

BY-LAW NUMBER 128 OF 2017
OF THE CITY OF SARNIA
(As Amended by By-Law No. 127 of 2019, 14 & 20 of 2020 & 128 of 2021)

“A By-Law to provide for the Licensing and regulation of various businesses”

(Re: Business Licencing By-Law)

WHEREAS in paragraph 11 of subsection 11(3) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting Business Licensing;

AND WHEREAS pursuant to the provisions of Part IV of the Municipal Act, 2001, as amended, a municipality may pass by-laws for licensing, regulating and governing businesses;

AND WHEREAS the Council for the City of Sarnia considers it necessary and desirable for the public to exercise its licensing powers for the purposes of:

- i) Health, safety and well-being of persons; and/or
- ii) Nuisance Control; and/or
- iii) Protection of persons and property, including consumer protection;

AND WHEREAS section 23.2 of the Municipal Act, 2001 permits a municipality to delegate certain legislative and quasi-judicial powers;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF SARNIA ENACTS AS FOLLOWS:

Table of Contents

CONTENTS

Part 1 - Definitions 3

Part 2 - General Procedures..... 5

Part 3 – Adult Video Store 15

Part 4 – Auctioneer 17

Part 5 – Body Piercing/Scarification/Tattooing 19

Part 6 – Circus / Midway 22

Part 7 – Commercial Cattery and Dog Kennels..... 23

Part 8 – Eating Establishments..... 24

Part 9 – Master Plumber 24

Part 10 – Pet Shops 26

Part 11 – Public Hall 28

Part 12 – Refreshment Vehicles..... 29

Part 13 – Rooming or Boarding House..... 31

Part 14 – Salesperson..... 32

PART 15 – PAYDAY LOAN ESTABLISHMENT 36

Part 16 - Salvage Yard 39

Part 17 – Second Hand Goods 41

Part 18 – Enforcement 45

Schedule "A" of Business Licencing By-Law 48

Schedule "B" of Business Licencing By-Law 49

PART 1 - DEFINITIONS

Definitions

1 (1) In this By-law:

"Business" means any business wholly or partly carried on within a Municipality even if the business is being carried on from a location outside the Municipality and includes,

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

but does not include:

1. A manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail.
2. The sale of goods by wholesale.
3. The generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.

"By-Law Enforcement Officer" shall include a Police Officer and a By-Law Enforcement Officer of The Corporation of the City of Sarnia.

"Chief of Police" means the Chief of the Police Force of the City of Sarnia;

"City" shall mean The Corporation of the City of Sarnia.

"Clerk" shall mean the City Clerk of The Corporation of the City of Sarnia or a person authorized by him for the purposes of this By-Law.

"Council" shall mean the council of The Corporation of the City of Sarnia.

"City Engineer" shall mean the City Engineer of The Corporation of the City of Sarnia or a person authorized by him for the purposes of this By-Law.

"Director of Planning & Building" shall mean the Director of Planning & Building of The Corporation of the City of Sarnia or a person authorized by him for the purposes of this By-Law.

"Fire Chief" shall mean the Fire Chief of The Corporation of the City of Sarnia or a person authorized by him for the purposes of this By-Law.

"Hotel" shall mean a building in which a minimum of 4 guest rooms are provided for transient lodgers, and may include dining and other public rooms, provided that each guest room may be entered from inside or outside of the building.

"Licencee" shall include a licence holder and/or an applicant, depending on the context.

"Licence Manager" shall be the Chief of Police, or designate, for Second Hand Goods Licence issued under Part 17 of this by-law, and the Clerk for all other licences issued under this by-law.

"Medical Officer of Health" shall mean the Medical Officer of Health for the County of Lambton Community Health Services Department or a person authorized by him for the purposes of this By-Law.

"Owner" shall mean the person, corporation or partnership that carries on the Business and whose name appears on the licence issued by The Corporation of the City of Sarnia.

"Person" shall include an individual, a partnership, and a corporation;

"Sarnia Police Service" means the police services supplied by the Police Services Board for the City of Sarnia;

"Unit" shall mean a room used for sleeping within a Rooming or Boarding House.

PART 2 - GENERAL PROCEDURES

Application & Administration

2.1 All of the regulations contained in the Part of this by-law shall apply to all licenses required under this By-law in addition to any other regulation contained in any other part of this by-law.

Licensing Powers of the Licence Manager

2.2 (1) Notwithstanding any other provision of this by-law, the Licence Manager may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the Licence Manager to give effect to this by-law.

(2) The Licence Manager shall issue a licence or renew a licence where the requirements or conditions of this by-law have been fulfilled.

(3) The Licence Manager may refuse to issue, refuse to renew, revoke, suspend a licence or impose a term or condition on a licence under this By-Law on the following grounds:

(i) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, affords reasonable cause to believe that the

Applicant or Licensee will not carry on or engage in the operation of the Business in accordance with the law or with honesty or integrity;

(ii) an Applicant or Licensee is carrying on activities that are in contravention of this by-law;

(iii) there are reasonable grounds to believe that an application or other documents provided to the Licence Manager by or on behalf of the Applicant or a Licensee contains a false statement;

(iv) any information contained in the original application form or any other information provided to the Licence Manager, has ceased to be accurate and the Licensee has not provided up-to-date accurate information to allow the Licence Manager to conclude that the licence should continue;

(v) an Applicant does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a licence; or

(vi) an Applicant or Licensee is not in compliance with any federal, provincial law or City By-law, including this By-law.

(4) Where the Licence Manager has made a decision under subsection 2.2(3) the Licence Manager's written notice of that decision shall be given to the Applicant or the Licensee by regular mail to the last known address of that person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by regular mail to the address of the corporation's registered head office. The notice shall set out:

a) The grounds for the decision;

- b) Reasonable particulars in support of the grounds;
- c) Signature of the Licence Manager, or assigned;

(5) If the Licence Manager is satisfied that the continuation of a Business poses an immediate danger to the health or safety of any person or to any property, the Licence Manager may, for the time and on such conditions as it considers appropriate, without a hearing, suspend a licence subject to the following:

1. Before suspending the licence, the Licence Manager shall provide the Licencee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.
2. The suspension shall not exceed 14 days.

