.00	\$433.00
11-25 Drivers	\$566.00	\$566.00
Vehicle	\$50.00	\$50.00
Tourist Establishment		
1-4 Units	\$182.00	\$154.50
5-10 Units	\$293.00	\$265.50
11-19	\$373.00	\$345.50
20+	\$440.00	\$440.00
Tow Services: Company		
1-5 Drivers	\$434.00	\$434.00
6-11 Drivers	\$600.00	\$600.00
Vehicle	\$70.00	\$70.00

*Subject to inspection fees, if found applicable through Business Licence application

Additional Licensing Fees	
Incomplete Application Fee	\$50.00
Late Renewal Fee	30% of Renewal Fee
Missed Inspection Fee (Fire & By-Law)	\$55.00
Re-inspection Fee	\$27.50

*Subject to inspection fees, if found applicable through Business Licence application As per Section 14c), any Person who has not renewed their Business Licence prior to the date of its expiry will be required to pay a late fee, which will be thirty (30) percent of the renewal fee.

Effective January 1, 2021 to December 31, 2021

TYPE OF BUSINESS	APPLICATION	RENEWAL
Amusement Establishment	\$203.00	\$176.50
Basic Business*	\$75.00	\$75.00
Car Wash	\$203.00	\$176.50
Catering Company*	\$75.00	\$75.00
Contracting Company*	\$100.00	\$100.00
Driving Instructor	\$105.00	\$105.00
Food & Beverage Premise	\$203.00	\$176.50
Food Vehicle Yearly	\$326.00	\$253.00
Food Vehicle Daily (1-4 Days)	\$100.00	\$100.00
Food Vehicle Special Event	\$384.00	\$384.00
Hawker & Peddler	\$267.00	\$252.00
Holistic Services: Owner or Operator	\$386.00	\$386.00
Practitioner	\$160.00	\$160.00
Home Occupation*	\$75.00	\$75.00
Kennel	\$203.00	\$176.50
Limousine Services: Company	\$190.00	\$190.00
Driver	\$105.00	\$105.00
Vehicle	\$70.00	\$70.00
Personal Service Establishment	\$203.00	\$176.50
Pet Groomer	\$203.00	\$176.50
Physical Fitness Establishment	\$203.00	\$176.50
Retail Business 2 Year License	\$400.00	\$380.00
Retail Business 1 Year License	\$224.00	\$196.00
Special Sale	\$10.00/licence per property	
Group Special Sale	\$25.00/licence up to 25 properties	
Taxicab Services: Company		
1-10 Drivers	\$716.00	\$716.00
11-25 Drivers	\$982.00	\$982.00

Vehicle	\$50.00	\$50.00
Tourist Establishment		
1-4 Units	\$203.00	\$176.50
5-10 Units	\$426.00	\$298.50
11-19	\$586.00	\$558.50
20+	\$720.00	\$720.00
Tow Services: Company		
1-5 Drivers	\$717.00	\$717.00
6-11 Drivers	\$1050.00	\$1050.00
Vehicle	\$70.00	\$70.00

Additional Licensing Fees	
Incomplete Application Fee	\$50.00
Late Renewal Fee	30% of Renewal Fee
Missed Inspection Fee (Fire & By-Law)	\$55.00
Re-inspection Fee	\$27.50
Follow-up Inspection For Non-Compliance	\$100.00
Amendment to Business License Fee	\$25.00
Replacement of Business License Fee	\$25.00

*Subject to inspection fees, if found applicable through Business Licence application As per Section 14c), any Person who has not renewed their Business Licence prior to the date of its expiry will be required to pay a late fee, which will be thirty (30) percent of the renewal fee.

Effective January 1, 2022 to December 31, 2022

TYPE OF BUSINESS	APPLICATION	RENEWAL
Amusement Establishment	\$224.00	\$196.00
Basic Business*	\$75.00	\$75.00
Car Wash	\$224.00	\$196.00
Catering Company*	\$75.00	\$75.00
Contracting Company*	\$100.00	\$100.00
Driving Instructor	\$105.00	\$105.00
Food & Beverage Premise	\$224.00	\$196.00
Food Vehicle Yearly	\$400.00	\$310.00
Food Vehicle Daily (1-4 Days)	\$100.00	\$100.00
Food Vehicle Special Event	\$500.00	\$500.00
Hawker & Peddler	\$300.00	\$280.00
Holistic Services: Owner or Operator	\$500.00	\$500.00
Practitioner	\$200.00	\$200.00
Home Occupation*	\$75.00	\$75.00
Kennel	\$224.00	\$196.00
Limousine Services: Company	\$210.00	\$210.00

Driver	\$105.00	\$105.00
Vehicle	\$70.00	\$70.00
Personal Service Establishment	\$224.00	\$196.00
Pet Groomer	\$224.00	\$196.00
Physical Fitness Establishment	\$224.00	\$196.00
Retail Business 2 Year License	\$448.00	\$420.00
Retail Business 1 Year License	\$224.00	\$196.00
Special Sale	\$10.00/licence per property	
Group Special Sale	\$25.00/licence up to 25 properties	
Taxicab Services: Company		
1-10 Drivers	\$1000.00	\$1000.00
11-25 Drivers	\$1400.00	\$1400.00
Vehicle	\$50.00	\$50.00
Tourist Establishment		
1-4 Units	\$224.00	\$196.00
5-10 Units	\$560.00	\$532.00
11-19	\$800.00	\$772.00
20+	\$1000.00	\$1000.00
Tow Services: Company		
1-5 Drivers	\$1000.00	\$1000.00
6-11 Drivers	\$1500.00	\$1500.00
Vehicle	\$70.00	\$70.00

Additional Licensing Fees	
Incomplete Application Fee	\$50.00
Late Renewal Fee	30% of Renewal Fee
Missed Inspection Fee (Fire & By-Law)	\$55.00
Re-inspection Fee	\$27.50
Follow-up Inspection For Non-Compliance	\$100.00
Amendment to Business License Fee	\$25.00
Replacement of Business License Fee	\$25.00

*Subject to inspection fees, if found applicable through Business Licence application
As per Section 14c), any Person who has not renewed their Business Licence prior to the date of its expiry will be required to pay a late fee, which will be thirty (30) percent of the renewal fee.

SCHEDULE “D”
to Town of Wasaga Beach By-law Number 2019-26

EXPIRY DATES & LICENCE PERIODS

SCHEDULE #	TYPE OF BUSINESS	EXPIRY DATE	LICENCE PERIOD
1	Amusement Establishment	October 15 th	One Year
2	Basic Business	October 15 th	One Year
3	Car Wash	November 15 th	One Year
4	Catering Company	September 15 th	One Year
5	Contracting Company	March 15 th or September 15 th	One Year
6	Driving Instructor	December 1 st	One Year
7	Food & Beverage Premise	March 31 st	One Year
8	Food Vehicle	October 1 st or April 1 st	One Year
	Food Vehicle Daily (1-4 days)	Varies	1-4 Days
	Food Vehicle Special Event	Varies	Varies
9	Hawker & Peddler	Varies	Four Months
10	Holistic Services: Owner, Operator, or Practitioner	January 31 st	One Year
11	Home Occupation	January 31 st	One Year
12	Kennel	December 15 th	One Year
13	Limousine Services: Company or Driver	December 1 st	One Year
14	Personal Service Establishment	February 28 th	One Year
15	Pet Groomer	April 15 th	One Year
16	Physical Fitness Establishment	February 28 th	One Year
17	Retail Business	October 31 st	One Year or Two Years
18	Special Sale	Varies	Two per Property
19	Taxicab Services: Company or Vehicle	December 1 st	One Year
	Vehicle	December 1 st	One Year
20	Tourist Establishment, Short-Term Accommodations	October 1 st or April 1 st	One Year
21	Tow Services: Company or Vehicle	December 1 st	One Year

SCHEDULE 1
to Town of Wasaga Beach By-law Number 2019-26

AMUSEMENT ESTABLISHMENT

The provisions of this Schedule shall apply in respect of Amusement Establishments.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. “Amusement Establishment” – means any indoor or outdoor facility, designed for and equipped to provide Amusement activities, but does not include, Adult Entertainment Establishments or Physical Fitness Centers;
 - b. “Amusement” – means of or pertaining to entertainment, amusement or pastime designed to provide a pleasant diversion or distraction, and shall include, but will not be limited to:
 1. Arcades
 2. Batting Cages
 3. Billiard or Pool Establishments
 4. Bowling Alleys
 5. Driving Ranges
 6. Rock Climbing Facilities
 7. Go-Carts
 8. Laser Tag
 9. Mini-Golf
 10. Paint Ball
 11. Roller Skate, In-line Skate, or Skateboard Facilities
 12. Waterslides
 - c. “Carnival” – means a business operating amusement ride(s) or other device(s) and authorized games of chance intended to entertain, amuse or provide entertainment to the public;
 - d. “Circus” – means a performance exhibiting equestrian, animal, acrobatic and other performances and shall include any other similar show;
 - e. “Entertainment Establishment” – means a premise, building, land, or structure used for leisure activities in which the consumer or customer acts as an observer and does not actively participate. It shall include, but is not limited to, motion picture premises or theatres, live performance theatres, planetariums, concert halls, and other similar uses.

CONDITIONS:

2. Every Licensee and its employees shall ensure that the forming of queues for the purpose of gaining entry to the establishment does not obstruct any other place of business, residence, sidewalk, highway, ingress or egress to or from private property and that an attendant is present whenever a queue is formed for the purpose of regulating such queue.
3. Every Amusement Establishment Licensee shall ensure that all customers are provided basic instruction on equipment used and rules of the establishment where there may be risk involved.
4. Every Amusement Establishment Licensee shall ensure that the adequate safety measures for the use and enjoyment of the establishment are posted in conspicuous locations visible to all persons using the establishment.
5. Every Licensee who holds a current license shall:
 - a. keep all persons in order in any building or premises in respect to which a license has been issued, and at his own expense, shall keep sufficient staff for that purpose;
 - b. ensure that a detailed record or logbook is kept on the premises, said logbook keeping detail of all inspections done and any repairs carried out as a result of those inspections with respect to any relevant equipment on the property;
 - c. ensure that within the licensed premises, there are no pay-offs, betting, or the offering of any article or thing as prizes in contravention of the Criminal Code of Canada, R.S.C. 1985, c.C-46.

Insurance Requirements – Additional Criteria:

6. In addition to Section 15(a) of this By-law, the Licensee shall ensure the insurance policy shall be endorsed to include the Town of Wasaga Beach as additional name insured.
7. If, for any reason, the insurance policy is cancelled, or does not remain in effect, the Business License issued under this schedule shall become null and void on the final date for which the insurance was valid.

