



By-law 2006-266 – As amended

This By-law printed under and by the authority of the Council of the City of Barrie

A By-law of The Corporation of the City of Barrie to amend By-law 2006-266 being a by-law to licence, regulate and govern businesses carried on within the municipality.

Disclaimer:

The following consolidation is an electronic reproduction made available for information only. It is not an official version of the By-law. The format may be different, and plans, pictures, other graphics or text may be missing or altered. The City of Barrie does not warrant the accuracy of this electronic version.

This consolidation cannot be distributed or used for commercial purposes. It may be used for other purposes, only if this disclaimer is repeated as well as the notice of copyright.

Official versions of all By-laws can be obtained by contacting the Legislative and Court Services Department at cityclerks@barrie.ca or by phone 705-739-4220 ext. 5500.



BY-LAW NUMBER 2006-266
(As amended)

A By-law of The Corporation of the City of Barrie to amend By-law 2006-266 being a by-law to licence, regulate and govern businesses carried on within the municipality.

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 ("The Municipal Act, 2001") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 9 of the Municipal Act, 2001 provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 10 of the Municipal Act, 2001 provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS Section 151 and Section 160 of the Municipal Act, 2001 provides that a local municipality may provide for a system of licenses with respect to a business and pass by-laws licensing businesses under any section of the Municipal Act or any other Act.;

AND WHEREAS pursuant to motion 06-G-522 the Council of The Corporation of the City of Barrie has deemed it expedient to license, regulate and govern various businesses operating within the City of Barrie;

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1.0.0.0.0 **DEFINITIONS**

1.1.0.0.0 For the purpose of this by-law:

1.1.1.0.0 **ALARM INSTALLATION CONTRACTOR** - means a person who installs alarms or other warning or sounding devices which are intended to alert as to an impending danger or risk and shall include but is not limited to fire alarms and burglar alarms.

1.1.2.0.0 Deleted

1.1.3.0.0 **ANTIQUE** - for the purpose of this Section, antique shall mean any good, object, material, merchandise or item of any kind which is of a higher value because of its age, and in the case of vehicles such age shall be 25 years or more.

1.1.4.0.0 Deleted

1.1.5.0.0 **APPLICANT** - means a person who is required to be licensed pursuant to this by-law or who has made application for a licence to the Issuer of Licences and shall include a Licensee.

1.1.6.0.0 **APPROPRIATE AUTHORITY HAVING JURISDICTION** - means:

- a) with regard to Health matters, the Medical Officer of Health, for the Simcoe Muskoka District Health Unit, or his designate(s);
- b) with regard to building matters, the Chief Building Official for the City, or his designate(s); and,
- c) with regard to Fire safety matters, the Chief Fire Official for the City, or his designate(s).

- 1.1.7.0.0 Deleted
- 1.1.8.0.0 Deleted
- 1.1.9.0.0 **AUCTIONEER** - means a person who conducts a sale by auction.
- 1.1.10.0.0 **AUCTION** - means a public sale to persons in which bids on goods, articles, merchandise, effects, etc. are received by an auctioneer and where each bid offers more than the last previous bid, the article being put up being sold to the highest bidder. Shall not include a mock auction, silent auction or Chinese auction.
- 1.1.11.0.0 **MOCK AUCTION** - means an imitated sale by auction of goods, articles, merchandise, effects, etc. to persons.
- 1.1.12.0.0 **SILENT AUCTION** - means an auction conducted by means of written bids given on displayed goods wares or merchandise with the final declaration of sale being made to the last individual having submitted a bid on the specified bid sheet for that item.
- 1.1.13.0.0 **CHINESE AUCTION** - means an auction conducted by means of predetermining a set price on an item, thence receiving verbal bids on such an item. The final declaration of sale shall be made to the highest bidder who shall then pay the price, based on the difference between the predetermined price and the highest bid.
- 1.1.14.0.0 **AUTOMOBILE** – means a motor 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 or streetcar.
- 1.1.16.0.0 Deleted
- 1.1.17.0.0 Deleted
- 1.1.18.0.0 Deleted
- 1.1.19.0.0 Deleted
- 1.1.20.0.0 **BARRIE HYDRO INSPECTOR** – means a person who may be appointed by Barrie Hydro Distribution Inc., or his designate.
- 1.1.21.0.0 Deleted
- 1.1.22.0.0 Deleted
- 1.1.23.0.0 Deleted
- 1.1.24.0.0 **BED AND BREAKFAST ESTABLISHMENT** - means a detached residence which is owner occupied and operated to provide the travelling public with sleeping accommodation and meals.
- 1.1.25.0.0 **BODY PIERCING PARLOUR** - means a business or premise where parts of a body are punctured by a sharp-pointed instrument for the purpose of making a hole or opening through which an item may be attached to the body but shall not include a premise which is operated solely for the purpose of piercing earlobes (see Beauty Salon).
- 1.1.26.0.0 **BUILDING RENOVATOR** - means a person who alters repairs or renovates existing buildings or structures.
- 1.1.27.0.0 **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 shall not include:

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

(Municipal Act, S.O. 2001, s. 150 and s. 152)

- 1.1.28.0.0 **BY-LAW** – means any by-law passed by Council.
- 1.1.29.0.0 Deleted
- 1.1.30.0.0 Deleted
- 1.1.31.0.0 Deleted
- 1.1.32.0.0 Deleted
- 1.1.33.0.0 **CARNIVAL** - means a business operating amusement ride(s) or other device(s) and authorized games of chance intended to entertain or amuse or provide entertainment to the public.
- 1.1.34.0.0 **CASH SECURITY DEPOSIT** - means cash or a certified cheque.
- 1.1.35.0.0 Deleted
- 1.1.36.0.0 **CHIEF BUILDING OFFICIAL** - means the person who may, from time to time, be appointed by Council to the position of Chief Building Official in conformity with the provisions of the Building Code Act, .S.O. 1992, c. 23, as amended, or his designate.
- 1.1.37.0.0 **CHIEF FIRE OFFICIAL** - means the person who may, from time to time, be appointed by Council to the position of Chief of Barrie Fire and Emergency Service or his designate.
- 1.1.38.0.0 **CHIEF OF POLICE** - means the person who may from time to time, be appointed by the Barrie Police Services Board to the position of Chief of Police of the Barrie Police Service.
- 1.1.39.0.0 Deleted
- 1.1.40.0.0 Deleted
- 1.1.41.0.0 **CIRCUS** - means a performance exhibiting equestrian, animal, acrobatic and other performances and their equiptage and shall include any other similar show.
- 1.1.42.0.0 **CITY** – means The Corporation of the City of Barrie.
- 1.1.43.0.0 **CITY EMPLOYEE** – means an officer, servant or other employee of the City, but does not include:
 - a) a member of Council;
 - b) a Council appointee to a local board and whose remuneration from the City results from his/her membership on such local board or other body;
 - c) an employee of a local board or other body; or,
 - d) a municipal auditor.
- 1.1.44.0.0 **CITY SOLICITOR** - means the Solicitor for the City.
- 1.1.45.0.0 **CONTRACTOR** – means a person who makes an agreement with another to do a piece of work, retaining in himself control of the means, method and manner of producing the result to be accomplished.

- 1.1.46.0.0 **COTTAGE ESTABLISHMENT** - means a tourist establishment comprising one or more cottages owned or operated by the same person, firm or company.
- 1.1.47.0.0 Deleted
- 1.1.48.0.0 **COUNCIL** – means the Council of The Corporation of the City of Barrie.
- 1.1.49.0.0 **COUNCILLOR** – means a councilor elected in a ward of the City of Barrie to represent the electors of that ward on the Council of the City of Barrie.
- 1.1.50.0.0 Deleted
- 1.1.51.0.0 Deleted
- 1.1.52.0.0 **DOOR TO DOOR SALES/SERVICE PERSON** - means a person who goes from place to place selling or offering for sale a service of any kind or any goods, wares, merchandise or any item for sale or who carries and exposes samples, patterns or specimens of any goods, wares, merchandise or any item which is intended to be delivered in the municipality afterwards.
- 1.1.53.0.0 **DOWNTOWN BUSINESS IMPROVEMENT AREA** – means a specific geographic area designated by Council as the Downtown Business Improvement Area and determined from time to time.
- 1.1.54.0.0 Deleted
- 1.1.55.0.0 Deleted
- 1.1.56.0.0 **DRIVING INSTRUCTOR** - means the person who teaches an individual to operate motor vehicles and receives compensation therefore.
- 1.1.57.0.0 **DRIVING SCHOOL OPERATOR** - means the business of teaching an individual to operate motor vehicles which shall include but is not limited to classroom instruction as well as on-road instruction.
- 1.1.58.0.0 Deleted
- 1.1.59.0.0 **DWELLING UNIT** - means, except for a Boarding, Lodging and Rooming House, a dwelling unit is a suite operated as a housekeeping unit used or intended to be used as a domicile by one or more persons, and usually contains cooking, eating, living, sleeping and sanitary facilities.
- 1.1.60.0.0 Deleted
- 1.1.61.0.0 Deleted
- 1.1.62.0.0 **FIRE PREVENTION OFFICER** - means the person who is appointed Fire Prevention Officer under the provisions of the City by-law which governs and regulates the Fire and Emergency Services Department of the City.
- 1.1.63.0.0 **FLEA MARKET** - means a business or premise, whether enclosed by a building or structure or not, in which individual stalls are rented to vendors, other than the owner, for the purpose of individually exposing, offering for sale or selling new or used articles, foodstuffs, fruits, vegetables, services or other goods, wares or merchandise or exposing samples, patterns or specimens of any goods, wares or merchandise to be delivered at a later date.
- 1.1.64.0.0 Deleted
- 1.1.65.0.0 Deleted
- 1.1.66.0.0 **FLEA MARKET LOCATION** – means the stall or unit from with a Flea Market Vendor engages in exposing, selling or offering for sale, any new or used articles, foodstuffs, fruits, vegetables, goods, wares, merchandise or service or exposes samples, patterns or specimens of any goods, wares or merchandise to be delivered at a later date.
- 1.1.67.0.0 Deleted
- 1.1.68.0.0 Deleted

- 1.1.69.0.0 **FUELLING STATION** - means a business where automobiles, recreational vehicles, boats, or any other vehicle or item is supplied with propane, natural gas, diesel, electricity or other fuelling or powering agent of any kind. (Also see Gasoline Station)
- 1.1.70.0.0 Deleted
- 1.1.71.0.0 Deleted
- 1.1.72.0.0 Deleted
- 1.1.73.0.0 **GARAGE - AUTOMOBILE REPAIR** - means a business or premise where automobiles are mechanically repaired, parts are replaced or worn out parts are restored and replaced and shall include but is not limited to premise where oils and other vehicle fluids and lubricants are drained and/or replaced, tires are replaced, balanced or otherwise repaired, gasoline tanks, radiators or other similar items are replaced or otherwise repaired and includes providing the service of a Motor Vehicle Inspection Station and Drive Clean Program. Does not include automobile body repair shops, or auto detailing shops.
- 1.1.74.0.0 **GARAGE - AUTOMOBILE REPAIR (MOBILE)** - means a business which goes from place to place for the purpose of performing or carrying out mechanical repairs to automobiles including the replacement or restoration of worn out parts, the draining and/or replacing of oils or other vehicle fluids and lubricants, the replacement of tires, gasoline tanks, radiators or other similar items.
- 1.1.75.0.0 Deleted
- 1.1.76.0.0 **GASOLINE STATION** - means premise where gasoline is kept and stored for sale.
- 1.1.77.0.0 **GENERAL CONTRACTOR** - means a person who is responsible for the overall project of building or constructing any structure of any kind which has not previously been erected, built or constructed in whole or in part. Does not include a building renovator, electrician, electrical contractor, plumbing master, plumbing contractor, drain layer, drain layer contractor, heating installer, air conditioning installer, refrigeration installer, insulation installer, gas fitter, sheet metal contractor or other specialized trade.
- 1.1.78.0.0 Deleted
- 1.1.79.0.0 **HOME/PROPERTY INSPECTOR** – means an individual who provides a client with information regarding the condition of the systems and components of a home or property as a result of a home or property inspection at the time of the inspection
- 1.1.80.0.0 **HOME/PROPERTY INSPECTION** – means the process by which a home inspector visually examines the readily accessible systems and components of a home or property.
- 1.1.81.0.0 **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.
- 1.1.82.0.0 **HOTEL** – means a building or part of a building in which a minimum of six rooms are provided for rent as places of abode, usually on a temporary or transient basis, and may include accessory uses such as meeting rooms, banquet halls, public dining room, facilities for the temporary exhibition and sale of goods on an intermittent basis and any premise licensed under the Liquor License Act, R.S.O. 1990, c. L.19, as amended but shall not include motels, boarding, lodging or rooming houses and apartments.
- 1.1.83.0.0 **INSULATION INSTALLATION CONTRACTOR** - means a person who carries on the business of installing insulation, of any kind, in buildings.
- 1.1.84.0.0 **ISSUER OF LICENCES** - means the Manager of Municipal Law and Prosecution Services for the City, Municipal Law Enforcement Supervisor for the City, or any other person so designated by the City Clerk.
- 1.1.85.0.0 **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.
- 1.1.86.0.0 Deleted
- 1.1.87.0.0 Deleted