Where the danger to health or safety has not been resolved within the suspension period, the licence shall be deemed to be revoked and the Licencee will be required to meet all requirements for a new licence as if applying for the first time.

(6) Where no appeal is received by the Licence Manager within the required time period, the decision of the Licence Manager shall be final.

(7) The Licence Manager shall revoke a licence which is voluntarily surrendered by the holder for revocation.

Application Process

2.3 (1) Applications for licences under this By-Law:

- (a) shall be made to the Licence Manager on forms provided by the Licence Manager;
- (b) when received by the Licence Manager, will be stamped with the date and time of receipt and processed in the order in which they are received;

(2) Without limitation, every application for a licence or a renewal shall include the following information:

- (a) the name, municipal address, email address and telephone number of each Applicant;
- (b) if the Applicant is a partnership, the name, address and telephone number of each partner;
- (c) if the Applicant is a corporation, the address of its head office, the name, address, email address and telephone number of each director and officer;
- (d) the municipal address of the premises in which the Business is located;
- (e) a sworn statement by the Applicant certifying the accuracy, truthfulness and completeness of the application;
- (f) if the Applicant is a partnership, a sworn statement by each partner certifying the accuracy, truthfulness and completeness of the application;
- (g) if the Applicant is a corporation, a sworn statement by an officer of the corporation duly authorized for that purpose certifying the accuracy, truthfulness and completeness of the application.
- (h) On application of an initial licence for a Business with a fixed address, a Licencee shall:

- (i) show proof of compliance with the Zoning By-Law, as determined by the Director of Planning & Building; and
 - (ii) show proof of compliance with the Fire Code, as determined by the Sarnia Fire Chief; and
- (i) Prior to obtaining a renewal of a licence for a Business with a fixed address, a Licencee shall show proof of compliance with the Fire Code, as determined by the Sarnia Fire Chief, within the previous twelve (12) months of the date of the application for renewal.

(3) Every application will be subject to review by such Municipal or Provincial Departments or agencies as the Licence Manager deems necessary including, but not limited to, Sarnia Police Service, County of Lambton Community Health Services Department, Sarnia Fire Service, and the Planning and Building Department, as applicable.

(4) Any application, comment, recommendation, information, document or thing in the possession of the Licence Manager pursuant to the provisions of this By-Law shall be made available pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, RSO 1990, c M.56, as amended.

(5) All licence fees are non-refundable, including if the application is refused for any reason or is withdrawn by the applicant prior to the issuance of a licence.

(6) Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold, and renewing a licence:

(a) the Licencee shall pay the applicable licence fee as set out in the Fees for Services By-Law;

(b) the Licencee shall allow, at any reasonable time, the City to inspect the premises used for the Business and the equipment, vehicles and other personal property used or kept for hire in the carrying out of the Business;

(c) the Licencee shall ensure that the premises used for the Business are not constructed or equipped so as to hinder the enforcement of this By-Law;

(d) the conduct of the Licencee shall be such as to not provide reasonable cause to believe that the applicant or Licencee will not operate the Business in accordance with the law or with honesty and integrity;

(e) where the Licencee is a corporation, or a partnership of which a member is a corporation, the conduct of its officers or directors or of a shareholder who owns or controls 10 per cent or more of its issued and outstanding voting and non-voting shares shall not provide reasonable cause to believe that the applicant or Licencee will not operate the Business in accordance with the law or with honesty and integrity;

(f) in addition to the licence fee, a late fee shall apply after March 31 and again after September 1 as set out in the Fees for Services By-Law. Where a Business operates in a particular year, or part thereof, and does not obtain a licence, the fee owing for that unlicensed year shall be added to the next year's licence.

Appeal Process

2.4 (1) Council shall hear appeals of the decision of the Licence Manager made under subsection 2.2(3) for all licences under this by-law.

(2) Council shall make the final decisions on appeal with respect to the decision to issue, refuse to issue, refuse to renew, revoke, suspend a licence or impose a term or condition on a licence under this By-Law.

(3) Within 20 days of the written notice being mailed of the Licence Manager's decision regarding their decision under section 2.2(3), an applicant may appeal the decision to Council by way of written correspondence.

(4) Where the Licence Manager receives a written request for an appeal, the Clerk shall schedule an appeal hearing with Council and issue a notice of the hearing which shall:

(a) contain the reason for the proposed refusal, suspension, or revocation;

(b) specify the time, place and purpose of the hearing of Council which the proposed refusal, suspension or revocation will be considered;

(c) inform the Licencee that he and/or his agent is entitled to attend the hearing and make submissions regarding the proposal and that, in his absence Council may proceed to consider the proposal, and the Licencee shall not be entitled to any further notice in the proceeding

(d) give a minimum of 20 days' notice to the Licencee and to such other persons as appear to have an interest in the recommendation.

(5) At the appeal hearing of Council:

(a) shall allow the Licencee and/or his agent an opportunity of making submissions in respect of the matter before Council and shall have regard to all other rules of natural justice;

(b) may allow any other interested person to make submissions;

(c) may close a portion of the hearing at any time to the public, including the Licencee for the purpose of receiving legal advice;

(d) shall give due consideration to the submissions made to it;

(e) shall take such action issue, refuse to issue, refuse to renew, revoke, suspend a licence or impose a term or condition on a licence; and

(f) shall give written notice of its decision within 15 days of the hearing to the Licencee, together with the reasons for its decision.

(6) At the appeal hearing Council may affirm or rescind the decision or take any other action in accordance with this by-law or the *Municipal Act, 2001*, SO 2001, as amended, including substituting their opinion as necessary his or her opinion for that of the official, agency or inspector

General Licence Parameters

2.5 (1) Every licence remains the property of the City and is valid only in respect of the person, the premises, and for the nature of business stated therein, and no licence may be encumbered, sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with, without written permission from the City.