SCHEDULE 2
to Town of Wasaga Beach By-law Number 2019-26

BASIC BUSINESS

The provisions of this Schedule shall apply in respect of Basic Businesses, which is not otherwise specifically classified within this By-law.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. “Basic Business” – means a trade, business, activity, or occupation being carried on within the municipality including the sale or hire of goods and/or services, the offer of or the showing for the purpose of sale or hire of samples, patterns or specimens of any goods and any business or activity which is not otherwise specifically classified within this By-law;
 - b. “Self Storage Facility” – means a building, structure or premise used for the temporary storage of household items and seasonal, recreational or commercial vehicles, boats and trailers in storage areas or lockers, which are generally accessible by means of individual loading doors.

CONDITIONS:

2. No Licensee shall operate a business other than from a permanent building within the Town of Wasaga Beach unless otherwise permitted by this By-law.
3. Every Licensee shall ensure that the Basic Business does not cause, suffer, or permit any nuisance to arise in, or, in connection with the object, amusement, vehicles, place or premise for which the license was issued;
4. Every Licensee shall ensure that the Basic Business does not cause, suffer, or permit any obstruction on any highway, lane, or public place in front of or adjoining the place or premise for which the license was issued;

SCHEDULE 3
to Town of Wasaga Beach By-law Number 2019-26

CAR WASH

The provisions of this Schedule shall apply in respect of Car Wash facilities.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. “Car Wash” – means any Premises used for the washing, cleaning, and/or polishing of motor vehicles by washing equipment and exchange of money and shall include an auto detailing shop, but shall not include any other defined automotive use.

CONDITIONS:

2. This Schedule shall not apply to a bay contained within a garage or service station where the floor area is not primarily used for car washing.
3. Every Licensee shall not permit the engine of a motor vehicle to run in any building unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes.
4. Every Licensee shall ensure that any vehicles left for washing on private property are parked on a temporary basis.
5. Any Car Wash Premises which abuts a residential zone, including any vacuum cleaner equipment located on the site, is closed between the hours of 11:00 p.m. each day and 7:00 a.m. the following day.

REQUIRED SIGNAGE:

5. Every Licensee shall ensure that any signs are of such size, colour, and design and are so placed to cause neither a distraction nor confusion to motorists or pedestrians and comply with the Town of Wasaga Beach Sign By-law.
6. Every Licensee shall provide, only during hours of operation, adequate illumination of a type and in locations so as not to create a nuisance or distraction to passing traffic or adjacent properties.

SCHEDULE 4
to Town of Wasaga Beach By-law Number 2019-26

CATERING COMPANY

The provisions of this Schedule shall apply in respect of Catering Companies.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. "Catering Company" – means any Business in which food is prepared off site or at the caterer's regular Premises, and provided to the public for hire or gain at a personal or public event or function;
 - b. "Caterer" – means a Person who prepares food or meals for a catering company.

CONDITIONS:

2. Every Licensee licensed under this Schedule shall be exempt from operating out of a permanent building.
3. Any Licensee, who operates the business from an appropriately zoned premises/property, offering the availability of both contracting and retail services, must obtain the said inspections prior to a Business License being issued by the Issuer of Licenses.
4. Every Licensee and its employees shall observe and comply with the regulations as set out in the Health Protection and Promotion Act or under the authority of any other Statute, Regulation or By-law by the Medical Officer of Health.
5. No Licensee or its employees shall operate or provide any service as a caterer in any unsanitary condition or in any premises, which, because of the situation, construction, or condition thereof, exposes any food to the risk of contamination.

SCHEDULE 5
to Town of Wasaga Beach By-law Number 2019-26

CONTRACTING COMPANY

The provisions of this Schedule shall apply in respect of Contracting Companies.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. “Contracting Company” – means any company that accepts a contract to do a specified service by the Licensee or its employees;
 - b. “Contractor” – means a person who makes an agreement with another person to do work, retaining in himself/herself control of the means, method, and manner of producing the result to be accomplished;
 - c. “General Contractor” – means a person who is responsible for the overall project of building or constructing any structure of any kind;
 - d. “Home Inspector” – means a person who provides a client with information regarding the condition of the systems and components of a home or property as a result of an inspection;
 - e. “Property Maintenance Contractor” – means a person who provides property maintenance services including, but not limited to;
 1. establishing or maintaining a lawn or other grassed or landscaped area;
 2. landscaping, including the planning and planting of gardens/grounds;
 3. removing of snow or ice or leaves;
 - f. “Service Vendor” – means any business, trade, calling, or occupation that supplies a service to a customer while not connected to a retail trade, calling, or business;
 - g. “Sign Company” – means a Person who rents, leases, or otherwise provides, erects, locates a sign or other advertising device which shall include, but is not limited to poster panel signs, ground signs, mobile signs, banner signs, wall signs, billboard signs, A-frame signs, etc.

CONDITIONS:

2. Every Licensee licensed under this Schedule shall be exempt from operating out of a permanent building.

3. Any Licensee, who operates the business from an appropriately zoned premises/property, offering the availability of both contracting and retail services, must obtain the said inspections prior to a Business License being issued by the Issuer of Licenses.
4. No Licensee shall permit the external storage of goods, materials, and/or equipment on any residential property and any contractor activity shall be clearly secondary to the existing residential use and shall not change the residential character of the property.
5. Every Licensee and its employees shall submit Certificate of Qualifications, where applicable.
6. Every Licensee shall ensure that all necessary municipal permits are obtained prior to commencement of any work and that all inspections of completed work are obtained as may be necessary.
7. Every Licensee shall ensure that, in the course of any contractor activity, the necessary precautions are taken to ensure that no damage is caused to any person, premises, location, building, or object.
8. Every Licensee shall take reasonable precautions to ensure that the use/application of any product, chemical or substance is confined to the particular property for which the contract applies.
9. No Licensee or its employees shall deposit snow, debris, material, or substance on any Town sidewalk, boulevard, street, or other municipal property or in contravention of any Town of Wasaga Beach By-laws.
10. No Licensee shall permit the cutting of any tree, shrub, or other growth before 8:00 a.m. or after sunset nor shall that Person be permitted to cut any tree, shrub, or other growth on municipal property, unless written authorization is given by the municipality.
11. There shall be no parking or storage of more than one (1) commercial vehicle in the front, exterior side, or rear yard of a residential premises occupied by the Licensee or its employees.
12. There shall be no delivery of merchandise, other than by a passenger motor vehicle or by parcel or letter carrier mail service, using vehicles typically employed in residential deliveries.
13. There shall be no external display of advertising to indicate that any part of a dwelling unit is being used for a purpose other than residential.
14. Every Licensee shall ensure that any work or service being provided is not contrary to any Town of Wasaga Beach By-laws.

SCHEDULE 6
to Town of Wasaga Beach By-law Number 2019-26

DRIVING INSTRUCTOR

The provisions of this Schedule shall apply in respect of Driving Instructors.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. “Driving Instructor” – means an individual who accepts compensation to provide instruction in the operation of motor vehicles but does not include an individual who provides in-class instruction only;
 - b. “Driving School” – means a driving school which holds a Driving School License issued by the Ontario Ministry of Transportation;
 - c. “Ministry of Transportation Driving Instructor’s License” – means a license issued to a Driving Instructor by the Ontario Ministry of Transportation; and
 - d. “Retainer Contract” – means a written contract between a driving instructor and a driving school for the employment or services of the driving instructor to provide instruction in the operation of motor vehicles.

APPLICATION REQUIREMENTS:

2. Every individual applying for a Driving Instructor Business License or renewal thereof shall submit two (2) valid pieces of identification when he/she appears at the office of the Issuer of Licenses to submit the application. Identification must clearly state the applicant’s name and current residential address.
3. Proof that the individual has a valid Ministry of Transportation Driving Instructor’s License.
4. Provide the Issuer of Licenses the make, model, and license number of the vehicle(s) proposed to be used to give instruction.
5. Provide proof of vehicle safety inspection and ensure that any vehicle used for driving instruction is approved by the Issuer of Licenses and maintained in a safe and roadworthy condition at all times.
6. Every individual applying for a Driving Instructor Business License or renewal thereof shall submit as part of the application:

- a. Without restricting the generality of the provisions in this By-law related to insurance, proof, satisfactory to the Town, that the individual has the following automobile liability insurance coverage, taken out with an insurer licensed to transact insurance business in Ontario:
 1. in respect of licensed vehicles used in the Business in respect of which the Business License is applied for;
 2. endorsed to include Ontario Policy Change Form (OPCF) 6D for “Driver Training” operations;
 3. to a limit of not less than two million dollars (\$2,000,000) inclusive per occurrence;
 4. including bodily injury, death, damage to property and accident benefits; and
 5. in the following forms: standard owner’s form automobile policy providing third party liability and accident benefits insurance and covering licensed vehicles owned or operated by the Driving Instructor, and standard non-owned automobile form policy including standard contractual liability endorsement;
7. For those individuals permitted by the Ministry of Transportation to provide G1 instruction, a copy of their retainer contract with a Driving School approved by the Ministry of Transportation.

CONDITIONS:

8. No person shall engage in or carry on the business of a Driving Instructor within the Town without a valid Retainer Contract, even if the Driving School and the Driving Instructor are the same person.
9. No individual’s Driving Instructor Business License is valid unless he/she holds a valid Ministry of Transportation Driving Instructor’s License.
10. An individual’s Driving Instructor Business License ceases to be valid at any time that the individual’s Ministry of Transportation Driving Instructor’s License ceases to be valid.
11. Every Licensee shall keep a permanent record of the names and addresses of each student, the date of commencement and date of completion of instruction, the date and time and name of instructor for each lesson, the Ontario license plate number of the vehicle used for driving instruction and its expiry date for each lesson.

OPERATIONAL REQUIREMENTS:

12. While in a motor vehicle and engaged in providing instruction in the operation of a motor vehicle, no holder of a Driving Instructor Business License shall:
 - a. fail to carry his/her valid Ministry of Transportation Driving Instructor’s License;

- b. fail to carry his/her valid Driving Instructor Business License and Town issued identification card;
- c. fail to carry his/her valid Retainer Contract;
- d. provide driving instruction to any student who fails to produce a valid Ministry of Transportation G1 permit or equivalent;
- e. provide driving instruction to any student driver who is not registered as a student at the driving school where the instructor is employed;
- f. provide driving instruction in any vehicle, which does not, in addition to the standard controls and brakes for the driver, have extra braking equipment in good working condition placed in a position, ready to use by the instructor or operator seated in the passenger seat.

SIGNAGE REQUIREMENTS:

- 13. Each vehicle used for driving instruction must bear a valid Province of Ontario license plate.
- 14. Each vehicle used for driving instruction must bear a valid Town of Wasaga Beach license decal and/or plate.
- 15. All driving instructor motor vehicles must display signs, clearly visible to other motorists from all angles, identifying the motor vehicle as a driver training vehicle;
- 16. All driving instructor motor vehicles must display signs, clearly visible to other motorists from all angles, identifying the name and telephone number of the holder of the Driving Instructor Business License and/or the Driving School which is a party to the Retainer Contract under which the instruction is provided;
- 17. No holder of a Driving Instructor Business License shall make use of a motor vehicle that displays any sign identifying any holder of a Driving Instructor Business License other than the holder of the Driving Instructor Business License himself/herself; or
- 18. No holder of a Driving Instructor Business License shall make use of a motor vehicle that displays any sign identifying any Driving School other than the Driving School, which is a party to the Retainer Contract under which the instruction is provided.