- 1.1.88.0.0 **LETTER OF CREDIT** - means an irrevocable Letter of Credit which shall be drawn on a chartered Canadian Bank and deemed to be automatically extended without amendment for one year from the present or any future expiration date thereof, unless (30) thirty days prior to any such date the bank shall notify the City in writing by registered mail that the bank elects not to consider this Letter of Credit renewed for any such additional period.
- 1.1.89.0.0 **LICENCE** - means a City of Barrie Business Licence issued pursuant to this by-law.
- 1.1.90.0.0 **LICENSEE** - means a person who has been issued a licence pursuant to this by-law either in the current calendar year or in a previous calendar year and shall include an Applicant.
- 1.1.91.0.0 Deleted
- 1.1.92.0.0 **MAINTAIN** – means to be in charge of, or have control of the operation of a business, and shall include the operation of a vehicle.
- 1.1.93.0.0 **MANUFACTURING AND PROCESSING** – means a building or part of a building in which the process of producing or assembling a product by hand or mechanical power and machinery is carried on.
- 1.1.94.0.0 **MASSAGE THERAPIST** – see Registered Massage Therapist.
- 1.1.95.0.0 Deleted
- 1.1.96.0.0 **MEDICAL OFFICER OF HEALTH** - means the Medical Officer of Health for the Simcoe Muskoka District Health Unit.
- 1.1.97.0.0 **MENAGERIE/ZOO** - means a business or premise exhibiting a collection of animals in cages or enclosures.
- 1.1.98.0.0 **MONTH** - means calendar month.
- 1.1.99.0.0 Deleted
- 1.1.100.0.0 **MUNICIPAL LAW ENFORCEMENT OFFICER** - means a person appointed under the authority of the Police Services Act for the purpose of enforcing City by-laws.
- 1.1.101.0.0 **MUNICIPAL LAW ENFORCEMENT SUPERVISOR** - means a person appointed to the position of Municipal Law Enforcement Supervisor.
- 1.1.102.0.0 **NEWSPAPER/PERIODICAL DISTRIBUTION COMPANY** - means a person who distributes newspapers, periodicals or other printed material by way of a distribution box.
- 1.1.103.0.0 **DISTRIBUTION BOX** – means any box, unit or other similar device used or designed to hold newspapers, periodicals or other printed material and used or designed to make such newspapers, periodicals or other printed material accessible or available to the general public whether for a fee or otherwise.
- 1.1.104.0.0 **NUISANCE** – means any activity or action which disturbs or is likely to disturb any individual.
- 1.1.105.0.0 **OFFICER** – means a Municipal Law Enforcement Officer or other law enforcement officer as appointed by the Council of The Corporation of the City of Barrie, the Barrie Board of Police Commissioners, or a Provincial Offences Officer.
- 1.1.106.0.0 **OPERATE** – means to manage, work, control, maintain, put or keep in a functional state any business.
- 1.1.107.0.0 **OWNER** – means the registered owner of the lands and premises or the person or his authorized agent in lawful control of the premises, building or occupancy and who permits the operation or maintenance of any business.
- 1.1.108.0.0 Deleted

- 1.1.109.0.0 **PARKING LOT (Temporary)** - means business or premise where vehicles may be parked or stored for a fee or other valuable consideration, not exceeding (60) sixty consecutive days, but shall not include:
- a) land or other premise where a merchant provides space for vehicles of his customers;
 - b) land or other premise where an employer provides parking space for vehicles of his employees;
 - c) land or other premise where a landlord provides parking spaces for vehicles of his tenants.
- 1.1.110.0.0 **PAWN BROKER** - 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.
- 1.1.111.0.0 **PAWN SHOP** - means business or premise where the business of a pawnbroker is carried out.
- 1.1.112.0.0 **PAVING-RESURFACING CONTRACTOR** - means a person who lays a superficial covering of tar, rubber, pavement or other similar product on or over a street, road, driveway or other surface and shall include but is not limited to resurfacing, top coating or other similar applications to a surface.
- 1.1.113.0.0 **PERSON** – includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires. Wherever the word “he” or “him” is used, it shall mean and include the feminine or neuter gender wherever the context so requires.
- 1.1.114.0.0 Deleted
- 1.1.115.0.0 Deleted
- 1.1.116.0.0 **PET SHOP** - means a business or premise where animals, fish, or birds for use as pets are sold or kept for sale.
- 1.1.117.0.0 Deleted
- 1.1.118.0.0 Deleted
- 1.1.119.0.0 Deleted
- 1.1.120.0.0 Deleted
- 1.1.121.0.0 Deleted
- 1.1.122.0.0 Deleted
- 1.1.123.0.0 **POOL** - (see swimming pool)
- 1.1.124.0.0 **PREMISE** - means land, including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business.
- 1.1.125.0.0 **PROPERTY MAINTENANCE CONTRACTOR** - means a business which provides property maintenance services including but not limited to:
- a) trimming, mowing, fertilizing, weeding, or otherwise establishing or maintaining a lawn or other grassed or landscaped area;
 - b) landscaping including the planning and planting of gardens and grounds by modifying or enhancing the natural scenery; and,
 - c) the plowing, shoveling or otherwise removing of snow or ice.
 - d) tree cutting and trimming

- 1.1.126.0.0 **RECREATIONAL ESTABLISHMENT** – means a premise, land, building or structure that has been designed and equipped for the consumer or customer to actively participate in sports or leisure activities such as but not limited to a bowling alley, billiard, pool or bagatelle room/hall, rollerskating / skateboard/rollerblading park, rink or facility, automatic batting cages, automatic/electronic golf courses, indoor or outdoor miniature golf course, arcades including but not limited to electronic video games, but does not include a commercial fitness centre, adult entertainment parlour, entertainment establishment or use entailing the outdoor operation or racing of animals or motorized vehicles or any establishment involving gambling or gaming activities.
- 1.1.127.0.0 Deleted
- 1.1.128.0.0 Deleted
- 1.1.129.0.0 Deleted
- 1.1.130.0.0 **REFRESHMENT VEHICLE (MOTORIZED)** - means any vehicle from which food stuffs and/or refreshments are sold or offered for sale for consumption by the public. Shall include but is not limited to catering trucks.
- 1.1.131.0.0 **REFRESHMENT VEHICLE (NON-MOTORIZED)** - means any vehicle or unit from which food stuffs and/or refreshments are sold or offered for sale for consumption by the public. Shall include but is not limited to push carts, wheeled vehicles, etc.
- 1.1.132.0.0 **REGISTERED MESSAGE CLINIC**
Deleted
- 1.1.133.0.0 **REGISTERED MESSAGE THERAPIST**
Deleted
- 1.1.134.0.0 **REGISTERED MESSAGE THERAPIST (MOBILE)**
Deleted
- 1.1.135.0.0 **RESTAURANT** - means an establishment which is used for the preparation, service, sale or offering for sale of foodstuffs and alcoholic or non-alcoholic beverages to the public for immediate consumption. Shall include but is not limited to restaurants, snack bars and concessions.
- 1.1.136.0.0 **RESTAURANT/TAVERN** – means a business or premise in which foodstuffs, non-alcoholic beverages and alcoholic beverages are prepared, served, sold and/or offered for sale to the public for immediate consumption. Shall not include a Restaurant.
- 1.1.137.0.0 **RESTAURANT - DRIVE THRU ONLY/TAKE OUT ONLY** - means a business or premise where refreshments and/or food is prepared, served, sold or offered for sale to the public for consumption, such service being provided by way of drive thru or take out methods and no premise shall provide any seating except for the purpose of customers waiting for orders and shall not include a restaurant as otherwise defined.
- 1.1.138.0.0 **RESTAURANT - OUTDOOR PATIO EXTENSION (PRIVATE PROPERTY) or** - means an outdoor patio operating on the same private property as the restaurant, providing seats or otherwise, where non-alcoholic beverages and/or alcoholic beverages and/or food is prepared, serviced, sold or offered for sale to the public for immediate consumption, but shall not include a patio provided only for the seating of customers and where no food, beverage or other customer service is provided to such customers.
- 1.1.139.0.0 **RESTAURANT – OUTDOOR PATIO EXTENSION (MUNICIPAL PROPERTY) or** - means an outdoor patio operating on municipal property immediately adjacent to and in conjunction with a restaurant, providing seats or otherwise, where non-alcoholic beverages and/or alcoholic beverages and/or food is prepared, serviced, sold or offered for sale to the public for immediate consumption, but shall not include a patio providing only for the seating of customers and where no food, beverage or other customer service is provided to such customers.
- 1.1.140.0.0 **RESTAURANT - REFRESHMENT VEHICLE EXTENSION – PRIVATE PROPERTY** – means a non-motorized refreshment vehicle which is operated on the same private property as a restaurant and in conjunction with the primary restaurant.