(2) The licence may be transferred through City Hall for the fee outlined in the Fees for Services By-Law, provided the business name has not changed and the Business has not been closed.

(3) The issuance or renewal of a licence is not intended and shall not be construed as permission by the City for the holder of the licence to contravene any other By-Law or provincial or federal law.

(4) A licence issued under the provisions of this By-Law shall be valid only for the current year and shall expire on December 31, at 11:59 p.m.

(5) Every licence, at all times, is valid only in respect of the person and the premises or of the person named therein and for the Business stated therein. A separate licence shall be required for each Business location

(6) The Licensee shall notify the Licence Manager of any change in their name, Business or home address or any other information relating to their licence within six (6) days after such change and

if necessary, as determined by the Licence Manager, shall immediately return his Licence to the Licence Manager for amendment.

(7) Upon acquiring a licence, a person shall:

- (a) with respect to a premises, display the licence in a conspicuous place in the premises; or
- (b) with respect to a vehicle, display the licence in a conspicuous place in the vehicle; or
- (c) with respect to an individual, maintain the licence on their person while conducting the activity for which the licence was issued;

(8) Notwithstanding any other provision of this By-Law, any vendor selling products at special events only and not at any other location in the City, and who has paid the appropriate fees under the "City of Sarnia Special Events Policy" shall be exempt from the requirement to obtain a licence under the provisions of this By-law.

Prohibitions

2.6 (1) No person holding a licence issued pursuant to this by-law shall fail to:

- (a) With respect to premises, display the licence in a conspicuous place in or on the said premises; or
- (b) With respect to a vehicle, display the licence in a conspicuous place in or on the said vehicle; or

(c) With respect to an individual, maintain the licence on their person while conducting the activity for which the licence was issued.

(2) No person shall hold themselves to be licensed under this by-law if they are not.

(3) No person shall fail to keep any and all of the records required to be kept under the provisions of this by-law.

(4) No person shall operate a Business listed in Parts 3 through 17 without a licence.

(5) No Licencee shall fail to maintain, on a continuous basis, the standards and requirements which were necessary to obtain the original approval of the licence application, or have been imposed since the issuance of the licence.

(6) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law, including carrying out an inspection.

General Enforcement

2.7 This by-law may be enforced by a municipal law enforcement officer appointed by the Council or a police officer with the City of Sarnia Police Services.

PART 3 – ADULT VIDEO STORE

Definitions

3.1 In this part the following definitions apply

"Adult Video Store" means any premises where adult videos are provided in the pursuance of a Business where the adult video display occupies an area greater than 10% of the total video display.

"Adult video" shall mean any video cassette or disc appealing to or designed to appeal to erotic or sexual appetites through the portrayal or depiction on its cover or container by means of photographs, drawings or otherwise of:

- (a) one or more of the specified body areas of any person or persons; or
- (b) one or more of the specified acts whether actual or simulated.

"Specified acts" shall mean sexual intercourse, cunnilingus, fellatio, buggery, bestiality, masturbation, urination or defecation, or the bonding, flagellation, mutilation, maiming or murder of one or more human beings.

"Specified body areas" shall mean:

- (a) in the case of a female, the nipples and areolae; and
- (b) in the case of all persons, the pubic, perineal and perianal areas and the buttocks.

"To provide", when used in relating to any adult video cassette or disc, shall mean to rent, offer to rent, sell, offer to sell or display

by retail or otherwise such video cassette or disc and "providing" and "provided" have corresponding meanings.

Prohibitions

3.2 No Licencee shall allow a person under the age of 18 to enter or remain in an Adult Video Store.

3.3 No person shall use any sign, advertising or advertising device, including any printed matter, outside the premises for the purpose of promoting the store, or any photograph, drawing, or other artistic rendering appealing to erotic or sexual appetites.

Number of Licences Authorized- Limited Number

3.4 The number of licences authorized for an Adult Video Store within the City is limited at any time to three. A Licencee cannot hold more than two Adult Video Store licences at a time. Current licence holders shall have a right of renewal up to and including March 31 of each year. Effective April 1 of each year licences will be issued on a first come first served basis.

PART 4 – AUCTIONEER

Definition

4.1 In this Part:

"Auctioneer" shall mean a person selling, or putting up for sale, goods or services by public auction.

Exemption - From Licence Requirement

4.2 A licence under this By-Law is not necessary for:

- (a) a sheriff or bailiff offering for sale goods or chattels seized under a writ of execution or distained for rent;
- (b) a sale of land by auction; and
- (c) any person who intends to sell, or put up for sale, goods, wares, merchandise or effects by public auction, if such person has engaged the services of a licenced Auctioneer to conduct the sale.

Licence Requirements

4.3 Prior to obtaining a licence a Licencee shall:

- (a) provide a clear criminal record check showing no unpardoned offences.

Auctioneer- Licence Requirements

4.4 Every Auctioneer shall:

- (a) exhibit in a conspicuous manner its name and Business as Auctioneer;
- (b) keep proper books of account of the Business transacted by him as an Auctioneer, which books shall give the names and addresses of persons depositing goods with him for sale, the description of such goods, the price at which the same may be sold, and the names and addresses of the persons purchasing such goods, or any portion thereof, and shall forthwith after the sale of such goods, or any portion thereof, account for the proceeds and pay the same to the person entitled to such proceeds less his proper and legal commissions and charges, and return such goods to the person or persons entitled to receive the same on proper demand being made therefore, provided that nothing contained in this clause shall affect the claim of any

Auctioneer for goods warehoused with him and on which he shall have made advances;

(c) state their Municipal Licence Number in all advertisements; and

(d) make available all books during Business hours for inspection by a By-Law Enforcement Officer.