SCHEDULE 7
to Town of Wasaga Beach By-law Number 2019-26

FOOD & BEVERAGE PREMISE

The provisions of this Schedule shall apply in respect of Food and Beverage Premises.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. "Beverage" – means any Premises where alcoholic beverages are provided or served;
 - b. "Food Premise" – means any Premises where;
 1. food intended for human consumption is prepared; or
 2. food that is not prepackaged, and that is intended for human consumption, is handled,

and provided for sale, and shall include Restaurants, Food Shops, Taverns, Take-Out and Drive Thru, and Wine and/or Beer-Making Establishments but shall not include Caterers or Food Vehicles as defined in this By-law;

- b. "Food Shop" – means any Premise where food intended for human consumption is prepared and provided for sale but shall not include Caterers or Food Vehicles as defined in this By-law;
- c. "Restaurant" – means any Premises in which food is prepared and provided for sale for immediate consumption within the Building or Premises, and includes an accessory take-out or drive-thru service, an ice cream establishment, dairy bar, tea room, sandwich shop, lunch counter, peanut stand, fish and chip shop, refreshment booth, refreshment stand, and a Premises where soft drinks are offered for sale, but excludes Food Vehicles;
- d. "Tavern" – means any Premises or associated outdoor café area that may include seating, in which food, non-alcoholic and/or alcoholic beverages, are prepared, served, and sold to the public for immediate consumption.

CONDITIONS:

2. Every Licensee and its employees shall observe and comply with the regulations as set out in the Health Protection and Promotion Act or under the authority of any other Statute, Regulation or By-law by the Medical Officer of Health.

3. At the time of application, and if applicable, the Licensee shall provide a copy of the Liquor License as issued by the Alcohol and Gaming Commission of Ontario (AGCO) to the Issuer of Licenses.
4. No Licensee shall operate or maintain a wine or beer making establishment unless such operation is in compliance with all conditions and requirements set out by the Alcohol and Gaming Commission of Ontario (AGCO) and shall adhere to them at all times.
5. No Licensee shall permit any individual under the age of nineteen (19) years to be in a wine or beer-making establishment.
6. Every Licensee shall ensure that the Premises are operated in a clean and sanitary condition, and the Premises are sufficiently and suitably illuminated and ventilated.
7. Every Licensee and its employees shall ensure that garbage and waste are removed from the premise as often as is necessary to maintain the premise in a sanitary condition.
8. Every Licensee and its employees shall ensure that all liquid waste from the operation of the Premises is disposed of in a sanitary manner.

SCHEDULE 8
to Town of Wasaga Beach By-law Number 2019-26

FOOD VEHICLE

The provisions of this Schedule shall apply in respect of Food Vehicles.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. "Arterial Road" – means any highway with markings identifying more than two traffic lanes;
 - b. "Chip Wagon" – means an immobile vehicle, either mounted on blocks or supported by a conventional wheel, tire and axle system, from which food or beverages are provided for sale or sold, or prepared and provided for sale or sold;
 - c. "Food Vehicle" – means a Chip Wagon, Mobile Food Preparation Vehicle, or Refreshment Vehicle, and shall not include a Mobile Barbeque Facility or Refrigerated Bicycle Cart;
 - d. "Ice Cream Truck" - means a vehicle from which food prepared therein and specially related to ice cream, frozen desserts or other frozen confections including beverages is provided for sale or sold;
 - e. "Land" - means land other than a Highway;
 - f. "Mobile Barbeque Facility" - means an open air barbeque which is capable of being moved from premises to premises by a person;
 - g. "Mobile Food Preparation Vehicle" - means a vehicle or other itinerant food premises from which food prepared therein is provided for sale or sold and includes an Ice Cream Truck;
 - h. "Residential Area" - means the residential parts of the Town;
 - i. "Refreshment Vehicle" - means a vehicle or other itinerant food premises from which pre-packaged food items are provided for sale or sold and in which no food is prepared except beverages;
 - j. "Refrigerated Bicycle Cart" - means a manually propelled itinerant tricycle vehicle from which ice-cream, ice-cream cones, ice milk and other iced confectionery food items are offered for sale or sold to the public;

- k. "Roadway" - has the same meaning as set out in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time, or any successor thereof, and, for greater certainty, does not include a sidewalk;
- l. "Site Plan" - means a drawing of a site which includes all applicable measurements of the Food Vehicle and the surrounding area within one hundred (100) meters of the site and on which all buildings and structures, streets or other landmarks are indicated;
- m. "Special Event" - means any Town sanctioned event and/or the Farmer's Market;
- n. "Special Event Food Vehicle License" - means a Business License issued to an organizer of a Special Event that applies to all Food Vehicles operating at the Special Event;
- o. "Travelled Portion of the Road Allowance" - means the part of the Highway that is improved, designed or ordinarily used for vehicular traffic; and
- p. "Vehicle" shall have the same meaning as set out in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time, or any successor thereof.

APPLICATION REQUIREMENTS:

- 2. In addition to all other requirements to this By-law, the following items shall be submitted with every application for a Food Vehicle:
 - a. a letter from the owner of every property on which the food vehicle will be situated, authorizing the applicant to conduct such business from the property; and
 - b. a site plan to be approved by the Town, indicating compliance with the criteria set out in this Schedule;
 - c. a list of the types of food to be provided for sale or sold, specifying the source of the food and identifying food that will be refrigerated or heated as part of the operation;
 - d. a spill contaminant plan including a description of how and where grease and grey water will be disposed of;
 - e. a photo of the Food Vehicle and a description of its type;
 - f. the location where the Food Vehicle will be parked or stored when not in use;
 - g. for a Food Vehicle that is subject to Director's Order FS-056-06 (issued under the *Technical Standards and Safety Act*, 2000, R.S.O. 2000, c. 16 and its regulations), as amended or replaced from time to time, a completed inspection certificate and

information fact sheet issued no more than 36 days before the application for a Business License or for a renewal is submitted; and

h. a Vulnerable Sector Check for every individual who will operate the Food Vehicle.

CONDITIONS:

3. Each Food Vehicle shall require a separate Business License.
4. Every Licensee licensed under this Schedule shall be exempt from operating out of a permanent building.
5. Notwithstanding the above section, any Food Vehicle that is not in use shall be stored or parked in a permanent building or a permitted zoned property.
6. No Licensee shall operate a Food Vehicle on the streets stated and shown in Appendix "A" of this Schedule unless approved in advance by the Issuer of Licenses.
7. Any Food Vehicles part of a Special Event are not exempt from Licensing under this Schedule and can only be parked at such times and places as set out in the permit for the Special Event and approved in advance by the Issuer of Licenses.
8. Every Licensee shall ensure that each Food Vehicle is equipped with a refuse container with a self-closing lid, and such container shall be kept in a clean and sanitary condition and emptied when required. Every refuse container shall be located in such a position on the food vehicle to be easily accessible by persons making purchases while the vehicle is stopped.
9. Every Licensee shall ensure that the Food Vehicle is maintained in good repair and clean.
10. Every Licensee shall ensure that the Business License relating thereto is affixed to the Food Vehicle, in a conspicuous place clearly visible to the public at all times during the Hours of Operation of the Business.
11. The Issuer of Licenses may require the Licensee to submit his/her Food Vehicle for inspection at any time and at an appointed place and the Licensee shall submit each Food Vehicle for inspection when required to do so by the Issuer of Licenses.

OPERATING REQUIREMENTS:

12. Every Licensee and its employees shall observe and comply with the regulations as set out in the Health Protection and Promotion Act or under the authority of any other Statute, Regulation or By-law by the Medical Officer of Health.
13. Every Licensee of a Food Vehicle shall ensure that it is not operated at any time:

- a. on any Highway;
 - b. within 22.86 meters (75 feet) of any corner of any intersection;
 - c. within 15.24 meters (50 feet) from the nearest edge of the traveled portion of the road allowance; or
 - d. when such Food Vehicle occupies an area greater than four hundred (400) square feet.
 - e. within one hundred (100) meters from any food and beverage premise, playground, school, place of worship, or hospital measured along the most direct route from the nearest point of the playground, school, place of worship, or hospital boundary to the nearest point on the vehicle.
 - f. within one hundred (100) meters from the boundary of a Special Event in respect to which a permit has been issued, measured along the most direct route from the nearest point of the Special Event boundary to the nearest point on the vehicle.
 - g. between the hours of 10:00 p.m. of one day and 8:00 a.m. the next day and for not more than a maximum of eight (8) hours from time of initial arrival.
14. The Food Vehicle shall be moved at the verbal or written request of the Issuer of Licenses or an Officer appointed or assigned to enforce this Schedule, if, in the opinion of the Issuer of Licenses or Officer, the location is or may become undesirable for safety reasons, or interferes with normal access to any land.
15. Every Licensee and its employees shall ensure:
- a. only the types of food on the list submitted are provided for sale or sold;
 - b. all statutes, regulations, and By-laws governing driving, stopping, or parking the Food Vehicle are complied with at all times;
 - c. there is no crying of wares, sounding of chimes or use of similar means to attract attention while the Food Vehicle is in motion or for more than five (5) seconds at intervals of not less than ten (10) minutes;
 - d. no food is provided for sale or sold to any customer who is standing on a Roadway;
 - e. all children and customers are safely away from the Food Vehicle before putting it in motion;
 - f. a person holding a current, valid Provincial Driver's License drives the Food Vehicle;

- g. the Food Vehicle is adequately illuminated and ventilated, and is in safe mechanical condition before it is driven;

SIGNAGE REQUIREMENTS:

- 16. Every Food Vehicle must bear the Town of Wasaga Beach issued license plate and/or decal and Business License which is affixed to the rear exterior of the Food Vehicle or to another location on the Food Vehicle approved in advance by the Issuer of Licenses and plainly visible in its entirety at all times.
- 17. Every Food Vehicle must bear the business name and displayed:
 - a. on both sides of the Food Vehicle or on another location as approved in advance by the Issuer of Licenses;
 - b. in letters and numbers at least eighteen (18) centimeters in height;
 - c. in a colour that contrasts with the background colour;
 - d. so as to be plainly visible in its entirety at all times; and
- 18. Every Ice Cream Food Vehicle is equipped and maintained with:
 - a. a "WATCH FOR CHILDREN" warning sign in readily legible black letters at least fifteen (15) centimeters high on a yellow background that is affixed to the rear exterior of the Mobile Food Preparation Vehicle and plainly visible in its entirety at all times,
 - b. minimum of two (2) amber lights on top, placed as to be readily visible by a person 1.5 meters in height standing 1.2 meters in front of or behind the vehicle, that flash when the Ice Cream Truck stops to provide for sale,
 - c. a rear bumper having an angled cover on top designed and placed so as to prevent a child from standing or sitting on top, and
 - d. refuse containers that are available upon arrival when the Ice Cream Truck stops to provide for sale and removed together with all waste collected in the refuse containers or accumulated in the surrounding area upon leaving.