- 1.1.141.0.0 **RESTAURANT - REFRESHMENT VEHICLE EXTENSION - MUNICIPAL PROPERTY** – means a non-motorized refreshment vehicle which is operated on municipal property immediately adjacent to a restaurant and in conjunction with such restaurant.
- 1.1.142.0.0 **RESURFACING CONTRACTOR** - (see PAVING-RESURFACING CONTRACTOR)
- 1.1.143.0.0 Deleted
- 1.1.144.0.0 Deleted
- 1.1.145.0.0 **SECOND HAND SALES- TEMPORARY LOCATION** - means a person, who for a period not to exceed 364 consecutive days, sells or offers for sale antique items, second hand goods, wares, merchandise, material or items of any kind and shall include but is not limited to sales from kiosks and booths.
- 1.1.146.0.0 **SECOND HAND SALES - PERMANENT LOCATION** - means a person who sells or offers for sale antique items or second hand or used goods, materials, merchandise or items of any kind. Shall not include a temporary location for the sale of second hand goods.
- 1.1.147.0.0 Deleted
- 1.1.148.0.0 Deleted
- 1.1.149.0.0 **SHALL** – is mandatory and not directory; words in the singular include the plural; words in the plural include the singular; words in the present tense include future or past tense.
- 1.1.150.0.0 Deleted
- 1.1.151.0.0 **SIGN COMPANY** – means a person who rents or leases or other otherwise provides, erects, locates a sign or other advertising device which shall include but is not limited to poster panel signs, grounds signs, mobile signs, banner signs, walls signs, billboard signs, a-frame signs (sandwich board) etc.
- 1.1.152.0.0 Deleted
- 1.1.153.0.0 Deleted
- 1.1.154.0.0 Deleted
- 1.1.155.0.0 Deleted
- 1.1.156.0.0 **SPECIAL SALE** - means any sale or intended sale by retail described by the use of any of the following words or expressions or any enlargement, contraction or combination thereof:
- | | | |
|-------------|----------------|--------------|
| BANKRUPT | MOVING OUT | FIRE |
| INSOLVENT | SELLING OUT | SMOKE |
| TRUSTEE | LEASE EXPIRING | WATER DAMAGE |
| RECEIVER | CLOSING OUT | CREDITOR |
| LIQUIDATION | DISCONTINUING | FORCED |
- or any other similar word or words that represent, hold out or advertise that any goods, wares or merchandise are to be disposed of in any manner that is not in the ordinary course of business.
- 1.1.157.0.0 Deleted
- 1.1.158.0.0 Deleted
- 1.1.159.0.0 **TATTOO PARLOUR** - means a business or premise where the skin of an individual is marked by puncturing it and inserting a pigment or pigments to make permanent marks or designs.
- 1.1.160.0.0 **TEMPORARY VENDOR -OUTDOOR** – means a person, who on a temporary basis and for a period not to exceed 60 consecutive days, sells or offers for sale, goods, wares, merchandise, items or service at an outdoor location or premise, but does not include a sales booth or location selling or offering second hand goods for sale.
- 1.1.161.0.0 Deleted

- 1.1.162.0.0 Deleted
- 1.1.163.0.0 Deleted
- 1.1.164.0.0 **TRADE SHOW** - means a business which co-ordinates a show or similar exhibition of five or more vendors or businesses exhibiting, offering for sale, selling or otherwise displaying for delivery at a later date, goods, wares, merchandise, items, or services of a similar nature and where the vendors or businesses will be organized at a specific location for a period not to exceed fourteen (14) consecutive days.
- 1.1.165.0.0 **TREATMENT** – means the kneading, manipulating, rubbing, massaging, touching or stimulating of a person’s body but does not include medical treatments offered, performed, or provided by bona fide medical practitioners. Shall include but is not limited to reflexology, aromatherapy, therapeutic massage, relaxing massage, shiatsu massage, gestalt massage, acupuncture, acupressure, etc.
- 1.1.166.0.0 Deleted
- 1.1.167.0.0 **TSSA** – means the Technical Standards and Safety Authority, being an agency mandated to deliver specific public safety programs and services under the Provincial Safety and Consumer Statutes Administration Act, 2000.
- 1.1.168.0.0 **U.L.C.** - means Underwriters Laboratories of Canada.
- 1.1.169.0.0 **UNRELATED** - means not related by blood or marriage.
- 1.1.170.0.0 **VEHICLE** - includes a motor vehicle, 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 or a street car.
- 1.1.171.0.0 Deleted
- 1.1.172.0.0 **WHOLESALE ESTABLISHMENT** – means a building or structure used for a business primarily engaged in buying merchandise for resale to retailers or to industrial, commercial, institutional, farm, business users or other wholesalers or in acting as agents for brokers buying merchandise to such persons or companies on a commission basis. No display of merchandise is permitted.
- 1.1.174.0.0 **WRECKING YARD** – means a premise including a building and lot, or either in singular, used for the wrecking or partial or total dismantlement of motor vehicles and for the storage and sale or intended sale of scrap material salvage and parts obtained there from and intended for reuse but shall not include any other defined automotive use or salvage yard.
- 1.1.175.0.0 **ZONING MANAGER or MANAGER OF ZONING** - means a person who may be appointed from time to time by Council to the position of Manager of Zoning.
- 1.1.176.0.0 **BOARDING, LODGING AND ROOMING HOUSE** – means a dwelling where:
- a) lodging is provided for one or more tenants where at least one of the tenant-occupied rooms is equipped with an external locking mechanism that prevents access to said room by the other house occupants when the room is unoccupied, or;
 - b) lodging is provided for more than four (4) tenants; but,
 - c) shall not include a group home, hotel, motel, hospital, children’s home, nursing home, rest home, home for the aged, or a bed and breakfast establishment, or other similar establishments.
- 1.1.176.1.0 **BOARDING, LODGING AND ROOMING HOUSE, LARGE** – means a Boarding, Lodging and Rooming House where lodging is provided for more than six (6) tenants.
- 1.1.176.2.0 **BOARDING, LODGING AND ROOMING HOUSE, SMALL** – means a Boarding, Lodging and Rooming House where lodging is provided for not more than six (6) tenants.
- 1.1.177.0.0 **FIREWORKS/PYROTECHNIC VENDOR** - means a person who sells or offers for sale any consumer class fireworks defined as Class 7.2.1 explosives under the Explosives Acts.

- 1.1.178.0.0 **FIREWORKS/PYROTECHNIC DISPLAYS** - means a show or display in which a person ignites or sets off fireworks or pyrotechnics defined as Class 7.2.2 and/or Class 7.2.5 pyrotechnics under the Explosives Act,
- 1.1.179.0.0 **FIREWORKS** - means for the purpose of this by-law any Class 7 Division 2 explosive with the exception of Christmas Crackers, caps utilized for purpose of toy guns, hand held sparklers not exceeding 6" in length and pyrotechnic distress signals or life saving devices.
- 1.1.180.0.0 **SALVAGE YARD** - means a location or premise used for the storage or maintenance of waste or salvaged goods, materials or items but shall not include a wrecking yard or the storage or maintenance of waste or salvaged motor vehicles.
- 2.0.0.0.0 **GENERAL PROVISIONS**
- 2.1.0.0.0 **REQUIREMENT TO OBTAIN A BUSINESS LICENCE**
- 2.1.1.0.0 Every person carrying on, conducting, operating, maintaining, keeping or engaging in any business specifically identified in the Licence Classifications set out in this by-law and identified in Table 1 to this by-law, as amended shall be required to obtain a City of Barrie Business Licence to do so from the Issuer of Licences.
- 2.1.2.0.0 Deleted
- 2.2.0.0.0 **APPLICATION FOR NEW LICENCE**
- 2.2.1.0.0 Any person required to obtain a licence pursuant to this by-law shall apply in writing on the appropriate application form as provided by the Issuer of Licences and shall deposit, at the time of application, with the Issuer of Licences, all required Business Licence Fees as set out in the City of Barrie Fee's By-law for each business category as well as any required approvals, inspections or documentation required by the provisions of this by-law as set out in Table 1 to this by-law or as deemed necessary by the Issuer of Licences.
- 2.2.2.0.0 The Issuer of Licences may refuse to accept an application for a licence that is not accompanied by all necessary documentation or which does not reflect all required sign offs and approvals, and shall not issue a licence until:
- a) all required approvals and inspections have been obtained by the applicant;
 - b) required documentation has been provided;
 - c) business licence fees have been paid in full.
- 2.2.3.0.0 There shall be a separate application for each premise to be used or person to be licensed.
- 2.2.4.0.0 There shall be a separate application for each new classification or category of business operated and to be licensed.
- 2.2.5.0.0 The applicant shall comply with any and all requirements as set out in this by-law as well as any other provisions which may govern the business, place or premise used in the carrying on of the business and/or the persons carrying on the business or engaged in it and to which the application pertains.
- 2.2.6.0.0 The Issuer of Licences, upon receipt of the application for a licence may make, cause to be made, or request, any additional documents, investigations or inspections to be made in respect of such application for a licence as the Issuer of Licences deems appropriate or in the interest of the general public, and any costs incurred for such inspection or documents shall be at the applicant's expense.
- 2.2.7.0.0 The applicant shall be responsible for obtaining all necessary inspections, documents and approvals as set out in Table 1 to this by-law, as set out on the application form and as deemed necessary by the Issuer of Licences.

2.2.8.0.0 Upon receipt of a completed application for a licence and the appropriate fees for a licence have been paid, the Issuer of Licences may prior to the issuance of any such licence:

- a) make any inquiries to any municipal official or employee who has carried out inspections relative to the business under application;
- b) receive reports from such municipal officials and employees as may be deemed necessary; and,
- c) inquire into all relevant matters in order to ascertain if the applicant is entitled to a licence under the provisions of this by-law.

2.2.9.0.0 Upon being satisfied that the applicant is entitled to obtain a licence under the provisions of this by-law, the Issuer Licences shall prepare and issue a licence to the said applicant.

2.2.10.0.0 Except as may otherwise be specified within this by-law or specified as a Special Condition as authorized by this by-law, every licence shall expire one year from the date from the day it was issued.

2.3.0.0.0 **APPLICATION FOR RENEWAL LICENCE**

2.3.1.0.0 Any person required to renew a licence previously granted under this by-law, shall submit to the Issuer of Licences, an application form for renewal of the licence as provided by the Issuer of Licences. Every applicant shall obtain any and all inspections, approvals and documentation as required by this by-law or as deemed necessary by the Issuer of Licences.

2.3.2.0.0 The Issuer of Licences may refuse to accept an application for a licence that is not accompanied by all necessary documentation or which does not reflect all required sign offs and approvals, and shall not issue a licence until all required approvals and inspections have been obtained by the applicant, required documentation has been provided and business licence fees have been paid in full.

2.3.3.0.0 Where the Issuer of Licences receives an application for renewal of a licence previously granted under this by-law and the appropriate fees have been paid, he shall, prior to the issuance of any such licence:

- a) ensure that all inspections, approvals and documents as may be required have been obtained;
- b) make inquiries into all relevant matters in order to ascertain if the applicant is entitled to obtain a renewed licence under the provisions of this by-law;
- c) inquire into any and all relevant changes in circumstances since the previous licence was issued to the applicant;
- d) make any inquiries to any municipal official or employee who has carried out inspections or investigations relative to the business under application;
- e) receive reports from such municipal officials and employees as may be deemed necessary.

2.3.4.0.0 There shall be a separate application for each premise to be used or person to be licensed.

2.3.5.0.0 Deleted

2.3.6.0.0 Where the Issuer of Licenses is satisfied that the applicant is entitled to obtain a licence under the provisions of this by-law, the Issuer of Licences shall prepare and issue a licence to the said applicant.

2.4.0.0.0 **FORM OF LICENCE**

2.4.1.0.0 Every licence shall show therein:

- a) the operating name of the business or person to whom the licence is issued;
- b) the operating address of the premise or location for which the licence is issued;
- c) the category or type of licence granted;
- d) the date of issue;
- e) the effective date of the licence;
- f) the date of expiration; and
- g) shall be signed by the Issuer of Licences or his designate.

2.5.0.0.0 **ADMINISTRATION FEE**

An administration fee as set out in the City of Barrie Fee's By-law will apply to the following:

Duplicate Licenses:

2.5.1.0.0 In the event that a licence issued under this by-law is lost or destroyed, the Issuer of Licences upon satisfactory proof of such loss or destruction, and upon payment of a replacement fee, the Issuer of Licences shall issue a duplicate of the original licence, upon which shall be stamped or marked the word "DUPLICATE" or "COPY".

Change of Name:

2.5.2.0.0 Where ownership of a business is not changed or affected but such the operating name of a business changes, the licensee shall immediately notify the Issuer of Licences and upon payment of a fee and being satisfied that there have been no other changes in the circumstances of the licensed business, the Issuer of Licences may issue a replacement of the original licence. The licensee shall return and surrender his licence in order to affect such a change.

2.6.0.0.0 **CHANGE OF OWNERSHIP:**

2.6.1.0.0 Every licensee shall, upon change of ownership of the licensed business return and surrender his current licence to the Issuer of Licences. The new owner shall make application for a new licence as set out in this by-law.