Prohibitions

4.5 No Auctioneer shall:

(a) conduct or permit to be carried on in his premises any mock auction;

(b) knowingly make or permit to be made any misrepresentation as to the quality or value of any goods, wares or merchandise which may be offered for sale by him;

(c) sell or put up for sale by auction, any goods, wares or merchandise on a reserve bid basis without first having announced clearly to those in attendance at the auction the fact of such reserve bid;

(d) conduct any sale on the streets of the City; or

(e) use any sound equipment, loud-speaker, or similar device emitting sound impacting upon a highway or adjacent lands.

PART 5 – BODY PIERCING/SCARIFICATION/TATTOOING

Definitions

5.1 In this Part:

"Body Piercing" means the practice of inserting ornaments or other items not required for medical purposes into human tissue, excluding the ear, with a needle or other implement.

"Body Piercing Business" means any premises or part of a premises where body piercing is practiced.

"Scarification" means the practice of cutting or abrading human skin to bring about permanent scarring and includes the placement of implants not required for medical purposes beneath the skin.

"Tattoo" means the practice of permanently depositing pigments not required for medical purposes into human skin by the use of a needle or other implement.

"Tattoo/Scarification Business" means any premises or part of a premises where tattooing or scarification is practiced.

Prohibition - Under 18 Years of Age

5.2 No person shall offer any services to a person who appears to be under the age of 18 years, without the written authority of one of the parents or the guardian of such person.

Prohibition - Communicable Disease- Employee

5.3 No holder of a Body Piercing Business licence or Tattoo/Scarification Business licence shall employ any person or permit any person to do any body piercing or tattoo-scarification who has a communicable disease which, in the opinion of the Medical Officer of Health, is injurious, or likely to be injurious, to the health of any person.

Prohibition - Communicable Disease -Customer

5.4 No holder of a Body Piercing Business licence or Tattoo/Scarification Business licence shall permit any person to do any body piercing or tattoo/scarification on any person who has a communicable disease which, in the opinion of the Medical Officer of Health, is injurious, or likely to be injurious, to the health of any person.

Premises- Clean and Sanitary Condition

5.5 Every holder of a Body Piercing Business licence or Tattoo/Scarification Business licence shall keep the Body Piercing Business or Tattoo/Scarification Business in a clean and sanitary condition to the satisfaction of the Medical Officer of Health.

Licence Requirements

5.6 Prior to obtaining a licence a Licencee shall:

- (a) show proof of compliance with a health inspection, as determined by the Medical Officer of Health; and
- (b) proof of commercial general liability insurance in the amount of not less than Two Million Dollars (\$2,000,000.00).

Renewal Licence Requirements

5.7 Prior to obtaining a renewal of a licence a Licencee shall:

- (a) Show proof of compliance with a health inspection, as determined by the Medical Officer of Health; and
- (b) Proof of Commercial General Liability insurance in the amount of not less than Two Million Dollars (\$2,000,000.00).

PART 6 – CIRCUS / MIDWAY

Definitions

6.1 In this Part:

"Circus" shall mean a traveling variety show including feats of physical skill, or performances by jugglers, acrobats, trained animals, or clowns; and

"Midway" shall mean a traveling entertainment facility featuring rides of amusement, games and other forms of amusements.

Licence Requirements

6.2 Prior to obtaining a licence a Licencee shall:

(a) Where the Circus or Midway includes rides or like contrivances:

(i) show a licence to carry on Business in Ontario issued by the Technical Standards & Safety Authority, and

(ii) show an Ontario Amusement Device Permit issued by the Technical Standards and Safety Authority, for each ride;

(b) Where the Circus or Midway is to be held on private property:

(i) show written permission from the landowner of the lands being used;

(ii) show a sketch detailing the location of the Circus or Midway on the property; and

(iii) show proof of commercial general liability insurance of not less than \$5,000,000.00 coverage per incident; and

(c) Where the Circus or Midway is to be held on City property:

(i) show an agreement signed by the Community Services Department;

(ii) show an Indemnification Agreement obtained from the Legal Department; and

(iii) show proof of commercial general liability insurance of not less than \$5,000,000.00 coverage per incident and listing the City as an additional insured.

Licence- Valid

6.3 A licence issued under this Part shall be valid for the period of time stipulated in the written permission from the private property owner or the City, up to a maximum of fifteen (15) days.

PART 7 – COMMERCIAL CATTERY AND DOG KENNELS

Definitions

7.1 In this Part:

"Cattery" or "Kennel" shall mean an establishment in which three or more cats and/or dogs, not belonging to the occupant, are housed, boarded or bred, in return for consideration.

PART 8 – EATING ESTABLISHMENTS

Definitions

8.1 In this Part:

"Eating Establishment" shall mean a place, or part of a place, where food is prepared on site and offered for sale to the public for consumption either on or off the premises.

PART 9 – MASTER PLUMBER

Definitions

9.1 In this Part:

"Master Plumber" shall mean a person who is skilled in the planning, supervising and installation of plumbing, according to the rules and regulations governing plumbing, and who has a regular place of Business in Ontario.

"Plumbing" shall include:

- (a) a system of connected piping, fittings, valves and appurtenances that receives water from a private source of water supply or from a public water main and conveys the water into and within a building or to a place of use on a property;
- (b) fixtures and fixture trim;
- (c) drainage piping, including all traps, fittings and appurtenances, within a building;
- (d) storm drainage piping within a building; and
- (e) a venting system, including all fittings and appurtenances.

"plumbing work" shall mean plumbing which is performed by a person to premises other than his own, and in the case of an employee, to premises other than that owned by the employer, but does not include the replacement of a hot water heater.

Exceptions

9.2 The provisions of this By-Law shall not apply to:

- (a) the installing or changing of washers in faucets or in other fixtures;
- (b) work performed on any underground transmission line for warm air, steam, gas, oil, oxygen, or other fluid by the owner thereof, or his regular employees under competent direction and supervision; or
- (c) work performed on or under any City property or building, street, square, footway or right-of-way by or under the supervision of the City Engineer.