SCHEDULE 9
to Town of Wasaga Beach By-law Number 2019-26

HAWKER & PEDDLER

The provisions of this Schedule shall apply in respect of Hawkers and Peddlers.

INTERPRETATION:

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
 - a. “Hawker and Peddler” – means a person who, within the Town of Wasaga Beach, goes from place to place or to a particular place with goods, wares, or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares, or merchandise that are to be delivered in the municipality afterwards;
 - b. “Special Event” – means any Town sanctioned event and/or the Farmer’s Market.

APPLICATION REQUIREMENTS:

2. In addition to all other requirements to this By-law, the following items shall be submitted with every application for a Hawker & Peddler:
 - a. if the applicant is not the owner of the property where the business is to be located, proof of permission to operate on private property is required;
 - b. a Site Plan, drawn to scale and depicting the location of the proposed Hawker and Peddler on the property including setbacks from the adjacent property lines, the proposed location of any parking, signage and garbage/recycling containers as well as entrances and exits where applicable.

CONDITIONS:

3. Every Person licensed under this Schedule shall be exempt from operating out of a permanent building.
4. This Schedule shall not apply to any Ontario resident farmer who grows and produces and offers for sale or sells only the produce of his/her own farm.
5. This Schedule shall not apply to a Special Event or Charitable Event whereby the Licensee is in operation to raise funds for charitable purposes, and that the event is of limited duration.

6. A letter must be submitted to the Issuer of Licenses stating the intent of any persons who may be exempt as per section 4 and 5 of this Schedule, before operating within the Town of Wasaga Beach.
7. No person shall engage in or carry on business by passing from house to house within the Town before 9:00 a.m. any day or after 8:00 p.m. any day.
8. The Licensee shall, at all times, while carrying on business, have the Business License and shall, upon demand, exhibit it to any Officer or resident.
9. The sale of any foods by a person not being the grower, producer, agent, or employee of the grower or producer of same from a basket, wagon, cart, stand, or other vehicle upon any highway or street within the Town, public park, or municipal property is prohibited, unless otherwise approved by the Issuer of Licenses.
10. The Issuer of Licenses reserves the right to restrict or limit the number of licensed Hawker and Peddlers, if deemed necessary.

SCHEDULE 10
to Town of Wasaga Beach By-law Number 2019-26

HOLISTIC SERVICES: OWNER, OPERATOR or PRACTITIONER

The provisions of this Schedule shall apply in respect of Holistic Owners, Operators or Practitioners.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. “Energy or Life-Force Therapies” – includes but is not limited to the laying on of hands, and therapeutic non-touch;
 - b. “Herbal or Botanical Therapies” – means an attempt to improve health through the use of herbs or plants;
 - c. “Holistic Service” – means any Service that is a complementary or alternative healing modality including, but not limited to:
 1. energy or life-force therapies;
 2. herbal/botanical therapies; and,
 3. physical therapies;

But does not include:

1. psychological therapies;
 2. services which are only mobile in nature and provided on a voluntary basis, without fee or;
 3. medical or therapeutic treatment performed, offered or solicited and performed or offered by persons duly qualified, licensed or registered to do so under a statute of Ontario;
- d. “Massage” – includes the kneading, manipulating, rubbing, massaging, touching, or stimulating by any means, of a person’s body or part thereof;
- e. “Operator” – means a Person who, alone or with others, manages, supervises, runs or directs the operation of a Holistic Services Establishment, or who directs the activities of a Practitioner, and “Operate” and “Operating” shall have corresponding meanings;
- f. “Owner” – means a Person who, alone or with others, owns or controls a Holistic Services Establishment or who directs the activities of an Operator, and “Own” and “Owning” shall have corresponding meanings;

- g. "Operator Licensee" - means any Person who holds a Business License as an Operator of a Holistic Services Establishment;
- h. "Owner Licensee" - means any Person who holds a Business License as an Owner of a Holistic Services Establishment;
- i. "Physical Therapies" - means therapies designed to improve health or relieve stress and which involve the manipulation, or touch of the body and include, but are not limited to, aromatherapy, colonic irrigation, hydrotherapy, lymphatic drainage, massage, reflexology, and shiatsu;
- j. "Practitioner" - means a person who provides or offers to provide any Holistic Service;
- k. "Practitioner Licensee" - means any Person who holds a Business License as a Practitioner in relation to any Holistic Services Establishment;
- l. "Psychological Therapies" - means any Service that is a complementary or alternative healing modality, primarily dealing with behavior modification and treated through mental and/ or mind-body control.

BUSINESS LICENSES REQUIRED:

- 2. Every Holistic Services Owner, Operator and Practitioners employed shall have valid Business Licenses before operating and/or providing services.
- 3. No Business License issued to an Owner, Operator or Practitioner of a Holistic Services Establishment is transferable or assignable and if any Licensee ceases to maintain an interest or employment in the Holistic Services Establishment to which his or her Business License applies, then, notwithstanding any other provision of this By-law, such Business License shall be deemed to be void.
- 4. Every Operator Licensee or Practitioner Licensee of a Holistic Services Establishment shall inform the Issuer of Licenses within fifteen (15) days of terminating his or her employment with any Owner Licensee or Holistic Services Establishment.
- 5. Where a Holistic Services Establishment and a Personal Service Establishment occupy the same premises, and are under the same ownership, and are operated as one (1) business, both licenses are required and all the conditions in both schedules shall apply. However, only the greater of the two (2) licensing fees shall be required to be submitted to the Town.

APPLICATION REQUIREMENTS:

6. In addition to all other requirements of this By-law:
 - a. Every Practitioner in any Holistic Services Establishment shall submit the following as part of their application for a Business License or for renewal thereof:
 1. one (1) passport sized photograph to be used by the Town in providing the Application with a Town of Wasaga Beach issued photo identification card, upon issuance of the Business License.
 2. a Vulnerable Sector Check furnished by the Police Agency where the applicant resides and shall be dated within thirty (30) days prior to written notice to the Town.
 3. evidence satisfactory to the Issuer of Licenses that the Practitioner is a member in good standing in a Holistic Services association or regulatory body relevant to the Holistic Service they intend to provide, or an equivalent association or regulatory body that has been approved by the Issuer of Licenses, including contact information for such association or regulatory body; or
 4. evidence satisfactory to the Issuer of Licenses that the Practitioner holds a diploma relating to a program which includes as part of the curriculum the Holistic Service(s) they intend to provide and if required by law, is a program approved by the Ontario Ministry of Training, Colleges, and Universities.
 5. a copy of professional liability insurance related to the Holistic Service(s) for which they are permitted to practice; and
 6. written authorization from the owner stating that they will be employed as a Practitioner in the Owner's licensed Holistic Services Establishment.
 - b. Every Applicant for a Business License for an Owner, Operator or Practitioner of a Holistic Services Establishment shall appear in person at the Office of the Issuer of Licenses to submit the application, provided that:
 1. in the case of a Holistic Services Establishment Owned by a partnership such appearance shall be made by one (1) of the partners, provided that the application for a Business License has been signed by all of the partners; and,
 2. in the case of a Holistic Services Establishment Owned by a corporation, such appearance shall be made by an officer of the corporation, provided that the application for a Business License has been signed by the authorized signing officers of the corporation.

CONDITIONS:

7. Every Owner and Operator Licensee shall ensure that:
 - a. a list of all Services Provided by the Holistic Services Establishment and a fees list for those Services, are posted in a conspicuous location within the Establishment and clearly visible to all persons entering any Principal Entrance of the Holistic Services Establishment;
 - b. the Holistic Services Establishment is at all times in compliance with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, and regulations thereto, as amended from time to time, and any successor thereof;
 - c. no Adult Entertainment Goods or Adult Entertainment Services are provided in the Holistic Services Establishment;
 - d. every Practitioner operating in the Holistic Services Establishment is Licensed;
 - e. no Practitioner or other person within the Holistic Services Establishment is nude in any portion of the Establishment except for in the washrooms, showers, change rooms and sauna baths as identified on the Floor Plan;
 - f. every Practitioner remains a member in good standing of a Holistic Services Association or regulatory body or of an equivalent association or regulatory body that has been approved by the Issuer of Licenses;
 - g. no Practitioner provides goods or services in any room, cubicle, enclosure, partitioned area or other space within the Holistic Services Establishment that is not designated as a room for such use.
 - h. no part of the Holistic Services Establishment contains any furniture, which is commonly used for sleeping purposes, except that Service area(s) as designated, may be provided with a treatment table, examination table, or seating as required for consultation or treatment purposes only.

8. Every Practitioner Licensee shall:
 - a. maintain at all times, a membership in good standing in a Holistic Services Association or regulatory body or in an equivalent association or regulatory body that has been approved by the Issuer of Licenses;
 - b. maintain in effect professional liability insurance to cover their provision of Holistic Services as a Practitioner; and
 - c. only provide the services that are posted in the Holistic Services Establishment pursuant to section 7(a) of this Schedule and shall only charge the fees for such

services that are indicated on the fees list posted in the Holistic Services Establishment as required by section 7(a) of this Schedule.

9. No Practitioner Licensee shall:

- a. provide any goods or services in any room, cubicle, enclosure, partitioned area or other space within the Holistic Services Establishment that is not designated as a room for such use;
- b. be nude in any portion of the Holistic Services Establishment except for in the washrooms, showers, and change room and sauna baths as identified on the Floor Plan;
- c. provide any Adult Entertainment goods or services in the Holistic Services Establishment; or,
- d. provide any goods or services in any room cubicle, enclosure, partitioned area or other space within the Holistic Services Establishment, when the access to such room, cubicle, enclosure, partitioned area or other space is obstructed or when the door to such room, cubicle, enclosure, partitioned area or other space contains a lock, locking mechanism or any other device designed to delay or hinder anyone from entering or obtaining access to such area.

DESIGN OF PREMISES:

10. Every Owner Licensee and Operator Licensee shall ensure that:

- a. every contact surface, equipment, fixture, table, mat and any other surface upon which any person lies, sits or otherwise contacts while being provided any service in the Holistic Services Establishment is in good repair and is constructed of impervious material that is able to be readily cleaned and sanitized after each customer's use;
- b. every contact surface, equipment, fixture, table, mat and any other surface upon which a Person lies, sits or otherwise contacts while being provided any services in the Holistic Services Establishment is cleaned in accordance with Provincial Infectious Diseases Advisory Committee "Best Practices for Cleaning, Disinfection and Sterilization" dated March 2006 and amended from time to time;
- c. all linens are laundered after each use;
- d. clean and used or soiled linens are kept separate at all times;
- e. the Holistic Services Establishment is equipped with adequate toilet and washroom accommodations pursuant to the Ontario Building Code Act, 1992, S.O. 1992, c. 23, and regulations thereto, as amended from time to time, and any successor thereof, and that those facilities are available and accessible to staff and clients at all times;

- f. the facilities set out in section 8(e) of this schedule are equipped at all times with:
1. a hand washing basin that has a supply of hot and cold water;
 2. liquid soap in a dispenser;
 3. hot air dryers or clean single service towels or disposable paper towels;
 4. a receptacle for used towels and waste material; and,
 5. the Holistic Services Establishment is equipped with a First-Aid Kit with all items set out in section 11 of this Schedule and that such kit is readily accessible by all staff of the Holistic Services Establishment at all times.