2.7.0.0.0 **CHANGE OF PREMISE OR LOCATION**

2.7.1.0.0 Where a currently licensed business changes location or premise, such new location or premise shall not be deemed to be licensed. The applicant must immediately make application for a new licence under the provisions of this by-law and shall surrender to the Issuer of Licences the licence issued in respect of his previous location or premise.

2.8.0.0.0 **LICENCES PERSONAL**

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

2.8.2.0.0 Licences are not transferable.

2.9.0.0.0 **NUISANCE ABATEMENT**

2.9.1.0.0 Every person required to be licensed under this by-law, in addition to any other provisions or requirements expressed elsewhere in the by-law, shall:

- a) at all times maintain and keep safe and clean and in good condition and repair any object, amusement, vehicle, place or premise for which the licence is issued;
- b) not breach or violate or cause, suffer, or permit any breach or violation of any by-law of the Corporation or of any Local Board, thereof, or of any statute, Order-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the business or premise for, or in relation to which such licence was issued;
- c) not cause, suffer or commit any nuisance to arise in, on, or in connection with the object, amusement, vehicle, place or premise for which the licence was issued;
- d) not cause, suffer or permit any shouting, noise or other disturbance on, in or in connection with the object, amusement, vehicle, place or premise for which the licence was issued, which is unnecessary, unreasonable or contrary to any municipal by-law prohibiting the same; and if any such shouting, noise or other disturbance occurs, the licensee shall immediately take steps to cause the same to be abated;
- e) 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 licence was issued;
- f) not cause, suffer or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any vehicle, place or premise for which the licence was issued.

2.9.2.0.0 Every person who acquires a licence that is issued under this by-law is responsible for the due performance and observance of all the provisions of this by-law by himself and by his employees and all other persons in or upon the premise which is licensed under the provisions of this by-law.

2.10.0.0.0 **INSPECTION**

2.10.1.0.0 A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual may at all reasonable times enter on land, including buildings, for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law are being complied with, a direction or order is being complied with, a condition of a licence is being complied with or an Order of the Court is being complied with.

2.10.1.1.0 Despite the provisions of this section, no person shall enter or remain in any room or place actually being used as a dwelling unless,

- i) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under a warrant as authorized by the provisions of the Municipal Act;
- ii) an order issued under the provisions of the Municipal Act;
- iii) a warrant issued under the provisions of the Municipal Act;
- iv) the delay necessary to obtain an order under the provisions of the Municipal Act, to obtain a warrant under the provisions of the Municipal Act, or the consent of the occupier would result in an immediate danger to the health or safety of any person; or
- v) the municipality has given notice of its intention to enter to the occupier of the land as required under the provisions of the Municipal Act and the entry is authorized under the provisions of the Municipal Act. [reference: Municipal Act, s. 437]

2.10.2.0.0 The Issuer of Licenses may waive the requirement for any inspection, approval or documentation as may be required pursuant to this by-law where such inspection, approval or documentation is not applicable to the carrying on of the business which is licensed or required to be licensed under this by-law.

2.10.3.0.0 For the purposes of an inspection, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual may:

- i) require the production for inspection of documents or things relevant to the inspection;
- ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- iii) require information from any person concerning a matter related to the inspection; and,
- iv) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

2.10.3.1.0 Where a sample is taken under section 2.10.3.0.0, the sample shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities. If a sample has been taken and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.

2.10.4.0.0 A receipt shall be provided for any document or thing removed and the document or thing shall be promptly returned after the copies or extracts are made.

2.11.0.0.0 **POSTING OF LICENCE**

2.11.1.0.0 The person to whom a licence is issued shall post the current licence on the premise or that part thereof to which the licence pertains in such a position that may be readily seen and read by persons entering the premise. All licences issued under this by-law shall be prominently and conspicuously posted on the licensed premise at all times.

2.11.2.0.0 Where a licence is issued to a person who goes place to place or a particular place with goods, wares, or merchandise for sale, the licensee shall keep the licence with him at all times while carrying out his business and shall exhibit it to any municipal law enforcement officer, peace officer, police officer or other duly appointed person who so requests.

2.11.3.0.0 Where a photo identification card is issued to a person licensed under the provisions of this by-law, the licensee shall keep the photo identification card with him at all times while carrying on his business and shall exhibit it to any municipal law enforcement officer, peace officer, police officer or other duly appointed person who so requests.

2.12.0.0.0 **REFUSAL TO GRANT A LICENCE**

2.12.1.0.0 The Issuer of Licences may refuse to grant or issue a licence to any applicant who:

- a) has past breaches of this by-law, and the Issuer of Licences determines that it is not in the public's interest to grant such a licence to the applicant; or,
- b) has failed to comply with the requirements of this by-law or other applicable by-laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licence activity; or,
- c) Deleted
- d) Deleted

- e) has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this by-law or any other municipal by-law or Provincial statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business.

2.12.2.0.0 The Issuer of Licences may also refuse to grant or issue a licence to any applicant where the Issuer of Licences believes it is not in the public interest to do so, including 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.

2.12.3.0.0 Where the Issuer of Licences has denied a business licence to an applicant, the business licence application fee less an administrative fee of \$50.00 shall be refunded to the applicant.”

2.13.0.0.0 **SUSPENSION/REVOCAION**

2.13.1.0.0 The Issuer of Licences may suspend or revoke a licence issued to any licensee who:

- a) has past breaches of this by-law; or
- b) has failed to comply with the requirements of this by-law or other applicable by-laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licence activity; or
- c) Deleted
- d) Deleted
- e) has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this by-law or any other municipal by-law or Provincial statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business.

2.13.2.0.0 The Issuer of Licences may also suspend or revoke any licence issued to any applicant where the Issuer of Licences believes it is in the public interest to do so, including 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

2.13.3.0.0 Any suspension of a licence may be subject to such terms and conditions as the Issuer of Licences may prescribe.

2.13.4.0.0 No person shall operate any business or premise contrary to any licence suspension or terms and conditions thereto or where such licence has been revoked.

2.14.0.0.0 **NOTICE AND APPEAL**

2.14.1.0.0 Where the Issuer of Licences refuses to issue, suspends, or revokes a licence the Issuer of Licences shall notify the applicant or licensee in writing of such decision and the said notice shall set out the grounds upon which the licence is refused, suspended or revoked and shall state that the Applicant or Licensee may appeal such decision by filing an appeal with the Clerk of the municipality in writing within fifteen (15) days as set out in this by-law.

2.14.2.0.0 Where the Issuer of Licences refuses to issues, suspends or revokes a licence under this by-law, the Applicant or Licensee may appeal the decision to Business Licencing Appeal Committee by filing with the Clerk, an appeal in writing of the said decision within fifteen (15) days of the date of mailing of the decision of the Issuer of Licences.

- 2.14.3.0.0 Business Licencing Appeal Committee may, after the appropriate hearing is conducted, grant a licence, refuse a licence, revoke a licence, or suspend a licence and such decision may be subject to such terms as Business Licencing Appeal Committee may impose and the decision of the Business Licencing Appeal Committee shall be final and binding upon any applicant or licensee.
- 2.14.4.0.0 Business Licencing Appeal Committee, in considering whether or not to grant a licence, refuse a licence, revoke a licence, or suspend a licence shall have regard for the following:
- 2.14.4.1.0 whether or not the Applicant or Licensee and the premises, facilities, equipment, vehicles or other personal property used or kept for hire in connection with the carrying of a business which is licensed or which is required to be licensed pursuant to this by-law complies with all requirements of this by-law;
- 2.14.4.2.0 whether or not the Applicant or Licensee has failed to promptly remedy any reasonable concern with regard to those matters set out in this by-law;
- 2.14.4.3.0 whether or not the Applicant or Licenses has committed past breaches of this by-law;
- 2.14.4.4.0 whether or not the Applicant or Licensee has failed to comply with any requirements of any other applicable by-law of the City or any Local Board thereof or of any statute, Order-in-Council, or Regulation of the Provincial Legislation or the Parliament of Canada, or of any Agency, Board or Commission thereof, in, upon or in connection with the activity or the premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity or activity required to be licensed;
- 2.14.4.5.0 whether or not the Applicant or Licensee or his tenant has any outstanding taxes owing to the City in respect of the business or premises in question.
- 2.14.5.0.0 Where an appeal is received, the Clerk shall fix a date and time for such matter to be considered by Business Licencing Appeal Committee and shall mail a Notice of Hearing to the Applicant or Licensee (at his last address as shown in the records of the Issuer of Licences) and to any person who has applied to be heard with regard to the matter.
- 2.14.6.0.0 Such Notice of Hearing shall be mailed at least fifteen (15) days prior to the date and time fixed for such hearing.
- 2.14.7.0.0 At such hearing Business Licencing Appeal Committee shall receive a report, either verbally, or in writing, from the Issuer or Licences and from such other officers or employees of the Corporation who may be involved in the matter being considered by Business Licencing Appeal Committee.
- 2.14.8.0.0 At the hearing before Business Licencing Appeal Committee, the Applicant or Licensee, either personally or through his agent or solicitor shall be afforded the opportunity to present such material and evidence relevant to the issue before Business Licencing Appeal Committee as he may deem appropriate and he may ask questions of any person presenting evidence or a report to Business Licencing Appeal Committee relevant to the said issues.
- 2.14.9.0.0 For the purpose of this By-law, a quorum of Business Licencing Appeal Committee shall be a majority of the members of the Committee and a decision by the majority of members present shall be the decision of the Committee.
- 2.14.10.0.0 Business Licencing Appeal Committee may, after having heard all of the evidence and submissions made to it by the Applicant or Licensee, and the Issuer of Licences re-convene In-Camera to debate the matter and to reach its decision.
- 2.14.11.0.0 The decision made by Business Licencing Appeal Committee to keep a licence, refuse to issue a licence, revoke a licence or suspend a licence may be subject to such terms as Business Licencing Appeal Committee shall impose and the decision of the Business Licencing Appeal Committee shall be final and the decision binding on the Applicant or Licensee.
- 2.14.12.0.0 No person shall engage in, or continue to conduct, or permit any person to engage in or continue to conduct a business for which a licence is required under this by-law while such licence is suspended or revoked under the provisions of this by-law.

2.14.13.0.0 Every person engaging in the business, for which he is required to be licensed by the provisions of this by-law shall be responsible to comply with all of the provisions of this by-law with respect to the business.

2.15.0.0.0 **CHARITABLE ORGANIZATIONS**

2.15.1.0.0 Notwithstanding Section 2.1.1.0.0, no charitable or non-profit organization conducting tag days or approved by the City Clerk to sell items, not in respect of a Special Event, for the purpose of raising funds for such charitable organization shall be required to obtain a licence under the provisions of this by-law.

2.16.0.0.0 **ENFORCEMENT**

2.16.1.0.0 A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.

2.16.2.0.0 No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

2.16.3.0.0 A refusal of consent to enter or to remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of Section 2.16.2.0.0 unless the municipality is acting under an order or warrant or in circumstances as set out under the provisions of the Municipal Act. [reference: Municipal Act, s. 426]

2.16.3.1.0 No person shall neglect or refuse to produce any information or thing or to provide any information by any person acting pursuant to the provisions of this by-law.

2.17.0.0.0 **REGISTRY**

2.17.1.0.0 The Issuer of Licences shall keep a licence register in which shall be recorded the full operating name and address of each licensee, the address of the place or premise in which the licensee carries on, conducts, operates, maintains, keeps, or engages in the business, trade, occupation or calling, object or amusement for which the licence was issued, the number of the licence and any plates issued, the date of issue, the amount of the licence fee paid, the date of expiry of the licence, the type of licence issued, and any other particulars or observations pertaining to the same which are useful or necessary.