Licence and Renewal Requirements

9.3 Prior to obtaining a licence a Licencee shall provide:

- (a) proof of current certification as a Plumber as issued by the Ministry of Trade and Development under the Trades Qualification and Apprenticeship Act;
- (b) a mailing and municipal address of the permanent or regular place of Business in the Province of Ontario;
- (c) Proof of commercial general liability insurance in the amount of not less than Two Million Dollars (\$2,000,000.00);

(d) proof that the applicant for the licence or renewal has a current Certificate of Clearance as provided by the Workplace Safety and Insurance Board at the time of application where applicable.

Supervision- Plumbing Contractor

- 9.4 (a) a Master Plumber shall notify the City forthwith upon ceasing to act as a Master Plumber for one Plumbing Contractor and upon commencing to act as a Master Plumber for another Plumbing Contractor; and
- (b) no person licenced as a Master Plumber shall be in the employ of more than one Plumbing Contractor at any one time.

Operate- Licenced Business Only

- 9.5 No person licenced to carry on Business under this By-Law shall advertise or promote or carry on such Business under any name other than the name endorsed upon his licence.

PART 10 – PET SHOPS

Definitions

- 10.1 In this Part:

"Pet Shop" means a premises where dogs or cats for use as pets are sold or kept for sale, but does not include the Sarnia & District Humane Society.

Licence General Requirements

- 10.2 Every Pet Shop shall comply with the following requirements in the operation of the pet shop:

(a) the pet shop shall be maintained at all times in a sanitary, well-ventilated, clean condition, heated and free from offensive odours; and

(b) whenever a Pet Shop sells or otherwise disposes of a dog or cat, he or she shall give to the purchaser a receipt showing the name and address of the vendor and the purchaser, the date of the sale, the sale price, and the breed or cross-breed, sex, age and description, including colour and placing of markings, if any, of the dog or cat, and an up-to-date certificate of health from a veterinarian with respect to such dog or cat. Copies of all dog and cat sales are to be submitted to City Hall, Animal Control on a monthly basis.

Licence Register Requirements

10.3 (a) Every Pet Shop shall keep a register in which shall be entered in the English language, written in ink, in a plain, legible hand or typed, a record of each dog or cat purchased or otherwise obtained. Each entry shall be made at the time each dog or cat comes into such Pet Shop's possession, and shall include, in addition to the date of purchase, a full description of the dog or cat, together with the name, address and description of the person from whom it was purchased or otherwise obtained. The Pet Shop shall retain the register in respect of each such transaction for the period of 12 months thereafter.

(b) Every Pet Shop shall ensure that the aforesaid register is not mutilated or destroyed and shall keep it open to inspection by the City Licence Manager at all times during business hours and shall

make it available to be removed at any time for inspection or for use in the courts, if necessary. The Pet Shop shall not be responsible for neglecting to make the necessary entries in the said register while it is removed from his or her premises for this reason.

Open for Inspection

10.4 The Sarnia & District Humane Society or its designate, the City Licence Manager and any other person authorized by the City Licence Manager may inspect any Pet Shop.

PART 11 – PUBLIC HALL

Definitions

11.1 In this Part:

"Public Hall" shall mean a building, including a portable building or tent, with seating capacity for over one hundred persons, that is offered, or is used, as a place of public assembly, and includes a theatre and bingo hall, but does not include a building owned by a board of education or municipality and does not include a building used solely for religious assembly.

Licence Requirements

11.2 Prior to obtaining a licence a Licencee shall:

(a) show proof of compliance with the Electrical Safety Code, as determined by an authorized inspector, which certificate, may be dated anytime within the previous three (3) years of the date of application.

Maximum Capacity- Prohibited to Exceed

11.3 No owner, lessee, Licencee, or occupant of a public hall shall allow a greater number of persons to enter or remain in the hall at any one time than is stated to be the maximum capacity of the hall on the licence as determined by the Fire Chief.

PART 12 – REFRESHMENT VEHICLES

Definitions

12.1 In this Part:

"Refreshment Vehicle" shall mean any vehicle from which refreshments are sold for consumption by the public and includes, but is not limited to, tricycles, carts, wagons, trailers, trucks, and mobile canteens, irrespective of the type of power employed to move the refreshment vehicle from one point to another.

Refreshment Vehicle Licence -Separate - Each Vehicle

12.2 Each Refreshment Vehicle requires a separate licence.

Licence Requirements

12.3 Prior to obtaining a licence a Licencee shall:

- (a) show proof of \$2,000,000.00 commercial general liability insurance coverage with respect to their Refreshment Vehicle operations;
- (b) obtain a letter of permission from the owner of private property where the vehicle is to be situated;
- (c) where applicable, show proof of compliance with all propane safety requirements as determined by a certified

inspector in accordance with the Technical Standards and Safety Authority.

Operator- Responsibility- Matters - Prohibited

12.4 No person shall:

- (a) operate the Business of a Refreshment Vehicle within twenty feet (20') of the entrance to any building or within twenty feet (20') of a bus stop area;
- (b) operate the Business of a Refreshment Vehicle in front of any window of any building so as to obstruct the view from such or the view from outside the building through such window to any display within the building;
- (c) operate a Refreshment Vehicle on City property unless approved by the City;
- (d) operate a Refreshment Vehicle within a distance of 90 metres (300') or less from the front entrance of an eating establishment, if the Refreshment Vehicle offers for sale the similar food products as does the eating establishment;
- (e) operate a Refreshment Vehicle within 180meters or (600') from another Licenced Refreshment Vehicle;
- (f) operate a Refreshment Vehicle without the vehicle having the name of the Licencee displayed on two sides thereof in letters at least 10 centimetres (4") in height;

Equipment- Disposal Dispenser

12.5 The refreshment vehicle shall be equipped with:

- (a) a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or

(b) a disposable litter container which shall be replaced daily.