11. First Aid Kit Requirements:

- a. one dozen (12) safety pins
- b. twenty-four (24) adhesive dressings individually wrapped
- c. twelve (12) sterile gauze pads – each seventy-five (75) millimeters square
- d. four (4) rolls of 50mm gauze bandage
- e. four (4) rolls of 100mm gauze bandage
- f. four (4) sterile surgical pads suitable for pressure dressings individually wrapped
- g. six (6) triangular bandages

HOURS OF OPERATION:

12. Holistic Services Establishments may only be open for business between the hours of 8:00 a.m. and 10:00 p.m. of every day.
13. Notwithstanding section 12 of this Schedule, every Owner Licensee and Operator Licensee shall ensure that the Holistic Services Establishment that they Own or Operate is not open for business, and that no goods or services are provided in such Establishment, outside of the Hours of Operation.
14. Notwithstanding section 12 of this Schedule, no Practitioner Licensee shall provide any goods or services in a Holistic Services Establishment, outside of the Hours of Operation.

SCHEDULE 11
to Town of Wasaga Beach By-law Number 2019-26

HOME OCCUPATION

The provisions of this Schedule shall apply in respect of Home Occupations.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. "Home Occupation" – means an occupation, trade, business, profession or craft carried on as an accessory use to the use of the dwelling as the private residence of the person carrying on the occupation, trade, business, profession or craft;
 - b. "Rest Home" – means a building in which persons who are harboured, received or lodged and where, in addition, to sleeping accommodation and meals, nursing, medical or similar care and treatment may be provided, but shall not include a hospital, a children's home, a nursing home, a home for the aged, a care home facility or other similar establishment.

CONDITIONS:

2. Any mail order, catalogue or telemarketing sales ordered by costumers of the business similar to Avon, Tupperware, Amway, Arbonne, etc. are exempt from obtaining a Business License under this Schedule.
3. The Home Occupation shall be clearly secondary to the existing dwelling unit and shall not change the residential character of the property.
4. No floor space devoted to the Home Occupation, including the storing of materials and finished products, shall exceed more than fifteen percent (15%) of the gross floor area of the dwelling, and cannot be in any attached or detached garage or accessory building.
5. No retail sales may take place on the property or premises of the Home Occupation; excluding catalogue, mail order or telemarketing sales, ordered by the consumers of the business (similar to Avon, Tupperware, Amway, Arbonne, etc.).
6. The Home Occupation may permit the practice and teaching of arts, crafts, music, and academic subjects and may permit a trade or business provided that service is conducted off site.
7. Teaching must be limited to three (3) students being taught at any one (1) time.

8. The Licensee shall ensure that clients are provided with sufficient room for vehicular parking on the surfaced driveway of the property and no parking shall be permitted on any public road or town allowance.
9. No external storage of goods or materials is permitted on the premises.
10. There shall be no delivery of merchandise, other than by a passenger motor vehicle or by parcel or letter carrier mail service, using vehicles typically employed in residential deliveries.

SCHEDULE 12
to Town of Wasaga Beach By-law Number 2019-26

KENNEL

The provisions of this Schedule shall apply in respect of Kennels.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. "Kennel" – means a premise, location, place or confinement where purebred dogs are bred and/or raised and registered in the Register for the Canadian Kennel Club.

CONDITIONS:

2. Every Licensee shall provide and maintain a current Certificate of Registration with the Canadian Kennel Club, and ensure all dogs are registered within the Town of Wasaga Beach, by the Issuer of Licenses.
3. The Kennel shall be in a separate building and shall not be attached to a building, which is or may be used for human habitation.
4. Every Licensee shall ensure that the Kennel is maintained in a sanitary condition, well ventilated, free of offensive odors, naturally lighted, adequately heated, and free of any damage.
5. Where dogs are permitted to use an outside area, there shall be constructed around such area a solid board fence with a height of at least six (6) feet; this may include the wall of an adjacent building.
6. Any Business License issued to a Kennel may be cancelled and/or revoked upon receipt of an unfavorable report from the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) concerning the premises on which the business is located or the condition and treatment of any animal kept in said facility.

SCHEDULE 13
to Town of Wasaga Beach By-law Number 2019-26

LIMOUSINE SERVICES: COMPANY OR DRIVER

The provisions of this Schedule shall apply in respect of Limousine Companies or Drivers.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. "Fare" – means the amount of money calculated for a trip either displayed on a cab meter or stated on a fee schedule for hourly or group rates;
 - b. "Limousine" – means a motor vehicle which may or may not bear identification other than the number plate issued by the Ontario Ministry of Transportation, which is kept or used for hire for the conveyance of passengers, and includes a sedan, stretch, luxury or classic motor vehicle;
 - c. "Limousine Company" – means a person who owns a limousine or has possession or control thereof under an installment purchase agreement or by way of a rental, and "Limousine Owner" shall have a corresponding meaning;
 - d. "Limousine Driver" – means a person responsible for the care and operation of the limousine and services related thereto.

APPLICATION REQUIREMENTS:

2. Every Limousine Company shall provide the Issuer of Licenses:
 - a. a copy of the ownership certificate for each vehicle to be licensed as a limousine.
 - b. a copy of the certificate of liability insurance for each vehicle to be licensed as a limousine.
 - e. submit a valid Safety Standards Certificate issued under the Highway Traffic Act R.S.O. 1990, c. H.8 as amended from time to time, and any successor thereof, for each limousine intended to be used for hire, which is issued within sixty (60) days of the application.
3. Every Limousine Driver shall provide the Issuer of Licenses:
 - a. one (1) passport sized photograph to be used by the Town in providing the Applicant with a Town issued photo identification card, upon issuance of the Business License.

- b. a Vulnerable Sector Check furnished by the Police Agency where the applicant resides and shall be dated within thirty (30) days prior to written notice to the Town.
- f. proof of a current and valid Driver's License of the appropriate class issued pursuant to the Highway Traffic Act R.S.O. 1990, c. H.8 as amended from time to time, and any successor thereof.
- g. a copy of a three (3) year Driver Record Search issued by the Ministry of Transportation, and shall be dated within thirty (30) days of the application.

CONDITIONS:

- 4. A separate limousine driver Business License is required for each Limousine Company for whom the driver is employed.
- 5. No Licensee shall fail to advise the Issuer of Licenses in writing, within thirty (30) days of any change in any license plate issued by the Ministry of Transportation.
- 6. For the purpose of this By-law, the age of any motor vehicle shall be determined by counting the model year as the first year. No motor vehicle more than eight (8) years old may be plated as a limousine.
- 7. The Issuer of Licenses may require the Licensee to submit his/her limousine for inspection at any time and at an appointed place and the Licensee shall submit each limousine for inspection when required to do so by the Issuer of Licenses.

OPERATIONAL REQUIREMENTS:

- 8. Every Licensee and its drivers of the limousine shall maintain the interior and exterior in good repair and in clean and sanitary condition at all times. Without limiting or restricting the generality of this section, good repairs include:
 - a. equipped with an extra tire, wheel and jack (ready to use);
 - b. free from mechanical defects;
 - c. equipped with an interior light in proper working order;
 - d. free from exterior body damage and maintained exterior paint finish.
- 9. If the Licensee or its drivers of the limousine receive notice, either verbally or in writing, that such limousine is not in a fit and proper condition for use, shall cause same to be in a fit and proper condition and shall submit such limousine for re-inspection before being returned to service.

10. The Licensee and its drivers of the limousine shall ensure that any limousine operated is driven for the transportation exclusively of one (1) person or group of persons in the same party, and that only one (1) fare or charge is collected for each specified trip.
11. No Licensee or its drivers of the limousine shall operate any vehicle as a limousine unless such vehicle is approved by the Issuer of Licenses and is equipped with more than two (2) passenger access doors.
12. No Licensee or its drivers of the limousine shall fail to ensure that a limousine licensed under this schedule is only used as a limousine and is not used as a taxicab unless otherwise licensed under the provisions of this By-law.
13. No limousine driver shall fail to place the limousine driver's identification card, issued by the Town, in such a manner as to be conveniently seen and read by passengers.
14. No limousine driver shall fail to travel in the most direct route to the point of destination unless otherwise directed by the passenger.
15. While in charge of a limousine for hire, no limousine driver shall carry a greater number of persons than the limousine is intended to seat according to the manufacturer's rating of seating capacity or than specified in the Business License issued by the Town of Wasaga Beach.
16. Every Licensee and its drivers shall keep an orderly record of all calls answered, showing the date, time, origin, destination, amount of fare collected for each trip, limousine vehicle number, and the name of the driver. The records shall be retained for a period of eight (8) months from the date of entry.

SCHEDULE 14
to Town of Wasaga Beach By-law Number 2019-26

PERSONAL SERVICE ESTABLISHMENTS

The provisions of this Schedule shall apply in respect of Personal Service Establishments.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. “Aesthetician Salon” – means any Premises wherein is provided for hire or gain facials, waxing, manicures, pedicures, electrolysis or tanning;
 - b. “Barbershop” – means any Premises wherein is provided for hire or gain the cutting, dressing, shampooing, adorning, or beautifying of hair or the scalp or the shaving and trimming of beards;
 - c. “Electrolysis” – means a process by which body hair is removed;
 - d. “Hair Salon” – means any Premises or part thereof wherein is provided for hire or gain the cutting, dressing, shampooing, adorning, or beautifying of hair or the scalp and includes a barbershop;
 - e. “Hairstylist/Barber” – means any person who performs the Services of cutting, dressing, shampooing, adorning, or beautifying hair or scalps in a Hair Salon;
 - f. “Personal Services Establishment” – means any Premises in which is provided services, including, but not limited to activities, facilities, or treatments for the improvement of a person’s physical or psychological health or appearance such as, but not limited to Hair Salons, Tattoo Parlors, Tanning Salons, Spas, Electrolysis, Piercing and Aesthetician Salon;
 - g. “Pierce” – means the use of needles or other instruments to permanently create a hole in or through the skin, for the purpose of decorating such a hole with jewelry, hoops, studs, or other decorative items and “Piercing” shall have the corresponding meaning;
 - h. “Spa” – means the use of natural elements to enhance and manage personal health and improve personal appearance and for the purpose of this By-law “Beauty Spa” and “Health Spa” shall have the same meaning;
 - i. “Tanning” – means to provide for use an area where ultra-violet or other light sources are used to radiate the skin in an attempt to produce changes in skin pigmentation, and also includes the application or sale of artificial bronzing or tanning lotions designed to change skin tone or color; and,

- j. "Tattoo Parlor" – means any Premises wherein an indelible figure is fixed upon the body by the insertion of pigment under the skin.