2.18.0.0.0 **INSURANCE**

2.18.1.0.0 All insurance required under the provisions of this by-law shall be provided at the time of application in a form acceptable to the City and in the amount as specified pursuant to the applicable Sections of this by-law unless otherwise approved or required by Council. Where applicable, Certificates of Insurance shall name The Corporation of the City of Barrie as an additional insured. Further, any liability insurance shall contain an endorsement specifying that the municipality shall be given thirty (30) days written notice of any cancellation, expiration or change in the policy.

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

2.19.0.0.0 **IDENTIFICATION OF LICENSEE, EMPLOYEES and AGENTS**

2.19.1.0.0 Every person to whom a license has been issued under the provisions of this by-law shall ensure that any person employed by or acting on behalf of such licensee who is entering a premise, including a dwelling unit, for the purpose of carrying out duties in respect to that license, is provided with and carries at all times while working, photographic identification which shall clearly identify:

- a) the full legal name of the employee or agent;
- b) the registered and operating name of the business for which the employee works or agent represents;
- c) the address and telephone number of the business for which the employee works or agent represents;
- d) the City of Barrie business license number which authorizes the business to operate within the City.

2.20.0.0.0 **FEES AND INSPECTIONS**

2.20.1.0.0. Table 1 hereunder sets out the inspections, approvals and documentation required to accompany any application. All licence fees shall be established within the City of Barrie Fee's By-law and shall be required to be paid by the applicant at the time of application.

2.20.2.0.0 Notwithstanding any licence fee to be paid by any applicant as set out under Table 1 hereunder, a LATE APPLICATION FEE of \$25.00 shall apply to any application received by the City after the due date established for obtaining such licence. The Issuer of Licences may refuse to accept an application for a licence that is not accompanied by all necessary documentation and fees or which does not reflect all required sign off approvals.

2.20.3.0.0 Despite the actual date of any application for renewal of licence, the fee for such renewal shall be as set out in The City of Barrie Fee's By-law.

2.20.4.0.0. The fees set out in City of Barrie Fee's By-law shall be increased annually by not less than the Annual Toronto Area Consumer Price Index (CPI) rate as at September 30 of each year with an effective date of January 1 of each year, the percentage to be confirmed by the Finance Department of the City of Barrie.

2.21.0.0.0 **SCOPE AND AUTHORITY**

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

2.22.0.0.0 **EXPIRY OF LICENCE**

2.22.1.0.0 The date of expiry shall be one year from date of issue unless otherwise specified on the license and each renewal of licence shall, thereafter, expire on such date in each subsequent year.

2.22.2.0.0 Notwithstanding Section 2.22.1.0.0:

- a) every Parking Lot – Temporary shall expire 60 days from the date of issue;
- b) every business licence issued for a Temporary Vendor – Outdoor shall expire 60 days from date of issue;
- c) Deleted
- d) every business licence issued for a Second Hand Shop – Temporary Location shall expire 60 days from the date of issue;
- e) every business licence issued for a Special Sale shall expire 30 days from the date of issue unless an extension is otherwise granted by the Issuer of Licences providing for an expiry 60 days from the original date of issue;
- f) every business licence issued for a Trade Show shall expire 14 days from date of issue.

2.23.0.0.0 **SEVERABILITY**

2.23.1.0.0 Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

2.24.0.0.0 **EXEMPTIONS**

2.24.1.0.0 The Clerk of The Corporation of the City of Barrie may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

2.25.0.0.0 **PENALTIES**

2.25.1.0.0 Every person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation, who concurs in the contravention by the Corporation, is guilty of an offence and liable upon conviction liable to a maximum fine of \$100,000. (reference: *Municipal Act*, S.O. 2001, c.25, s 429)

2.25.2.0.0 In the case of a continuing offence, every person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation who concurs in the contravention by the Corporation, is guilty of an offence and for each day or part of a day that the offence continues liable to a maximum fine of \$10,000. However, despite section 2.25.1.0.0, the total of all of the daily fines for the offence is not limited to \$100,000.

2.25.3.0.0 In the case of a multiple offence, every person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation who concurs in the contravention by the Corporation, is guilty of an offence and for each day or part of a day that the offence continues liable to a maximum fine of \$10,000. However, despite section 2.25.1.0.0, the total of all of the daily fines for the offence is not limited to \$100,000.

2.25.3.1.0 For the purpose of Section 2.25.3.0.0, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a by-law.

2.25.3.2.0 Deleted

2.26.0.0.0 **TRANSITION**

2.26.1.0.0 For the purpose of business licenses issued under the provisions of By-law 2002-288, the date of expiry shall be as specified on the licence and notwithstanding the provisions of this by-law, the provisions of By-law 2002-288 shall continue to apply until the expiration of the license issued under By-law 2002-288.

TABLE 1 – BUSINESS LICENCE FEES

Category	NEW - INSPECTIONS/APPROVALS	RENEWAL INSPECTIONS/APPROVALS
Alarm Installation	<ul style="list-style-type: none"> MLEO Zoning Liability Insurance \$2,000,000 	<ul style="list-style-type: none"> Liability Insurance \$2,000,000 MLEO
Auctioneer	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000 	<ul style="list-style-type: none"> Liability Insurance - \$2,000,000 MLEO
Bed & Breakfast	<ul style="list-style-type: none"> MLEO FIRE Zoning Liability Insurance - \$2,000,000 	<ul style="list-style-type: none"> Liability Insurance - \$2,000,000 MLEO
Boarding, Lodging and Rooming House – Small	<ul style="list-style-type: none"> Fire Building Services (Property Standards) Building Services (Zoning) Liability Insurance - \$2,000,000 Detailed diagram of floor plan depicting location of each bedroom* Detailed diagram of parking plan* Certificate of inspection pertaining to electrical and heating (every 5 years) (* Diagrams must reflect dimensions of rooms, dimension of parking spaces, set back of parking spaces from property and street lines and structures) 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000 Detailed diagram of floor plan depicting location of each bedroom* Detailed diagram of parking plan* Certificate of inspection pertaining to electrical and heating (every 5 years) (* Diagrams must reflect dimensions of rooms, dimension of parking spaces, set back of parking spaces from property and street lines and structures)
Boarding, Lodging and Rooming House – Large	<ul style="list-style-type: none"> Fire) Building Services (Property Standards) Building Services (Zoning) Liability Insurance - \$2,000,000 Detailed diagram of floor plan depicting location of each bedroom* Detailed diagram of parking plan* Certificate of inspection pertaining to electrical and heating (every 5 years) (* Diagrams must reflect dimensions of rooms, dimension of parking spaces, set back of parking spaces from property and street lines and structures) 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000 Detailed diagram of floor plan depicting location of each bedroom* Detailed diagram of parking plan* Certificate of inspection pertaining to electrical and heating (every 5 years) (* Diagrams must reflect dimensions of rooms, dimension of parking spaces, set back of parking spaces from property and street lines and structures)
Body Piercing	<ul style="list-style-type: none"> MLEO HEALTH Zoning Liability Insurance - \$2,000,000 	<ul style="list-style-type: none"> Liability Insurance - \$2,000,000 MLEO
Building Renovator	<ul style="list-style-type: none"> MLEO Zoning Liability Insurance - \$2,000,000 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000
Carnivals	<ul style="list-style-type: none"> Zoning Liability Insurance - \$5,000,000 & naming the Corporation of the City of Barrie as additional insured if occurring on City property TSSA Certificate Ontario Amusement Device Permit 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$5,000,000 & naming the Corporation of the City of Barrie as additional insured if occurring on City property TSSA Certificate Ontario Amusement Device Permit
Circuses	<ul style="list-style-type: none"> Liability Insurance - \$5,000,000 & naming the Corporation of the City of Barrie as an additional insured if occurring on City property MLEO Zoning 	<ul style="list-style-type: none"> Liability Insurance - \$5,000,000 & naming the Corporation of the City of Barrie as an additional insured if occurring on City property MLEO
Door to Door Sales	<ul style="list-style-type: none"> MLEO Two pieces of identification (one photographic identification) Criminal Record Check 	<ul style="list-style-type: none"> Two pieces of identification (one photographic identification) Criminal Record Check MLEO

Category	NEW - INSPECTIONS/APPROVALS	RENEWAL INSPECTIONS/APPROVALS
Driving Instructor	<ul style="list-style-type: none"> Two pieces of identification (one photographic identification) Ministry of Transportation – Driver Instructor’s Permit Valid Ontario Driver’s Licence MLEO 	<ul style="list-style-type: none"> Two pieces of identification (one photographic identification) Ministry of Transportation – Driver Instructor’s Permit Valid Ontario Driver’s Licence MLEO
Driving School Operator	<ul style="list-style-type: none"> Zoning Finance Liability Insurance - \$2,000,000 List of current vehicles used for instruction inc. make, model and licence plate # Written Statement of Rates and Charges MLEO 	<ul style="list-style-type: none"> Liability Insurance - \$2,000,000 List of current vehicles used for instruction inc. make, model and licence plate # Written Statement of Rates and Charges MLEO
Fireworks / Pyrotechnic Vendor	<ul style="list-style-type: none"> MLEO FIRE Liability Insurance - \$2,000,000 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000
Fireworks / Pyrotechnic Displays	<ul style="list-style-type: none"> MLEO FIRE Liability Insurance - \$5,000,000 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$5,000,000
Flea Market Each Location	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000 Zoning 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000
Garage Automobile Repair	<ul style="list-style-type: none"> MLEO Zoning Liability Insurance - \$2,000,000 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000
Garage Automobile Repair - Mobile	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000 	<ul style="list-style-type: none"> Liability Insurance - \$2,000,000 MLEO
Gas Fuelling Station	<ul style="list-style-type: none"> Liability Insurance - \$2,000,000 MLEO Zoning 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000
General Contractor	<ul style="list-style-type: none"> Liability Insurance - \$2,000,000 MLEO Zoning 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000
Home Inspectors	<ul style="list-style-type: none"> Two pieces of identification (one photographic identification) Criminal Record Check MLEO Zoning Liability Insurance - \$2,000,000 	<ul style="list-style-type: none"> Two pieces of identification (one photographic identification) Criminal Record Check MLEO Liability Insurance - \$2,000,000
Insulation Contractor	<ul style="list-style-type: none"> Liability Insurance - \$2,000,000 MLEO Zoning 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000
Kennel	<ul style="list-style-type: none"> Liability Insurance - \$2,000,000 Certificate of Registration from Canadian Kennel Club Incorporated or certified extract MLEO Zoning 	<ul style="list-style-type: none"> Liability Insurance - \$2,000,000 Certificate of Registration from Canadian Kennel Club Incorporated or certified extract MLEO
Menagerie (Zoo)	<ul style="list-style-type: none"> Liability Insurance - \$2,000,000 List of animals currently maintained at the facility MLEO Zoning 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000 List of animals currently maintained at the facility
Newspaper Periodical & Boxes	<ul style="list-style-type: none"> Liability Insurance - \$2,000,000 Location of each newspaper box Written permission from private property owners (where located on private property) MLEO 	<ul style="list-style-type: none"> MLEO Liability Insurance - \$2,000,000 Location of each newspaper box Written permission from private property owners (where located on private property)