PART 13 – ROOMING OR BOARDING HOUSE

Definitions

13.1 In this Part:

"Lodger" shall mean any person who pays consideration to a Rooming or Boarding House keeper for living accommodations in which kitchen or washroom facilities are shared with other persons.

"Rooming or Boarding House" shall mean a dwelling where 3 or more persons are accommodated for gain without separate cooking and washroom facilities, for not less than a week, and shall include a fraternity or sorority house, but shall not include a hotel, motel, hostel, hospital or nursing home if licenced, approved or supervised under any general or special Act other than the Municipal Act, or a residence of an educational institution.

Licence Requirements

13.2 Prior to obtaining a licence a Licencee shall:

(a) Indicate the number of Units available for occupancy by Lodgers.

Renewal Licence Requirements

13.3 Prior to obtaining a licence a Licencee shall:

(a) show proof of compliance with the Fire Code, as determined by the Sarnia Fire Chief; and

(b) indicate the number of Units available for occupancy by Lodgers.

Prohibition - Failure to Comply

13.4 No person operating a Rooming or Boarding House shall:

- (a) allow more rooming or boarding Units than the number for which the premises are licenced;
- (b) allow occupancy by more Lodgers than the number of Units for which the premises are licenced; or
- (c) fail to keep and maintain a register of all resident Lodgers.

Prohibition - Sleeping Purposes

13.5 No person shall permit any Lodger to occupy for sleeping purposes any space in a building used as a lobby, hallway, closet, bathroom, stairway, kitchen, nor any room having a floor space of less than eighty (80) square feet nor any room the floor of which is more than four (4) feet below the finished grade of the land adjoining the premises.

PART 14 – SALESPERSON

Definitions

14.1 In this Part:

“Resident” shall mean a person whose principal residence is in the City, or who operates a Business in a building which is subject to property tax in the City, for at least six months of the year.

“Non-Resident” shall mean a person who is not a resident.

"Salesperson" shall mean a natural person which sells, or offers for sale, goods or services at a temporary location, or who goes from place to place, or door to door, or who carries and displays samples, patterns or specimens of any goods or services for which orders are taken.

"Local Retailer" shall mean any person which provides for the selling or offering for sale of goods or services at a building or structure located within the City which is subject to property tax in the City.

"Registered Charitable Organization" shall mean any charity that is registered with Canada Revenue Agency and has a registered charity number.

Licence - Length of Time

14.2 A Salesperson licence can be obtained for:

- (a) Yearly- 1 year,
- (b) Seasonal- three (3) consecutive months, or
- (c) Daily- three (3) consecutive days.

Fees

14.3 A different licence fee shall apply for a resident salesperson versus a nonresident salesperson, as outlined in the Fees For Services Bylaw.

Licence -Times

14.4 No person shall engage in the Business of a Salesperson before 9:00 a.m. or after 9:00 p.m.

Prohibition - Signage

14.5 No Salesperson shall erect signs or display goods on any public property including any public road allowance.

Prohibition - Private Property

14.6 No person shall allow a Salesperson to operate on their property unless the Salesperson is licenced.

Prohibition - Municipal Property- Permit- City

14.7 No person shall operate as a Salesperson on Municipal property without written permission from the City.

Exemption from Licence

14.8 The following natural persons shall be exempt from obtaining a Salesperson licence for Business conducted on behalf of:

- (a) a registered charity and not-for-profit organizations;
- (b) local retailers shall be allowed one temporary location, in addition to their permanent location, provided that the goods or services offered for sale at the temporary location are the same goods or services offered for sale at their permanent location for at least three (3) months prior to their obtaining the temporary location;
- (c) resident farmers who sell goods that have been grown or produced by them;

- (d) goods sold at a Special Event as defined by City Policy and for which a Special Events Permit has been obtained; and
- (e) part time salespersons through "home parties".

Licence - Posted- in Possession

14.9 Every person obtaining a licence which applies to a premises or a vehicle shall:

- (a) keep the licence posted up in a conspicuous place in such premises or vehicle and the said licence shall remain so posted as long as it is in force.
- (b) salespersons, door to door Businesses, trades and callings, and any other person obtaining a licence which is personal to the individual, rather than a premises, shall have such licence in his possession at all times and shall produce same to anyone who requests him to do so.
- (c) state their Municipal Licence Number in all advertisements.

Licence Requirements

14.10 Prior to obtaining a licence a Licencee shall:

- (a) show proof of permission from the property owner, if applicable; and
- (b) provide a clear criminal record check showing no unpardoned offences; only if selling door-to-door.

PART 15 – PAYDAY LOAN ESTABLISHMENT

Definitions

15.1 As used in this Part:

“Operator” shall mean the operator of a payday loan establishment;

“Payday Loan Establishment” shall mean any premises or any part of them in respect of which a licensee within the meaning of the *Payday Loans Act, 2008, S.O. 2008 c. 9* may operate a business pursuant to a licence issued under that Act.

Licence Requirements

15.2 No person shall act as a lender or loan broker, as defined in the *Payday Loans Act, 2008* unless they hold a valid licence as a lender or a loan broker under the *Payday Loans Act, 2008* and a valid licence under this by-law.

15.3 No person, except a person who holds a valid licence as a lender or a loan broker under the *Payday Loans Act, 2008* as of May 1, 2018, may be licensed under this by-law.

15.4 Every person who holds a valid licence as a lender or a loan broker under the *Payday Loans Act, 2008* as of May 1, 2018 shall be required to obtain a licence under this by-law.

15.5 A Person or entity who wishes to apply for a licence shall supply the following:

- (a) The name of the Applicant in who's name the licence shall be issued;
- (b) All business addresses and relevant contact information as may be required by the City;
- (c) Proof of a valid licence issued under the *Payday Loans Act, 2008*, including the applicable licence number;
- (d) Confirmation from the Director of Community Development Services and Standards that the use is permitted in accordance with City's Zoning By-Law;
- (e) A clear criminal record check showing no unpardoned offences; and
- (f) Proof of commercial general liability insurance in the amount of not less than Two Million Dollars (\$2,000,000.00).