CONDITIONS:

2. Where a Holistic Services Establishment and a Personal Service Establishment occupy the same Premises, and are under the same ownership, and are operated as one (1) business, both licenses are required and all the conditions in both schedules shall apply. However, only the greater of the two (2) Business License fees shall be required to be submitted to the Town.
3. Every Licensee and its employees shall comply with the regulations as set out in the Health Promotion and Protection Act or under the authority of any other Statute, Regulation or By-law by the Medical Officer.
4. No Person shall offer for sale or sell food or beverages on the premises.
5. No room in any premises licensed hereunder shall be used as living, eating, food preparing, bathing or sleeping quarters.
6. No Hair Salon/Barber Shop Licensee shall act as a Hairstylist/Barber unless he or she is the holder of a current certificate of qualification as a barber or hairdresser; and every Hair Salon/Barber Shop Licensee shall ensure that every Hairstylist/Barber operating in the Hair Salon/Barber Shop is the holder of a current certificate of qualification as a barber or hairdresser and an original copy must be submitted to the Issuer of Licenses.
7. Every Licensee and its employees shall ensure disposal of any needles, piercing instruments, items or any tools used for any Services under this Schedule are disposed in a safe and clean manner.
8. No retail sales are permitted at any Personal Service Establishment; excluding catalogue, mail order or telemarketing sales, as ordered by the consumers of the business (similar to Avon, Tupperware, Amway, Arbonne, etc.).

DESIGN OF PREMISES:

9. Every Owner Licensee and Operator Licensee shall ensure that:
 - a. every contact surface, equipment, fixture, table, mat and any other surface upon which any person lies, sits or otherwise contacts while being provided any service in the Personal Services Establishment is in good repair and is constructed of impervious material that is able to be readily cleaned and sanitized after each customer's use;
 - b. every contact surface, equipment, fixture, table, mat and any other surface upon which a Person lies, sits or otherwise contacts while being provided any services in the

Personal Services Establishment is cleaned in accordance with Provincial Infectious Diseases Advisory Committee "Best Practices for Cleaning, Disinfection and Sterilization" dated March 2006 and amended from time to time;

- c. all linens are laundered after each use;
- d. clean and used or soiled linens are kept separate at all times;
- e. the Personal Services Establishment is equipped with adequate toilet and washroom accommodations pursuant to the Ontario Building Code Act, 1992, S.O. 1992, c. 23, and regulations thereto, as amended from time to time, and any successor thereof, and that those facilities are available and accessible to staff and clients at all times;
- f. the facilities set out in section 9(e) of this schedule are equipped at all times with:
 - 1. a hand washing basin that has a supply of hot and cold water;
 - 2. liquid soap in a dispenser;
 - 3. hot air dryers or clean single service towels or disposable paper towels;
 - 4. a receptacle for used towels and waste material; and,
 - 5. the Personal Services Establishment is equipped with a first-aid kit with all items set out in section 10 of this Schedule and that such kit is readily accessible by all staff of the Personal Services Establishment at all times.

10. First Aid Kit Requirements:

- a. one dozen (12) safety pins
- b. twenty-four (24) adhesive dressings individually wrapped
- c. twelve (12) sterile gauze pads – each seventy-five (75) millimeters square
- d. four (4) rolls of 50mm gauze bandage
- e. four (4) rolls of 100mm gauze bandage
- f. four (4) sterile surgical pads suitable for pressure dressings individually wrapped
- g. six (6) triangular bandages

REQUIRED SIGNAGE:

11. Every Personal Services Establishment Licensee shall ensure that:

- a. a list of all services provided by the Personal Services Establishment and a fees list for those services, are posted in a conspicuous location within the Personal Services Establishment and clearly visible to all persons entering any Principal Entrance of the

Establishment; and,

- b. only those services set out in the posted list of services required in section 5(a) of this Schedule, are provided in the Personal Services Establishment, and only the fees set out on the fees list, required in section 5(a) of this Schedule, are charged for the respective services.

SCHEDULE 15
to Town of Wasaga Beach By-law Number 2019-26

PET GROOMER

The provisions of this Schedule shall apply in respect of Pet Groomers.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. "Pet Groomer" – means a person who grooms, brushes, trims, manicures, or otherwise attends to the cosmetic care of animals.

CONDITIONS:

2. No Licensee and its employees shall allow any pet being accommodated in respect of the Pet Groomer services to be kept in any outdoor run, compound, or other area.
3. Every Licensee and its employees shall ensure that while such pet is in his/her possession, the pet is kept in a sanitary, well-ventilated and clean location, and in a safe and healthy environment.
4. Every Licensee and its employees shall ensure that any cage in which a pet is to be kept is appropriate for the safe harboring of such animal and in no case shall such cage be kept at a height greater than five (5) feet from the ground level.
5. Every Licensee and its employees shall not harbor or possess more than four (4) dogs in relation to the pet grooming business, at any one (1) time. This does not include any dogs licensed to the owner of the business.
6. No Licensee and its employees shall permit the custody, care or grooming of any customers dog(s) or non-owned dog(s), on the business premises, between 7:00 p.m. of one day and 7:00 a.m. of the following day.
7. The entrance of the dwelling that is utilized for the business must open onto a fenced area that is capable of containing any dogs that might inadvertently escape the dwelling unit.

SCHEDULE 16
to Town of Wasaga Beach By-law Number 2019-26

PHYSICAL FITNESS ESTABLISHMENT

The provisions of this Schedule shall apply in respect of Physical Fitness Establishments.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. "Physical Fitness" – means any premise which offers equipment, training, programs, or other facilities or services designed to influence the conditions of a person's body, but does not include, chiropractors, physiotherapists, and/or any medical offices.

CONDITIONS:

2. The Applicant shall provide current Certificates of Qualification for those Persons employed as personal trainers and/or fitness instruction specialists.
3. Every Licensee and its employees shall ensure that the premises is kept in a clean order and all equipment relating to the business is in good repair and clean. Every premises is to be well ventilated and free from offensive odors.
4. Every Licensee and its employees shall ensure that garbage and waste are removed from the premises as often as necessary to maintain the premise in a sanitary condition.

SCHEDULE 17
to Town of Wasaga Beach By-law Number 2019-26

RETAIL BUSINESS

The provisions of this Schedule shall apply in respect of Retail Businesses.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. “Convenience Store” – means a business where cigar, cigarette, tobacco, and perishable foodstuffs, which is non-hazardous, pre-packaged, and intended for human consumption are available;
 - b. “Laundromat” – means any location or premise where dry cleaning machines, drying machines, washing machines, including coin operated dry cleaning machines, drying machines or washing machines or any combination thereof are operated for use by the public and “Laundry” shall have a corresponding meaning;
 - c. “Motor Vehicle” – means a vehicle as defined by the Highway Traffic Act, R.S.O. 1990, c. H 8, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle, all-terrain vehicle or streetcar;
 - d. “Parking Lot” – means a business or premise where vehicles may be parked or stored for a fee or other valuable consideration, but shall not include land or other premises where a merchant, employer, or property owner provides parking for their customers, employees, or tenants. It shall not include land or other premises where a parking lot is operated for special events only;
 - e. “Pawnbroker” – means a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon;
 - f. “Pet Shop” – means a business where animals, fish, or birds for use as pets are sold or kept for sale;
 - g. “Retail Business” – means a Person who provides goods and/or services in the retail industry, including but not limited to, a convenience store, motor vehicle sales, paid parking lots, pawnshops, pet shops, and second hand sales;
 - h. “Second Hand Sales” – means a Person who sells or offers for sale antique items or second hand or used goods, materials, merchandise or items of any kind;

- i. "Derelict Motor Vehicle" – shall mean a vehicle having missing bodywork, components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function, and includes a motor vehicle that is not licensed for the current year by the Ministry of Transportation and "Wrecked" shall have a corresponding meaning.

APPLICATION REQUIREMENTS:

2. Every Applicant applying for a Parking Lot Retail Business shall include the following with their application:
 - a. location and dimensions of the lands in respect to such license;
 - b. maximum number of motor vehicles proposed to be parked or stored at the premises at any one (1) time;
 - c. hours of operation
 - d. site plan outlining the entrances and exits
 - e. rates and charges for parking each motor vehicle
3. Pursuant to the Pawnbrokers Act, every Pawnbroker Licensee shall give to the Town, security to the satisfaction of the Issuer of Licenses in the sum of two thousand dollars (\$2,000.00), for the due observance by the Pawnbroker of The Pawnbrokers Act, R.S.O. 1990, c. P. 6, as amended.
4. Applicants operating a Motor Vehicle Retail Business shall provide a valid Motor Vehicle Dealers Certificate issued by the Ministry of Transportation to the Issuer of Licenses.

CONDITIONS:

5. No Licensee or its employees shall sell, offer for sale or permit to be sold, cigars cigarettes or tobacco either directly or indirectly to a Person under the age of nineteen (19) years in accordance with the Smoke Free Ontario Act.
6. Every Licensee and its employees shall ensure that the premises is kept in a clean order and all equipment relating to the business is in good repair and clean. Every premises is to be well ventilated and free from offensive odors.
7. Every Licensee and its employees shall ensure that garbage and waste are removed from the premises as often as necessary to maintain the premise in a sanitary condition.
8. Any Motor Vehicle Retail Business Licensees and its employees shall ensure that the premises is not used for the wrecking or storage of wrecked and/or derelict motor vehicle(s).

9. Every Licensee operating a Parking Lot Retail Business shall display in a conspicuous place at the licensed premises, a sign in readily legible letters, the rates or charges for parking motor vehicles, the hours of operation, the business name, business address, and the name and telephone number of an authorized contact person in case of emergencies. The display shall also include a clear statement of the extent of the responsibility accepted by the Licensee in respect to the vehicles parked in the care and custody of the Licensee and its employees.
10. No Licensee operating a Parking Lot Retail Business shall store, park, or permit any trailer and/or motor home intended for human habitation while so stored or parked at said parking lot.
11. Every Pawnbroker Licensee shall comply with all the Provisions of the Pawnbrokers Act R.S.O. 1990, C. P.6, as amended from time to time or any successor thereof (the "Pawnbrokers Act").
12. No Pawnbroker Licensee shall purchase or acquire, from any Person, any article or object on which the serial number has been obliterated or mutilated, without first having given the Ontario Provincial Police (OPP) twenty-four (24) hours prior notice of such intended purchases or acquisitions.
13. Every Pawnbroker Licensee who has reasonable cause to suspect that an article offered to the Pawnbroker has been stolen or otherwise unlawfully obtained shall forthwith report the matter to a member of the Ontario Provincial Police (OPP).
14. Every Pet Shop Licensee shall not keep or sell exotic pets as prohibited in accordance to the Town's Animal Control By-law, as amended from time to time or any successor thereof, or keep the stock of animals or birds in crowded quarters, and/or sell any diseased animal or bird.
15. Any Business License issued to a Pet Shop may be cancelled and/or revoked upon receipt of an unfavorable report from the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) concerning the premises on which the business is located or the condition and treatment of any animal kept in said Pet Shop.