Category	NEW - INSPECTIONS/APPROVALS	RENEWAL INSPECTIONS/APPROVALS
Parking Lot - Temporary Location	<ul style="list-style-type: none"> • Liability Insurance - \$2,000,000 • Property description incl. location, dimensions, proposed entrances/exits, max. # of motor vehicles which can be accommodated, hours of operation, Schedule of Rates and Charges • MLEO • Zoning 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000 • Property description incl. location, dimensions, proposed entrances/exits, max. # of motor vehicles which can be accommodated, hours of operation, Schedule of Rates and Charges
Paving / Resurfacing Contractor	<ul style="list-style-type: none"> • Liability Insurance - \$2,000,000 • MLEO • Zoning 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000
Pawnshop	<ul style="list-style-type: none"> • Police • MLEO • Letter of credit or cash security - \$1,000 • Zoning • Liability Insurance - \$2,000,000 	<ul style="list-style-type: none"> • MLEO • Letter of credit or cash security - \$1,000 • Liability Insurance - \$2,000,000
Pet Shop	<ul style="list-style-type: none"> • Liability Insurance - \$2,000,000 • MLEO • Zoning 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000
Property Maintenance	<ul style="list-style-type: none"> • Liability Insurance - \$2,000,000 • MLEO • Zoning 	<ul style="list-style-type: none"> • Liability Insurance - \$2,000,000 • MLEO
Recreational Establishment	<ul style="list-style-type: none"> • Fire • MLEO • Liability Insurance - \$2,000,000 • Zoning 	<ul style="list-style-type: none"> • Fire • MLEO • Liability Insurance - \$2,000,000
Refreshment Vehicle -Motorized	<ul style="list-style-type: none"> • Health • Liability Insurance - \$2,000,000 • Vehicle Identification Number • Ontario Licence Plate # • Vehicle Safety Standards Certificate • Propane Inspection Certificate (where applicable) • MLEO 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000 • Vehicle Identification Number • Ontario Licence Plate # • Vehicle Safety Standards Certificate • Propane Inspection Certificate (where applicable)
Refreshment Vehicle - Non- motorized	<ul style="list-style-type: none"> • Health • Liability Insurance - \$2,000,000 • Propane Inspection Certificate (where applicable) • MLEO 	<ul style="list-style-type: none"> • MLEO • Health • Liability Insurance - \$2,000,000 • Propane Inspection Certificate (where applicable)
Restaurant (No Liquor)	<ul style="list-style-type: none"> • Fire incl. occupant load • MLEO • Health – Certificate of Inspection • Liability Insurance - \$2,000,000 • Zoning 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000
Restaurant / Tavern	<ul style="list-style-type: none"> • Fire incl. occupant load • Police • Health – Certificate of Inspection • Liability Insurance - \$2,000,000 • Copy of liquor licence • MLEO • Zoning • Completed City of Barrie Liquor Licence Questionnaire 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000 • Copy of liquor licence • Completed City of Barrie Liquor Licence Questionnaire
Restaurant / Tavern Non-Motorized Refreshment Vehicle - Municipal Property	<ul style="list-style-type: none"> • MLEO • Health – Certificate of Inspection • Liability Insurance - \$2,000,000 • Propane Inspection Certificate (where applicable) • Zoning 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000 • Propane Inspection Certificate (where applicable)
Restaurant / Tavern Non-Motorized Refreshment Vehicle - Private Property	<ul style="list-style-type: none"> • MLEO • Health – Certificate of Inspection • Liability Insurance - \$2,000,000 • Propane Inspection Certificate (where applicable) • Zoning 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000 • Propane Inspection Certificate (where applicable)

Category	NEW - INSPECTIONS/APPROVALS	RENEWAL INSPECTIONS/APPROVALS
Restaurant / Tavern Patio Extension - Municipal Property	<ul style="list-style-type: none"> • MLEO • Police • Finance • Health – Certificate of Inspection • Liability Insurance - \$2,000,000 • Copy of liquor licence for patio area • Legal and Real Estate Services agreement • Zoning • Completed City of Barrie Liquor Licence Questionnaire 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000 • Copy of liquor licence for patio area • Legal and Real Estate Services agreement • Completed City of Barrie Liquor Licence Questionnaire
Restaurant / Tavern Patio Extension - Private Property	<ul style="list-style-type: none"> • MLEO • Police • Finance • Health – Certificate of Inspection • Liability Insurance - \$2,000,000 • Copy of liquor licence for patio area • Zoning • Completed City of Barrie Liquor Licence Questionnaire 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000 • Copy of liquor licence for patio area • Completed city of Barrie Liquor Licence Questionnaire
Restaurant Drive Thru / Take Out Only	<ul style="list-style-type: none"> • MLEO • Health – Certificate of Inspection • Liability Insurance - \$2,000,000 • Zoning 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000
Salvage Yard	<ul style="list-style-type: none"> • MLEO • FIRE • Liability Insurance - \$2,000,000 • Zoning 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000
Second Hand Sales Permanent Location	<ul style="list-style-type: none"> • Police • MLEO • Zoning 	<ul style="list-style-type: none"> • MLEO
Second Hand Sales -Temporary Location	<ul style="list-style-type: none"> • Police • MLEO • Written permission from property owner or City if occurring on City property • Zoning 	
Sign Company	<ul style="list-style-type: none"> • MLEO • Zoning • Liability Insurance - \$2,000,000 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000
Special Sale	<ul style="list-style-type: none"> • Liability Insurance - \$2,000,000 • If applicant is not owner of goods, Statutory Declaration by owner verifying details of goods to be sold • MLEO • Zoning 	
Tattoo Parlour	<ul style="list-style-type: none"> • Health – Certificate of Inspection • Liability Insurance - \$2,000,000 • POLICE • MLEO • Zoning 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000
Temporary Vendors Outdoors	<ul style="list-style-type: none"> • Written permission of private property owner or City if occurring on City property • MLEO • Zoning 	
Trade Show	<ul style="list-style-type: none"> • Fire • MLEO • List of all vendors including business name, contact name, mailing address, telephone number, description of goods/services to be offered by the vendor • Zoning 	

Category	NEW - INSPECTIONS/APPROVALS	RENEWAL INSPECTIONS/APPROVALS
Wrecking Yard	<ul style="list-style-type: none"> • MLEO • FIRE • Liability Insurance - \$2,000,000 • Zoning 	<ul style="list-style-type: none"> • MLEO • Liability Insurance - \$2,000,000
Duplicate Licence	<ul style="list-style-type: none"> • Proof of Ownership • Previous Licence information i.e licence number, name etc 	
Amendments to Licence	<ul style="list-style-type: none"> • Proof of Ownership • Old Licence 	
Replacement Licence (no changes)	<ul style="list-style-type: none"> • Proof of Ownership 	

- 3.0.0.0.0 **ALARM INSTALLATION CONTRACTOR**
Authority: Municipal Act, S.O. 2001, c.25
- 3.1.0.0.0 Deleted
- 3.1.1.0.0 Deleted
- 3.2.0.0.0 **OPERATING CRITERIA**
- 3.2.1.0.0 No person shall operate or maintain the business of Alarm Installation Contractor within the City without first having obtained a licence to do so.
- 3.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 3.2.3.0.0 No person shall perform any work without first having obtained all necessary permits.
- 4.0.0.0.0 **ANTENNA INSTALLATION CONTRACTOR**
Authority: Municipal Act, S.O. 2001, c. 25,

Deleted
- 5.0.0.0.0 **APPLIANCE REPAIR**
Authority: Municipal Act, S.O. 2001, C. 25

Deleted
- 6.0.0.0.0 **ASSEMBLY HALL - INSTITUTIONAL**
Authority: Municipal Act, S.O. 2001, C. 25

Deleted
- 7.0.0.0.0 **ASSEMBLY HALL - COMMERCIAL**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 8.0.0.0.0 **AUCTIONEER**
Authority: Municipal Act, S.O. 2001, c. 25
- 8.1.0.0.0 Deleted
- 8.2.0.0.0 **OPERATING CRITERIA**
- 8.2.1.0.0 No person shall sell or put up for sale goods, wares, merchandise or effects by public auction within the City without first having obtained a licence to do so.
- 8.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 8.2.3.0.0 Upon receipt of the application the Issuer of Licences may make inquiries to the Chief of Police, regarding the application and the Chief of Police shall certify the result of his inquiries.
- 8.2.4.0.0 The auctioneer shall, at each auction, prominently display his licence issued subsequent to this Section, and shall in all public advertisements of any nature used by him in the course of his business, include his municipal licence number.
- 8.2.5.0.0 No auctioneer shall:
- a) permit any disorder in his auction room or offices;
 - b) conduct or permit to be conducted any mock auction;
 - c) knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale by him;
 - d) give away articles or sell them for nominal amounts for the purpose of stimulating bidding;

- e) do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he pays for any article(s);
- f) by deceit, falsehood, or other fraudulent means stimulate or raise bids or cause to stimulate or raise bids affecting the selling price of any item offered for sale to the public by public auction;
- g) sell or put up for sale by auction any goods, wares, merchandise or effects held on a reserve bid basis without first announcing to those in attendance at the auction the fact that such item is held on a reserve bid.

8.2.6.0.0 Every auctioneer shall advise the Issuer of Licences a minimum of seven (7) days in advance, the time, date and location of every auction scheduled by such auctioneer.

8.2.7.0.0 Nothing herein contained shall apply to a Sheriff or Bailiff Sale.

8.2.8.0.0 Every auctioneer shall keep proper books of account of the business transacted by him as an auctioneer which books shall give the names and addresses of the owners of the goods, wares, merchandise or effects to be sold, the description of the same, the price for which the same may be sold, the names and addresses of the persons purchasing such goods, wares, merchandise or effects or any portion thereof, the price for which the same was sold and the auctioneer shall forthwith, after the sale of same, or any portion thereof, account for the proceeds and pay the same to the person(s) entitled to such proceeds, less the auctioneer's legal and proper commissions and charges; and he shall, in case no sale is made of such goods, on payment of his proper costs and charges, return such goods to the person(s) entitled to receive such goods on proper demand being made for such goods.

8.2.9.0.0 Nothing in this section shall in any way affect or invalidate the claim of any auctioneer for goods warehoused with him, and on which he has made advances.

8.2.10.0.0 Service clubs and registered charitable organizations conducting Silent Auctions and Chinese Auctions, and as approved by the Issuer of Licences shall be exempt from the provisions of this by-law.

8.2.11.0.0 Every applicant shall provide, at the time of application, proof of membership with the Auctioneers Association of Ontario.

8.2.12.0.0 Every licensee shall maintain membership in good standing with the Auctioneers Association of Ontario.

9.0.0.0.0 **AUTOMOBILE BODY REPAIR**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted

10.0.0.0.0 **AUTOMOBILE LEASING/RENTAL**
Authority: Municipal Act S.O. 2001, c. 25

Deleted

11.0.0.0.0 **AUTOMOBILE SALES**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted

12.0.0.0.0 **BARBERSHOP**
Authority: Municipal Act S.O. 2001, c. 25.

Deleted

13.0.0.0.0 **BARBERSHOP - MOBILE**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted

14.0.0.0.0 **BASIC**
Authority: Municipal Act, S.O. 2001, c.25

Deleted

- 15.0.0.0.0 **BEAUTY SALON**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 16.0.0.0.0 **BEAUTY SALON – MOBILE**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 17.0.0.0.0 **BED AND BREAKFAST ESTABLISHMENT**
Authority: Municipal Act, S.O. 2001, c. 25
- 17.1.0.0.0 Deleted
- 17.2.0.0.0 **OPERATING CRITERIA**
- 17.2.1.0.0 No person shall operate or maintain the business of a Bed and Breakfast Establishment within the City without first obtaining a licence to do so.
- 17.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 17.2.3.0.0 The applicant shall at the time of application, provide to the Issuer of Licences, a list detailing the number of guestrooms and facilities offered by the establishment.
- 17.2.4.0.0 No person shall post any sign contrary to the provisions of any City by-law.
- 17.2.5.0.0 No person shall, in relation to the operation of the bed and breakfast establishment, park or permit to be parked any vehicle contrary to any City by-law.
- 17.2.6.0.0 Every person shall ensure that each guestroom is provided with clean linens, including towels, any other customary toilet supplies for each registered individual on a daily basis
- 17.2.7.0.0 Every person shall keep a register of all patrons showing their name, address, the vehicle make and licence plate number including Province or State from which such plate was issued, the date of admission and departure and shall provide such register upon request of the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual.
- 18.0.0.0.0 **BODY PIERCING PARLOUR**
Authority: Municipal Act, S.O. 2001, c. 25
- 18.1.0.0.0 Deleted
- 18.2.0.0.0 **OPERATING CRITERIA**
- 18.2.1.0.0 No person shall operate or maintain a Body Piercing Parlour within the City without first obtaining a licence to do so.
- 18.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 18.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Simcoe Muskoka District Health Unit.
- 18.2.4.0.0 No person shall dispose of any needle or other similar piercing instrument, item or tool in an unsafe manner.
- 18.2.5.0.0 The licensee shall ensure that the Personal Services Settings Protocol as established by the Simcoe Muskoka District Health Unit is adhered to at all times.
- 18.2.6.0.0 The licensee shall ensure that no food or beverages are offered for sale or sold on the premises.
- 18.2.7.0.0 The licensee shall ensure that no room in the premises is being used as living, eating, food preparing, bathing or sleeping quarters.
- 18.2.8.0.0 No person shall carry on or maintain the business of barbershop, tattoo parlour or beauty salon in any premises licensed under this section unless the appropriate licence as required under the provisions of this by-law has first been obtained.