15.6 Every Payday Loan Establishment operator shall have a separate Licence for each Payday Loan Establishment Location.

15.7 An operator shall:

- (a) Inform the City immediately if the licensee's licence under the *Payday Loans Act, 2008* is suspended, ceases to be valid, is revoked or expires; and
- (b) Operate only at the location(s) authorized by the licence issued under the *Payday Loans Act, 2008* and this by-law.

15.8 If an operator's licence under the *Payday Loans Act, 2008* is suspended, ceases to be valid, is revoked or expires, the licence issued under this by-law shall be immediately suspended for the entirety of the period that the licence under the *Payday Loans Act, 2008* is suspended, ceases to be valid, is revoked or expires.

15.9 No new Licence shall be issued for a Payday Loan Establishment if the proposed site is located within 500 metres of an existing Payday Loan Establishment that is properly licensed.

Number of Licences

15.10 The number of licences that can be issued and outstanding within the City of Sarnia for Payday Loan Establishments at any time is limited to seven (7).

15.11 Notwithstanding subsections 15.4 and 15.5 of this By-Law, any Payday Loan Establishment existing on February 10, 2020 may continue to operate in the same location provided:

- (a) The operator had a current and valid Licence on February 10, 2020;
- (b) The operator obtains a Payday Loan Establishment Licence by June 1, 2020;
- (c) The business is operated continuously as a Payday Loan Establishment;
- (d) The business is, at all times, operated in compliance with this By-Law and all applicable municipal, provincial and federal laws; and
- (e) The Payday Loan Establishment Licence is renewed annually.

15.12 The Payday Loan Establishments at the following locations are deemed to be existing on February 10, 2020 for the purposes of section 15.6 of this By-Law:

- (a) 286 Christina St. N.
- (b) 1137 Confederation Street
- (c) 559 Exmouth Street
- (d) 450 Exmouth Street
- (e) 889 Exmouth Street (x2)
- (f) 1200 London Road
- (g) 1248 London Road
- (h) 1273 London Road

Requirements of the Permit

15.13 An operator shall ensure that each person who attends at their payday loan establishment is given, immediately on expressing an interest in a loan, credit counselling information that has been approved in advance by the City.

PART 16 - SALVAGE YARD

Definitions

16.1 In this Part:

“Salvage Business” means salvage shops and salvage yards, including an automobile wrecking yard or premises;

Licence Requirements

16.2 Prior to obtaining a licence, to be known as a "Salvage Licence", the owner or keeper of every Salvage Business shall:

- (a) cause any open salvage yard to be enclosed with an eight foot (8') minimum chain link fence, and any such fence shall be in accordance with the minimum specifications set forth in Schedule "A" to this By-Law, except that with respect to the sides of a salvage yard which abut a public street, a solid type fence of wood or other material shall be erected in accordance with the minimum specifications and subject to the conditions set forth in Schedule "B" of this By-Law;
- (b) not pile or store, or permit to be piled or stored, therein any materials higher than 15 feet;
- (c) show proof of compliance with the Zoning By-Law, as determined by the Director of Planning & Building;
- (d) apply for a separate licence shall be required in respect to each and every shop, store or other place used for the transaction of Business or for taking in or storing goods purchased or otherwise obtained under any licence required by this By-Law;
- (e) list the name and residence of all members of the partnership, if the Business licensed under this By-Law is carried on by a partnership.

Prohibition - No Purchase from Minors

16.3 No person licensed under this By-Law shall purchase, take in exchange or receive any goods, articles or thing from any person who is under the age of eighteen years.

PART 17 – SECOND HAND GOODS

Definitions

17.1 In this Part:

"Second-hand Goods" means any article taken from the owner for resale, and includes:

- i) waste paper, rags, bottles, bicycles, automobile tires, old metal and other scrap material and salvage;
- ii) jewelry, antiques and collectables;
- iii) household furniture and appliances, electronic goods and office equipment; and
- iv) old gold and other precious metals and old jewelry or any other articles acquired for the purpose of smelting the same and recovering the gold therefrom;

"Second-hand Goods Business" means second-hand goods shops and dealers in second-hand goods, including persons who go from house to house or along highways to collect, purchase or obtain second-hand goods;

"Second-Hand Dealers' Register" are forms/template supplied by the City of Sarnia;

Licence Requirements

17.2 Prior to obtaining "Second-hand Dealer's Licence", the applicant shall:

- (a) apply for a separate licence shall be required in respect to each and every shop, store or other place used for the transaction of Business or for taking in or storing goods

purchased or otherwise obtained under any licence required by this By-Law; and

(b) provide a clear criminal record check showing no unpardoned offences.

Prohibitions

17.3 No person with a Second-hand Dealer's Licence shall:

(a) purchase, take in exchange or receive any goods, articles or thing from any person who is under the age of eighteen years;

(b) shall alter, repair dispose of, or in any way part with second-hand goods purchased or taken in exchange until after the expiration of thirty (30) clear days, exclusive of Sundays and holidays, from the date of purchase or exchange, and during these thirty (30) days the secondhand goods so obtained shall remain on the premises in respect to which the licence is issued and be kept in a separate location from goods previously purchased, and shall be subject to inspection at any time during the Business hours by any By-Law Enforcement Officer, who may be accompanied by such other persons as in his judgment may be necessary for the identification of goods reported or suspected of having been stolen; and

(c) pass from house to house or along any private street or lane or public highway in the City of Sarnia for the purpose of collecting, purchasing or obtaining Second-hand Goods between 6:00 p.m. on any day and 7:00 a.m. on the next following day.