SCHEDULE 18
to Town of Wasaga Beach By-law Number 2019-26

SPECIAL SALE

The provisions of this Schedule shall apply in respect of any Special Sales.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. "Special Sale" – means any retail sale or intended retail sale of any goods, wares, or merchandise, including but not limited to, by the use of any of the following words or expressions, or any combination thereof;
 1. Bankrupt
 2. Estate
 3. Garage
 4. Liquidation
 5. Market
 6. Moving Out
 7. Water Damage
 8. Yard
 - b. "Special Event" – means any Town sanctioned event and/or the Farmer's Market.

CONDITIONS:

2. Special Sale shall only be conducted between the hours of 8:00 a.m. and 8:00 p.m.
3. Every property is entitled to only two (2) Special Sale licenses in any calendar year.
4. No goods, wares, or merchandise may be placed or displayed at a distance closer than twenty (20) feet to the roadway or street line.
5. In the case of a neighborhood Special Sale, one (1) permit may be issued with one (1) fee being paid (shown in Schedule "B"), subject to a list detailing all participating property owner names, street addresses, and contact information being provided to the Issuer of Licenses.
6. The applicable fees shall not apply to a Special Event or charitable event whereby the Licensee is in operation to raise funds for charitable purposes, and that the event is of limited duration.
7. A letter stating the intent of the sale as per Section 6 above must be submitted to the Issuer of Licenses before the event.

SIGNAGE REQUIREMENTS:

8. No sign advertising a Special Sale shall be of a size greater than one (1) square meter.
9. Every sign advertising a Special Sale shall state the date and time of sale and street address.
10. Only one (1) sign may be placed in each direction of travel on the roadway adjoining the location of Special Sale and shall not impede vehicular or pedestrian traffic.
11. No signs may be erected until three (3) days before the date of the Special Sale, and all signs shall be removed immediately upon the close of said Special Sale.

SCHEDULE 19
to Town of Wasaga Beach By-law Number 2019-26

TAXICAB SERVICES: COMPANY or DRIVER
And VEHICLE FOR HIRE BUSINESS

The provisions of this Schedule shall apply in respect of any Taxicab Companies and Taxicab Drivers.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. “Accessible Taxicab” – means a class of Taxicab, which is constructed or modified to permit the loading, transporting, and unloading of an individual in a wheelchair or similar appliance or device used to assist an individual with a Disability;
 - b. “Disability” – means any degree of physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
 - c. “Fare” – means the amount of money calculated for a trip either displayed on a cab meter or stated on a fee schedule for hourly or group rates;
 - d. “Electronic Platform” – includes any electronic-based software, cellphone, or other technological service, which permits passengers to obtain transportation;
 - e. “Regular Taxicab” – means a class of Taxicab, which is neither an Accessible Taxicab nor a Vehicle for Hire;
 - f. “Taxicab” – means a motor vehicle equipped with a taximeter and hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip, other than a car pool vehicle;
 - g. “Taxicab Company” – means a person who owns a taxicab or has possession or control thereof under an installment purchase agreement or by way of a rental and “Taxicab Owner” shall have a corresponding meaning;
 - h. “Taxicab Driver” – means an individual who drives a taxicab;

- i. "Vehicle for Hire" – means a vehicle, which provides transportation for a vehicle for hire business;
- j. "Vehicle for Hire Business" – means a business, which, through an Electronic Platform, arranges transportation of passengers by drivers in vehicles for hire, within the Town for compensation but does not include: any bus transportation service or business, any carpooling arrangement as defined in the Public Vehicles Act, or any emergency vehicle service.

APPLICATION REQUIREMENTS:

- 2. Every Taxicab Company and Vehicle for Hire Business shall provide the Issuer of Licenses:
 - a. a copy of the Ownership Certificate for each vehicle to be licensed as a Taxicab or Vehicle for Hire.
 - b. a copy of the current certificate of liability insurance for each vehicle to be licensed as a Taxicab or Vehicle for Hire.
 - c. submit a valid and current Safety Standards Certificate issued under the Highway Traffic Act R.S.O. 1990, c. H.8 as amended from time to time, and any successor thereof, for each vehicle intended to be used for a Vehicle for Hire business or as a Taxicab, which is issued within sixty (60) days of the application.
- 3. Every Driver shall provide the Issuer of Licenses:
 - a. one (1) passport sized photograph to be used by the Town in providing the Applicant with a Town issued photo identification card, upon issuance of the Business License
 - b. a Vulnerable Sector Check furnished by the Police Agency where the applicant resides and shall be dated within thirty (30) days prior to written notice to the Town.
 - c. proof of a current and valid driver's license of the appropriate class issued pursuant to the Highway Traffic Act R.S.O. 1990, c. H.8 as amended from time to time, and any successor thereof.
 - d. a copy of the retainer contract from the Taxicab Company or Vehicle for Hire Business that the driver is employed by.
 - e. a copy of a three (3) year Driver Record Search issued by the Ministry of Transportation, and shall be dated within thirty (30) days of the application.

CONDITIONS:

4. A separate Taxicab Driver Business License and Vehicle for Hire Business License is required for each Taxicab Company and Vehicle for Hire Business for whom the driver is employed.
5. Every Taxicab Company shall ensure that they have sufficient staff in numbers to enable service in transporting passengers at all times of the day and night.
6. No Licensee or its drivers of a Taxicab or Vehicle for Hire shall fail to ensure that such vehicle is used only as a Taxicab or Vehicle for Hire and is not used as a limousine unless otherwise licensed under the provisions of this By-law.
7. Every Taxicab Company Licensee shall submit a current copy of the tariff of fares and must also display the tariff of fares in such a manner as to be conveniently seen and read by passengers.
8. No Licensee shall fail to advise the Issuer of Licenses in writing, within thirty (30) days of any change in any license plate issued by the Ministry of Transportation.
9. Every Licensee shall ensure every licensed taxicab is equipped with an emergency amber light system that can be activated by a driver in emergencies and shall be installed at the front and the rear of the Taxicab.
10. The Issuer of Licenses may require the Licensee to submit his/her Taxicab or Vehicle for Hire for inspection at any time and at an appointed place and the Licensee shall submit each Taxicab or Vehicle for Hire for inspection when required to do so by the Issuer of Licenses.

OPERATIONAL REQUIREMENTS:

11. For the purpose of this By-law, the age of any motor vehicle shall be determined by counting the model year as the first year. No motor vehicle more than eight (8) years old may be plated as a Taxicab or Vehicle for Hire.
12. Every Licensee and its drivers of the Taxicab or Vehicle for Hire shall maintain the interior and exterior in good repair and in a fit and proper clean and sanitary condition at all times. Without limiting or restricting the generality of this section, good repairs and fit and proper sanitary conditions include, but are not limited to:
 - a. equipped with an extra tire, wheel and jack (ready to use), or current roadside assistance membership;
 - b. free from mechanical defects;
 - c. equipped with an interior light in proper working order;

- d. free from exterior body damage and maintained exterior paint finish;
 - e. free from waste, debris, excess dirt etc;
 - f. free from excessive wear in upholstery;
 - g.
13. If the Licensee or its drivers of the Taxicab or Vehicle for Hire receive notice, either verbally or in writing, that such taxicab or vehicle for hire is not in a fit and proper condition for use, shall cause same to be in a fit and proper condition and shall submit said vehicle for re-inspection before returning it to service.
 14. No Licensee or its drivers of the Taxicab or Vehicle for Hire shall operate any vehicle as a Taxicab or Vehicle for Hire unless such vehicle is approved by the Issuer of Licenses and is equipped with more than two (2) passenger access doors.
 15. No driver shall fail to place the driver's identification card, issued by the Town, in such a manner as to be conveniently seen and read by passengers.
 16. No driver shall fail to travel in the most direct route to the point of destination unless otherwise directed by the passenger.
 17. While in charge of a Taxicab or Vehicle for Hire, no driver shall carry a greater number of persons than the vehicle is intended to seat according to the manufacturer's rating of seating capacity or than specified in the Business License issued by the Town of Wasaga Beach.
 18. Every driver shall use his/her vehicle for one (1) specific trip for the transportation of one (1) or more persons, charging only one (1) fare, unless such person or persons exclusively consent to ride the vehicle collectively and are charged separate fares for each specific destination.
 19. Every Licensee and its drivers shall keep an orderly record of all calls answered, showing the date, time, origin, destination, amount of fare collected for each trip, Taxicab or Vehicle for Hire vehicle number, and the name of the driver. The records shall be retained for a period of eight (8) months from the date of entry.

SIGNAGE REQUIREMENTS:

20. Each vehicle used for hire must bear a valid Province of Ontario License plate.
21. Each vehicle used for hire must bear a valid Town of Wasaga Beach license decal and/or plate.
22. All Taxicabs must display signs, clearly visible to other motorists from all angles, identifying the motor vehicle as a Taxicab;

23. All Taxicabs must display signs, clearly visible to other motorists from all angles, identifying the name and telephone number of the holder of the Taxicab Business License.
24. No holder of a Taxicab Business License shall make use of a motor vehicle that displays any sign identifying any holder of a Taxicab Business License other than the holder of the Taxicab Business License himself/herself; or
25. No holder of a Taxicab Business License shall make use of a motor vehicle that displays any sign identifying as any Taxicab Company other than the Taxicab Company, which is a party to the Retainer Contact under which the Taxicab Driver is employed.

SCHEDULE 20
to Town of Wasaga Beach By-law Number 2019-26

TOURIST ESTABLISHMENT/SHORT-TERM ACCOMMODATION

The provisions of this Schedule shall apply in respect of any Tourist Establishment/ Short-Term Accommodation.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. “Bed and Breakfast” – means a private residential dwelling unit permitted only in zones indicated in the Town of Wasaga Beach Zoning By-law, in which the owner or a long-term leasee resides, and within which guest rooms, that may have separate sanitary facilities but shall not have separate culinary facilities, are offered to the traveling public and meals may or may not be offered to the guests;
 - b. “Hotel” – shall mean but not limited to a building or structure or any part thereof, containing three or more guest rooms served by a common entrance, where guest rooms may include culinary facilities and may have a separate entrance directly from outside the building but must include individual sanitary facilities. Accessory uses may include accommodations for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, or similar uses. “Motel” shall have corresponding meaning as indicated in the Town of Wasaga Beach Zoning By-law;
 - c. “Lodging House” – means a building or structure or any part thereof, containing three or more guest rooms served by a common entrance where the occupant may not have the exclusive use of both a kitchen and a bathroom, but shall not include a hospital, children’s home, nursing home, home for the aged, bed and breakfast or similarly operated establishments;
 - d. “Recreational Trailer” – means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being propelled by the motor vehicle and capable of being used for the living, sleeping, eating or accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed;
 - e. “Rental Cabins” – means a detached building containing one rental unit or two rental units in a building that has a common wall between the units which may have individual culinary and sanitary facilities together and having a minimum of two (2) rental cabins on a lot;
 - f. “Rental Cottages” – means a detached building on an individual lot which has culinary and sanitary facilities and comprises only one (1) rental unit;

- g. "Short-Term Accommodation" – means a building or structure or any part thereof that operates or offers a place of temporary residence, lodging, or occupancy by way of concession, permit, lease, rental agreement, or similar commercial arrangement for any period less than thirty-one (31) consecutive calendar days;
- h. "Tourist Establishment" – means a building or structure or any part thereof that is designed for the accommodation of the traveling or vacationing public wherein the same guest shall occupy no room within the establishment for any period of time exceeding thirty-one (31) consecutive calendar days;
- i. "Trailer Park or Tent Park" – shall mean any land on or upon which any tent, house trailer, park model trailer, motor home, or any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being propelled by the motor vehicle, used or intended to be used for the temporary living, sleeping or eating accommodation, but does not include permanent or year round occupancy by anyone other than the owner or operator of the Trailer Park.