- 19.0.0.0.0 **BUILDING RENOVATOR**
Authority: Municipal Act, S.O. 2001, c. 25
- 19.1.0.0.0 Deleted
- 19.2.0.0.0 **OPERATING CRITERIA**
- 19.2.1.0.0 No person shall operate or maintain a business as Building Renovator within the City without first having obtained a licence to do so.
- 19.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 19.2.3.0.0 Deleted
- 19.2.4.0.0 Every building renovator shall ensure that all necessary permits are obtained prior to commencement of any work and shall ensure that any and all inspections of completed work are obtained, as may be necessary.
- 20.0.0.0.0 **CAR WASH**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 21.0.0.0.0 **CAR WASH - MOBILE**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 22.0.0.0.0 **CARNIVAL**
Authority: Municipal Act, S.O. 2001, c. 25
- 22.1.0.0.0 Deleted
- 22.2.0.0.0 **OPERATING CRITERIA**
- 22.2.1.0.0 No person shall operate or maintain the business of a Carnival, which shall include the operation of any merry-go-round, carousel, switchback railway, or other ride or game of amusement associated with such operation within the City without first having obtained a licence to do so.
- 22.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$5,000,000 and where the carnival is to take place on municipal property, such insurance shall name The Corporation of the City of Barrie as an additional insured.
- 22.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, an Ontario Amusement Device Permit and TSSA Certificate issued within 12 months of the date of application.
- 22.2.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application, the name and address of the person having control and charge of the operation of the merry-go-round and/or carousel.
- 22.2.5.0.0 No person having control or charge of such an operation shall commence to assemble or erect any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus, or mechanical device or ride or any other structure or erection until a licence has been obtained.
- 22.2.6.0.0 The licensee shall ensure that the electrical system, equipment, fuses and switches are inaccessible to the public and cables in the ground in areas used by the public are placed in trenches or suitably protected as required by the Barrie Hydro.
- 22.2.7.0.0 The licensee shall ensure that all electrical systems are operated and maintained in a safe manner.
- 23.0.0.0.0 **CATERER**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted

- 24.0.0.0.0 **CHIMNEY REPAIR**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 25.0.0.0.0 **CIGAR, CIGARETTE & TOBACCO SALES**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 26.0.0.0.0 **CIRCUSES & SIMILAR SHOWS**
Authority: Municipal Act, S.O. 2001, c. 25
- 26.1.0.0.0 Deleted
- 26.2.0.0.0 **OPERATING CRITERIA**
- 26.2.1.0.0 No person shall operate or maintain the business of a Circus or similar show within the City without first having obtained a licence to do so.
- 26.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$5,000,000 and where the carnival is to take place on municipal property, such insurance shall name The Corporation of the City of Barrie as an additional insured..
- 26.2.3.0.0 No person owning, operating or having control or charge of a circus, travelling show or other similar show shall locate within the City or commence to assemble or erect within the City, any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus or mechanical device or ride or other structure or erection, and no licensee of a assembly hall within the City who has rented or leased such assembly hall or authorized the same to be used by a circus or similar show, shall permit or allow such circus or show to assemble or erect in such assembly hall, any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus or mechanical device or ride or any other structure or erection until a licence has been obtained for the operation and conduct of such circus, travelling or similar show.
- 26.2.4.0.0 The Sheba Shrine Club shall be exempted from the payment of the licence fee subject to 100% of the proceeds being utilized for charitable purposes. (88-G-87)
- 26.2.5.0.0 The licensee shall ensure that the electrical systems, equipment, fuses and switches are inaccessible to the public and cables in the ground in areas used by the Public are placed in trenches or suitably protected as required by Electrical Safety Authority and or Barrie Electrical Safety Authority and or Barrie Hydro.
- 26.2.6.0.0 The licensee shall ensure that all electrical systems are operated and maintained in a safe and conscientious manner that meets the requirements of Barrie Hydro.
- 26.2.7.0.0 Notwithstanding the above, the use or display of wildlife or exotic animals shall be prohibited.
- 27.0.0.0.0 **DAY CARE CENTRE/DAY NURSERY**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 28.0.0.0.0 **DEMOLITION CONTRACTOR**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 29.0.0.0.0 **DOOR-TO-DOOR SALES/SERVICE PERSON**
Authority: Municipal Act, S.O. 2001, c. 25
- 29.1.0.0.0 Deleted
- 29.2.0.0.0 **OPERATING CRITERIA**
- 29.2.1.0.0 No person shall operate or conduct business as a Door-to-Door Sales/Service Person within the City without first obtaining licence to do so.

- 29.2.2.0.0 Every Door-to-Door Sales/Service Person shall produce to the Issuer of Licences at the time of application, two pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current residential address.
- 29.2.3.0.0 No person shall engage in, or carry on his business by passing door-to-door within the City before 9:00 a.m. any day or after 9:00 p.m. any day.
- 29.2.4.0.0 Notwithstanding the provisions of Section 29.2.3.0.0 a person shall be permitted to engage in, or carry on his respective trade, calling, business or occupation by passing door-to-door at any time of any day but only to premises carrying out an actual commercial use within a commercial zone, as defined within the City Zoning By-law, as amended from time to time.
- 29.2.5.0.0 For the purpose of Section 29.2.4.0.0:
- 29.2.5.1.0 "actual commercial use" means – a premises carrying on business for profit and open to the public for the purpose of retail sales, including the sale of food and alcohol, however, does not include residential premises, non-profit operations, offices and services facilities within a commercial zone.
- 30.0.0.0.0 **DRAIN LAYER CONTRACTOR**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 31.0.0.0.0 **DRAIN LAYER**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 32.0.0.0.0 **DRIVING INSTRUCTOR**
Authority: Municipal Act, S.O. 2001, c. 25
- 32.1.0.0.0 Deleted
- 32.2.0.0.0 **OPERATING CRITERIA**
- 32.2.1.0.0 No person shall operate as a Driving Instructor within the City without first having obtained a licence to do so.
- 32.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, two pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current residential address.
- 32.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, a "Driver Instructor's permit" issued by the Ministry of Transportation, pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8 and shall maintain such permit valid for the duration of the licence. No person shall operate as a Driving Instructor without holding a valid Driver Instructor's Permit as issued by the Ministry of Transportation pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8.
- 32.2.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of a valid Province of Ontario Driver's Licence and a Provincial Instructor's Permit, as issued by the Ministry of Transportation pursuant to the provisions of the Highway Traffic Act, R.S.O. 1990, c. H.8.
- 32.2.5.0.0 No person shall operate as a Driving Instructor without holding a valid Ontario Driver's Licence and Provincial Instructor's Permit, as issued by the Ministry of Transportation pursuant to the provisions of the Highway Traffic Act, R.S.O. 1990, c. H.8.
- 32.2.6.0.0 Every instructor shall:
- a) be fluent in reading and speaking the English language;
 - b) within (14) fourteen days of changing his address, inform the Issuer of Licences of such change and produce his licence to the Issuer of Licences for the change to be entered thereon;
 - c) furnish to the Issuer of Licences the name, mailing address and operating address of the Driving School Operator with whom he is employed;

- d) at the request of the Issuer of Licences, submit any vehicle used for the purpose of driving instruction, for inspection at such time and place as may be designated by the Issuer of Licences, at the owner's expense;
- e) in respect of each vehicle used for the purpose of driving instruction, procure or ensure that a policy of insurance is procured, in the minimum amount of \$2,000,000.
- f) before giving instruction, provide to the Issuer of Licences the make, model, and licence number of the vehicle(s) which he proposes to use to give instruction; and,
- g) shall ensure that any vehicle used for driving instruction is maintained in a safe and roadworthy condition at all times and shall provide proof of vehicle certification at the time of application.

32.2.7.0.0 No driving instructor shall give driving instruction:

- a) to any student driver when any person other than himself, the student driver and the owner of the business or an appointee of such owner connected with the school staff is in the vehicle in which the instruction is being given, but, where all the students are under the age of 25 years, this provision shall not apply to any course of driving instruction meeting the standard set for such driving course by the Ministry of Transportation and Communication for the Province of Ontario. In no case shall the number of individuals in any vehicle used for instruction exceed more than four individuals;
- b) in any vehicle which has not, in addition to the standard controls and brakes for use by the driver, extra braking equipment in good working condition placed in a position for ready use by the instructor or operator seated beside the driver;
- c) to any student who fails to produce a valid Ministry of Transportation Level 1 (G1) Permit or equivalent;
- d) upon any street or area in the City of Barrie, from time to time, as may be designated by resolution of Council;
- e) during the first hour of practical training on any primary traffic artery, main highway, route or heavily travelled thoroughfare;
- f) to any student driver whose ability he knows, or has reason to suspect, is impaired by the use of any alcoholic beverage, drug or narcotic;
- g) if the instructor has, within the previous six hours taken or consumed any alcoholic beverages or is impaired by the use of any alcoholic beverage, drug or narcotic, or if the use of any such alcoholic beverage, drug or narcotic by him is apparent in any way;
- h) in any vehicle unless the same has securely affixed to the back thereof and in a visible and prominent position, as recommended by the Issuer of Licences, a plate bearing an identifying number indicating that such vehicle is used in a business licensed for the current year by the Issuer of Licences;
- i) in any vehicle which has not been certified and approved and recorded by the Issuer of Licences, or any vehicle which is otherwise unsafe or not roadworthy;
- j) to any student driver who is not registered as a student at the driving school where the Instructor is employed; and,
- k) unless the vehicle being used for such instruction bears a sign or signs as set out in Section 32.2.8.0.0 (b).

32.2.7.1.0 No driving instructor shall provide, give or carry on driving instruction or training to any student on the following streets within the City of Barrie:

- a) Brookwood Drive;
- b) Thrushwood Drive;
- c) Ramblewood Drive;
- d) Cranberry Lane;
- e) Blueberry Lane;
- f) Blackbird Lane;
- g) Megan Crescent; and
- h) Bentley Crescent
- i) Touchette Drive.

32.2.7.2.0 Notwithstanding section 32.2.7.1.0, student driving tests conducted by the Ministry of Transportation or their representative, shall be permitted to operate on all streets noted in section 32.2.7.1.0.

32.2.8.0.0 Every Instructor shall ensure that any vehicle used for driving instruction, by such Instructor bears:

- a) a valid Province of Ontario licence plate;
- b) sign(s) of such nature, size and location on the vehicle as to be readily legible at a distance of (15) fifteen metres from the front of and rear of the vehicle; which sign shall bear the driving school name, address and telephone number and which sign shall not obstruct the clear view of the plate referred to in Section 32.2.7.0.0 (h);

33.0.0.0.0 **DRIVING SCHOOL OPERATOR**
Authority: Municipal Act, S.O. 2001, c. 25

33.1.0.0.0 Deleted

33.2.0.0.0 **OPERATING CRITERIA**

33.2.1.0.0 No person shall operate or maintain the business of Driving School Operator within the City without first having obtained a licence to do so.