BLW 127/19

17.3(1) Notwithstanding Section 17.3(b), a person holding a Second-hand Dealer's License may sell or dispose of scrap metal, other than precious metals and jewelry, with no holding period.

Duty to Report

17.4 Every person holding a Second-Hand Dealer's Licence, or any person acting agent of any such person, shall report promptly to the Sarnia Police Service any information he obtains which causes him to suspect that goods or articles offered to him are stolen or otherwise unlawfully obtained, together with particulars of any article with an altered, obliterated, removed or otherwise indistinguishable serial number.

Record Keeping

17.5 Every person holding a Second-hand Dealer's Licence under this By-Law shall:

(a) clearly record on the Second-Hand Dealers' Register all second-hand goods purchased or taken in exchange. The entry must be made at the time of purchase or immediately thereafter, and shall include, in addition to the date and hour of purchase, a full description of the article or articles, the make, model and serial numbers, the price paid therefor, and the name, address and particulars of identification produced of the person from whom the purchase was made.

(b) ensure that the Second-Hand Dealers' Register is not modified, mutilated or other otherwise destroyed.

(c) present the Second-Hand Dealers' Register for inspection to any By-Law Enforcement Officer at all times during Business hours.

(d) transmit by facsimile, or deliver, or cause to be delivered to the office of the Chief of Police, not later than noon of each Business day, including Saturday, a true copy of every Second-Hand Dealers' Register form used in the preceding business day, and shall retain on the premises the original of the said form.

Register Ownership and Inspection

17.6 The said Second-Hand Dealers' Register form shall remain the property of the City.

Exemptions

17.7 Notwithstanding any other provisions in this part, no licence shall be required by:

(a) a registered charity or not-for-profit organizations, including natural persons conducting business on behalf of a registered charity or not-for-profit organizations;

(b) to a person whose primary Business is in the sale of new goods or merchandise and who purchases, sells, exchanges or deals in second-hand goods only to the extent of purchasing traded-in articles the value of which is applied against the purchase price of new goods and who subsequently resells such traded-in articles.

PART 18 – ENFORCEMENT

Fine - for contravention

18.1 Every person who contravenes a Part of this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.

Fine - for contravention - corporation

18.2 Where a corporation is convicted of an offence under subsection 20.1 or 20.2 of this by-law, the maximum penalty that may be imposed on the corporation is \$50,000, and not as provided in those subsections.

Premises closed - operating without licence - two years

18.3 Where an owner is convicted of knowingly carrying on or engaging in a trade, business or occupation on, in or in respect of any premises or any part of any premises without a licence required by this by-law, the court may order that the premises or part of the premises be closed to any use for any period not exceeding two years.

Premises closed - other contraventions - two years

18.4 Where a person is convicted of a contravention of this by-law, other than carrying on or engaging in a trade, business or occupation without a licence so to do, and the court determines that the owner or occupant of the premises or part thereof in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject matter of the conviction or of any pattern of similar conduct, the court may

order that the premises or part thereof be closed to any use for a period not exceeding two years.

Continuation – Prohibition order

18.5 If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order;

(a) Prohibiting the continuation or repetition of the offence by the person convicted; and;

(b) Requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Integrity of by-law - severability

18.6 Notwithstanding that any Part or Parts, section or sections of this by-law, a part or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such Part or Parts, section or sections or a part or parts thereof shall be deemed to be severable, and all other sections of this by-law, or parts thereof, are separate and independent therefrom and enacted as such.

Conflicts

18.7 With the exception of section 16.2(a), if there is a conflict between a provision in this by-law, the *Municipal Act, 2001*, SO 2001, c 25, as amended, and a provision of any other Act authorizing a municipality to license a Business, the provision that is less restrictive of the City's power prevails.

Time

18.8 All days stated within this By-Law shall be calendar days. Where the time for doing an act ends on a day that the Licence Manager's office is not open, the act may be completed on the next day that the Licence Manager's office is open.

Effective Date

18.9 This By-Law comes into force and effect January 1, 2018.

Repeals

18.10 Bylaw 127 of 2011 of the City of Sarnia is repealed.

Short title

18.11 The short title of this by-law is the "Business Licencing By-Law".

By-Law Read a First, Second and Third time this 20 day of November, 2017.

"Dave Boushy"

Dave Boushy
Acting Mayor

"Dianne Gould-Brown"

Dianne Gould-Brown
City Clerk

SCHEDULE "A" OF BUSINESS LICENCING BY-LAW

Height:	8 foot minimum
Fabric:	Number 9 gauge with 2 inch steel mesh, hot dip galvanized after fabrication
Line Posts:	2-3/8 inch O.D. galvanized steel pipe
Lost Spacing:	Not over 10 feet
Top Bail:	1-11/16 inch O.D. steel pipe or high carbon tubing hot galvanized
End, gate and corner posts:	3-1/2 inch O.D. galvanized steel pipe
Braces	1-11/16 inch O.D. galvanized steel
Miscellaneous	-clamps, bolts, tension bars, bands and couplings to be steel hot dip galvanized -hinges, latches, turnbuckles to be of malleable iron hot dip galvanized

Barbed wire, where used, shall be placed six (6) feet or more above grade and if used on an outrigger arm shall not overhang City property.

- Maintenance
- Fences shall be maintained in a bright neat condition. Rust spots, when they appear, shall be painted with aluminum paint.
 - Materials shall not be piled too close to a fence as to cause the fence to lean or to damage galvanized coating.

SCHEDULE "B" OF BUSINESS LICENCING BY-LAW

Height:	8 foot minimum, with a 10 foot maximum height with respect to any such fence constructed at the side of the salvage yard abutting a public street
Painting:	the exterior of the fence shall be painted and repainted in a neat and workmanlike manner when necessary; the colour shall be approved by the City Engineer of the City of Sarnia
Posters:	any posters, advertising, drawings or writing appearing on the exterior of any such fences shall be removed immediately
Maintenance:	materials shall not be piled closer to a fence than four (4) feet