CONDITIONS:

- 2. Any student residence, owned and operated by a College or University, which is a dwelling unit within an apartment building where two (2) or fewer persons are harbored, received, or lodged for hire shall be exempt from this Schedule.
- 3. Every Licensee shall ensure that occupancy loads, as defined by the Ontario Building Code and Fire Code, are strictly adhered to. A maximum of two (2) persons per sleeping room or sleeping area shall be permitted in each dwelling unit or suite. Sleeping rooms and areas shall not be used for other purposes and all exits shall remain unobstructed at all times. Licensee shall not operate with occupancy loads greater than ten (10) persons without the specific approval from the Town of Wasaga Beach Fire Department.
- 4. Every Licensee shall ensure compliance with all aspects of the Ontario Fire Code. Particular attention shall be given to the installation of smoke and carbon monoxide alarms, fire separations, and means of egress, fire suppression, fire hazards and fire safety planning.
- 5. Every Licensee shall ensure that each guest room is provided with clean linens, including towels and any other customary toilet supplies for each registered individual on a daily basis.
- 6. Every Licensee shall keep a register of all guests, showing their name, address, contact information, motor vehicle make and model, license plate number, date of admission and departure, and identification number of the campsite, cabin, cottage, etc. The register shall be provided to the Issuer of Licenses upon request.
- 7. Every Licensee shall ensure that guest motor vehicles are provided with adequate parking and is not contrary to the provisions of any municipal By-laws.

8. Every Licensee shall ensure that receptacles, equipped with fly tight covers and lids, are at each site, cabin, and cottage to be used for the temporary storage of garbage and cans. The Licensee shall ensure that such receptacles are made of a material, which cannot be penetrated by rodents, are non-porous, non-absorbent, and capable of being washed and disinfected.
9. The Licensee of all Trailer Parks shall ensure that sewage disposal facilities meet the requirements of the Ministry of Environment and/or the municipal by-laws and/or policies.
10. Every Trailer Park Licensee shall provide every trailer site with an electrical outlet supplying at least 110 volts.
11. Every Tourist Accommodation, Trailer Park, and Short-term Accommodation shall ensure that an owner or operator of the business is readily available at all times when the business is in operation.
12. Every Licensee shall be responsible for periods of quiet hours that will serve the majority of occupants on the property, with a notice of such quiet hours being posted in a conspicuous place within the office. The quiet hours shall be established to include at a minimum, the hours between 11:00 a.m. to 7:00 a.m. of every day or as per the Town of Wasaga Beach Noise By-law.
13. Every Licensee shall ensure their occupants in charge of any dog, cat, or other pet shall not permit it to run at large, create any nuisance within the limits of the property, or neighbouring properties and such person shall ensure that any excrement left by any animal in his/her control is immediately removed and disposed of in a sanitary manner.
14. Every Licensee shall ensure that garbage and waste are removed from the premises as often as is necessary to maintain the premise in a sanitary condition.

SCHEDULE 21
to Town of Wasaga Beach By-law Number 2019-26

TOW SERVICES: COMPANY or DRIVER

The provisions of this Schedule shall apply in respect of any Tow Companies and Tow Drivers.

INTERPRETATION:

1. In addition to the terms defined in this By-law, the following terms shall have the corresponding meanings:
 - a. "Collision Scene" – means the general location or place where a collision occurred;
 - b. "Hirer" – means the registered owner of a vehicle, to be towed or being towed, his/her agent or any Person lawfully in possession of the vehicle to be towed or being towed;
 - c. "Tow Company" – means a person who owns a tow truck or has possession or control of a tow truck under an installment purchase agreement, a rental agreement, or other agreement and operates a tow business;
 - d. "Tow Truck" – means a motor vehicle used for hire for towing or otherwise conveying vehicles, whether or not such towed or conveyed vehicle is intact or is in an inoperable condition;
 - e. "Tow Truck Driver" – means any Person who drives or operates a tow truck.

APPLICATION REQUIREMENTS:

2. Every Tow Company shall provide the Issuer of Licenses:
 - a. a copy of the ownership certificate for each vehicle to be licensed as a Tow Truck.
 - b. a copy of the certificate of liability insurance for each vehicle to be licensed as a Tow Truck.
 - c. a copy of the CVOR certificate for each vehicle to be licensed as a Tow Truck.
 - d. submit a valid and current Safety Standards Certificate issued under the Highway Traffic Act R.S.O. 1990, c. H.8 as amended from time to time, and any successor thereof, for each Tow Truck intended to be licensed, which is issued within sixty (60) days of the application.
 - e. submit a list of current rates and charges for all services provided by the Tow Truck Company.

3. Every Tow Truck Driver shall provide the Issuer of Licenses:
 - a. one (1) passport sized photograph to be used by the Town in providing the Application with a Town issued photo identification card, upon issuance of the Business License
 - b. a Vulnerable Sector Check furnished by the Police Agency where the applicant resides and shall be dated within thirty (30) days prior to written notice to the Town.
 - f. proof of a current and valid driver's license of the appropriate class issued pursuant to the Highway Traffic Act R.S.O. 1990, c. H.8 as amended from time to time, and any successor thereof.
 - g. a copy of the retainer contract from the Tow Company that the driver is employed.
 - h. a copy of a three (3) year Driver Record Search issued by the Ministry of Transportation, and shall be dated within thirty (30) days of the application.

CONDITIONS:

4. A separate Tow Truck Driver Business License is required for each Tow Company for whom the driver is employed.
5. Every Tow Company shall ensure that he and/or she has sufficient staff in numbers to enable service in transporting vehicles at all times of the day and night.
6. Every Tow Truck Driver shall only operate in association with the Tow Company it is employed with and will accept calls only from a licensed Tow Company.
7. No Licensee or its drivers of a Tow Truck shall fail to ensure that such vehicle is used only as a Tow Truck and is not used as a taxi service or vehicle for hire unless otherwise licensed under the provisions of this By-law.
8. Every Licensee shall provide the current tow rates and charges in such a manner as to be conveniently seen and read by passengers.
9. No Licensee shall fail to advise the Issuer of Licenses in writing, within fifteen (15) days of any change in any license plate issued by the Ministry of Transportation.
10. The Issuer of Licenses may require the Licensee to submit his/her Tow Truck for inspection at any time and at an appointed place and the Licensee shall submit each Tow Truck for inspection when required to do so by the Issuer of Licenses.

OPERATIONAL REQUIREMENTS:

11. For the purpose of this By-law, the age of any motor vehicle shall be determined by counting the model year as the first year. No motor vehicle more than eight (8) years old may be plated as a Tow Truck.
12. Every Licensee and its drivers of the Tow Truck shall maintain the interior and exterior in good repair and in clean and sanitary condition at all times. Without limiting or restricting the generality of this section, good repairs include:
 - a. equipped with an extra tire, wheel and jack (ready to use);
 - b. free from mechanical affects;
 - c. equipped with an interior light in proper working order;
 - d. free from exterior body damage and maintained exterior paint finish.
13. If the Licensee or its drivers of the Tow Truck receive notice, either verbally or in writing, that such Tow Truck is not in a fit and proper condition for use, shall cause same to be in a fit and proper condition and shall submit the vehicle for re-inspection before being returned to service.
14. No Licensee or its drivers of the Tow Truck shall operate any vehicle as a Tow Truck unless such vehicle is approved by the Issuer of Licenses and is equipped with more than two (2) or more access doors.
15. No Tow Truck Driver shall fail to place the Tow Truck driver's identification card, issued by the Town, in such a manner as to be conveniently seen and read by passengers.
16. Tow Truck Drivers shall ensure permission is given either verbally or written before towing a vehicle and this information must be recorded.
17. No Tow Truck Driver shall fail to travel by the most direct route to the point of destination unless otherwise directed by the person engaging the service of the Tow Truck.
18. Every Tow Truck Driver shall use his/her vehicle for one (1) specific trip for the transportation of a motor vehicle, charging only the fees as set out in the approved list of rates and charges.
19. Every Tow Truck Driver shall notify the hirer where the vehicle is being towed and shall provide access to the vehicle between the hours of 8:00a.m. to 5:00p.m. on any business day, free of charge.

20. Every Licensee and its drivers shall keep an orderly record of all calls answered, showing the date, time, origin, destination, Tow Truck vehicle number, and the name of the driver. The records shall be retained for a period of eight (8) months from the date of entry.
21. No Tow Truck Driver shall permit a Person to be a passenger in a Tow Truck, except under the following circumstances:
 - a. the passenger is the Hirer of the Tow Truck; or
 - b. the passenger is either the spouse, child, or parent or similar relation in law of the Tow Truck Driver and in such cases, the driver is not to solicit a tow, engage in any form of towing or have his/her Tow Truck within two hundred (200) meters of the collision scene nor shall the driver cause or permit his/her passenger to solicit a tow or take any actions to engage in any form of towing.
22. Every Tow Truck Driver shall clean up any debris, fragments of glass, vehicle parts, or other materials (excluding loads dumped during the collision) and which may be a danger to the public from any highway or roadway prior to towing the vehicle from the collision scene.

SIGNAGE REQUIREMENTS:

23. Each vehicle used as a Tow Truck must bear a valid Province of Ontario license plate.
24. Each vehicle used for a Tow Truck must bear a valid Town of Wasaga Beach License decal and/or plate.
25. All Tow Trucks must display signs, clearly visible to other motorists from all angles, identifying the motor vehicle as a Tow Truck;
26. All Tow Trucks must display signs, clearly visible to other motorists from all angles, identifying the name and telephone number of the holder of the Tow Company Business License.
27. No holder of a Tow Company Business License shall make use of a motor vehicle that displays any sign identifying any holder of a Tow Company Business License other than the holder of the Tow Company Business License himself/herself; or
28. No holder of a Tow Truck Driver Business License shall make use of a motor vehicle that displays any sign identifying any Tow Company other than the Tow Company, which is a party to the Retainer Contact under which the Tow Truck Driver is employed.