33.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

33.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, a list of all vehicles to be used in the business for the purpose of driving instruction, identifying the same by vehicle make, model and Licence Plate Number.

33.2.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application, a written Statement of Rates and Charges for all services provided by the school.

33.2.5.0.0 Every driving school operator shall:

- a) be fluent in reading and writing the English language;
- b) within (14) fourteen days of any change in his mailing or operating address, advise the office of the Issuer of Licences and furnish the particulars of his new address;
- c) notify the Issuer of Licences within (14) fourteen days of any change or addition in the vehicles being used for the purpose of driving instruction and the Driving School Operator shall provide the make, model and Licence Plate number of any and all vehicles affected. If the Operator ceases to use any such vehicle, the plate issued by the City shall be immediately returned to the Issuer of Licences. Where vehicles are added to the operation, plates shall be issued by the Issuer of Licences and placed by the Operator on the vehicle as outlined in Section 32.2.8.0.0 (b);
- d) provide in every vehicle used in the business a frame or other device for the holding of the licence and photograph of the driving instructor;

- e) keep a permanent record of the name and address of each student, the date of commencement and date of completion of instruction, the date, time and name of instructor for each lesson, the number of the student's Ontario Motor Vehicle Operator's Licence or Ontario Motor Vehicle Temporary Instruction Permit and the expiry date of such Motor Vehicle Operator's Licence or Motor Vehicle Temporary Instruction Permit;
- f) allow the Issuer of Licences or other person(s) so authorized by Council to have access to all premises, vehicles, equipment, books and records used in the business and submit any vehicle for inspection at such time and place as may be designated by the Issuer of Licences, at the owner's expense;
- g) ensure that all vehicles used in the business for the purpose of driving instruction are maintained in a safe and roadworthy condition and shall, at the time of application or addition or change of vehicles provide proof of certification of each vehicle to be used;
- h) notify the Issuer of Licences, in writing, of the name and address of each driving instructor employed by him and the date of commencement of such employment and shall also advise the Issuer of Licences in writing of the name and address of any driving instructor ceasing to be employed by such Driving School Operator, the date that such driving instructor ceased to be employed and, such notification shall be given not later than (14) fourteen days after commencement or ceasing of the employment;
- i) before entering into agreement for driving instruction with any person, or giving instruction, furnish to such person a written statement of all rates and charges as filed with the Issuer of Licences;
- j) adhere to the rates and charges published in the statement referred to in Section 33.2.4.0.0 and give (14) fourteen days advance notice to the Issuer of Licences of any new Statement of Rates and Charges which he proposes to publish in lieu of the existing Statement; and,
- k) in respect of each driving school vehicle which is used for the purpose of giving instruction, procure an insurance policy in the minimum amount of \$2,000,000.

33.2.6.0.0 No driving school operator shall:

- a) cause or permit instruction to be given in any vehicle which has not, in addition to the standard controls and brakes used by the driver, extra braking equipment in good working condition placed in a position for ready use by the instructor or operator seated beside the driver;
- b) cause or permit instruction to be given to, or an agreement to be entered into with, any student driver who fails to produce a current Ontario Motor Vehicle Operator's Licence or a current Ontario Motor Vehicle Operator's Temporary Instruction Permit;
- c) cause or permit driving instruction to be given upon any street or area in the City of Barrie, from time to time, as maybe designated by resolution of Council;
- d) cause or permit driving instruction to be given to any student, during the first hour of practical training, on any primary traffic artery, main highway, route or heavily travelled thoroughfare;
- e) advertise driving school service or instruction unless he operates from the address so licensed and advertised;
- f) use or permit to be used in his business, any vehicle unless the same has securely affixed to the back, thereof, and in a visible a prominent position, as recommended by the Issuer of Licences, a plate issued by the Issuer of Licences bearing an identifying number and indicating that such a vehicle is used in a business licensed for the current year by the Issuer of Licences;

- g) use or permit to be used in his business, any vehicle that has not been certified and approved and recorded by the Issuer of Licences, or a vehicle which is otherwise unsafe or not roadworthy;
- h) employ an Instructor not licensed under the provisions of this by-law;
 - i) use or permit to be used in his business any vehicle unless the same bears:
 - ii) a valid Province of Ontario licence plate;
 - iii) sign(s) of such nature, size and location on the vehicle as to be readily legible at a distance of 15 metres from the front and rear of the vehicle; which sign shall bear the driving school name, address and telephone number and which sign shall not obstruct the clear view of the plate referred to in Section 32.2.7.0.0 (h); or,
 - iv) any other number, sign, card or plate issued or approved by the Issuer of Licences.

33.2.7.0.0 No driving school operator shall cause, permit or allow any driving instructor to provide, give or carry on driving instruction or training to any student on the following streets within the City of Barrie:

- a) Brookwood Drive;
- b) Thrushwood Drive;
- c) Ramblewood Drive;
- d) Cranberry Lane;
- e) Blueberry Lane;
- f) Blackbird Lane;
- g) Megan Crescent; and
- h) Bentley Crescent
- i) Touchette Drive
- j) O'Shaughnessy Drive
- k) White Crescent
- l) Lake Crescent
- m) Quance Crescent
- n) Boag Court
- o) Warner Road

34.0.0.0.0 **DRY CLEANER**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted

35.0.0.0.0 **ENTERTAINMENT ESTABLISHMENT**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted

36.0.0.0.0 **FENCING CONTRACTOR**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted

37.0.0.0.0 **FLEA MARKET - LOCATION/PREMISE**
Authority: Municipal Act, S.O. 2001, c. 25

37.1.0.0.0 Deleted

37.2.0.0.0 **OPERATING CRITERIA**

37.2.1.0.0 No person shall operate or maintain a premise or location operated as a Flea Market within the City without first having obtained a licence to do so.

37.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000

37.2.3.0.0 The licensee shall ensure that every premise is constructed and established in such manner as to provide a specified area for each vendor.

- 37.2.4.0.0 The licensee shall ensure that every stall is numbered in such manner as to display the number to the general public.
- 37.2.5.0.0 The licensee shall ensure that garbage and waste is removed from the premise at least once weekly or as often as is necessary to maintain the premise in a sanitary condition.
- 38.0.0.0.0 **FLEA MARKET - OWNER/OPERATOR**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 39.0.0.0.0 **FLEA MARKET - VENDOR**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 40.0.0.0.0 **FOOD SHOP**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 41.0.0.0.0 **FUEL DEALER**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 42.0.0.0.0 **GARAGE - AUTOMOBILE REPAIR – CLASS ‘A’**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 43.0.0.0.0 **GARAGE - AUTOMOBILE REPAIR - CLASS “B”**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 44.0.0.0.0 **GARAGE - AUTOMOBILE REPAIR - CLASS “C”**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 45.0.0.0.0 **GARAGE - AUTOMOBILE REPAIR**
Authority: Municipal Act, S.O. 2001, c. 25
- 45.1.0.0.0 Deleted
- 45.2.0.0.0 **OPERATING CRITERIA**
- 45.2.1.0.0 No person shall operate or maintain the business of a Garage-Automobile Repair within the City without first having obtained a licence to do so.
- 45.2.2.0.0 The applicant shall provide the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 45.2.3.0.0 Where the applicant is a Motor Vehicle Inspection Station or is certified for the purpose of the Drive Clean Program, the applicant shall provide to the Issuer of Licences at the time of application, a copy of the Motor Vehicle Inspection Station Certificate and the Drive Clean Program Certificate issued in the name of the applicant.
- 45.2.4.0.0 No person shall:
- a) permit the licensed premise to be used for the wrecking or storage of wrecked vehicles unless licensed to do so under the provisions of this by-law;
 - b) park or store any motor vehicle on any sidewalk, boulevard, highway or road;

- c) permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes; or,
- d) remove or cause to be removed any snow from the premise to any public sidewalk, boulevard, street, roadway or other municipal property.

45.2.5.0.0 Every person shall:

- a) keep the premise free from rubbish and in a clean and neat condition;
- b) keep any sidewalk or street upon which the premise abuts free from any dirt or other foreign substance derived from or resulting from the use thereof;
- c) either by himself or through one or more of his employees during business hours specified maintain a constant and vigilant supervision of every motor vehicle parked or stored at or upon the licensed premise; provided that this provision shall not apply in the case of any licensed premise where each motor vehicle can be parked or stored and locked by the owner, or operator thereof, in a location from which the motor vehicle can be removed without obstruction from other parked or stored vehicles;
- d) ensure that any person engaged in the driving, operating or moving of motor vehicles parked or stored at or upon the licensed premise is a holder of a valid Province of Ontario Motor Vehicle Operator's Licence.
- e) display in a conspicuous place at or upon the licensed premise a sign or signs bearing, in readily legible letters, the hours during which the licensed premise is open for business and clearly identifying the business name and address, as well as the name, address and telephone number of an authorized contact person.

46.0.0.0.0 **GARAGE - AUTOMOBILE REPAIR - MOBILE**
Authority: Municipal Act, S.O. 2001, c. M 25

46.1.0.0.0 Deleted

46.2.0.0.0 **OPERATING CRITERIA**

46.2.1.0.0 No person shall operate or maintain the business of a Mobile Garage - Automobile Repair within the City without first having obtained a licence to do so.

46.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

46.2.3.0.0 No person shall:

- a) park or store any vehicle on any highway, road, boulevard or other City property;
- b) permit the engine of a motor vehicle to run in any building whether on a frame or on a motor vehicle, while stationary, unless adequate ventilation, as approved by the Chief Fire Official or any other agency deemed necessary by the Issuer of Licences, is provided to ensure dilution of any carbon monoxide fumes;
- c) perform any spray painting or automobile body repairs;
- d) dispose of any gasoline, oil or other lubricants in or within any household, residential or other garbage normally collected by the services of the City of Barrie or other private disposal company;
- e) conduct the business or perform any repair on any highway, road, boulevard or other City property; or,
- f) Deleted

46.2.4.0.0 Every person shall:

- a) keep any sidewalk or street upon abutting any premise from which such work is being conducted free from any dirt or other foreign substance derived from such premise or resulting from use thereof; and,
- b) provide a written receipt to every customer which shall clearly identify the business name and address, as well as the name, address and telephone number of an authorized contact person.

47.0.0.0.0 **GASOLINE STATION/FUELLING STATION**

Authority: Municipal Act, S.O. 2001, c. 25

47.1.0.0.0 Deleted

47.2.0.0.0 **OPERATING CRITERIA**

47.2.1.0.0 No person shall operate or maintain the business of Gasoline Station or Fuelling Station within the City without first having obtained a licence to do so.

47.2.2.0.0 The applicant shall provide to the Issuer of Licenses at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

47.2.3.0.0 No person shall:

- a) permit the licensed premise to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law;
- b) park or store any motor vehicle on any sidewalk, boulevard, highway or road;
- c) permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes; or,
- d) remove or cause to be removed any snow from the premise to any public sidewalk, boulevard, street, roadway or other municipal property.

47.2.4.0.0 Every person shall:

- a) keep the premise free from rubbish and in a clean and neat condition;
- b) keep any sidewalk or street upon which the premise abuts free from any dirt or other foreign substance derived from or resulting from the use thereof; and,
- c) display in a conspicuous place at or upon the licensed premise a sign or signs bearing, in readily legible letters, the hours during which the licensed premise are open for business and clearly identifying the business name and address, as well as the name, address and telephone number of an authorized contact person.

48.0.0.0.0 **GENERAL CONTRACTOR**

Authority: Municipal Act, S.O. 2001, c. 25

48.1.0.0.0 Deleted

48.2.0.0.0 **OPERATING CRITERIA**

48.2.1.0.0 No person shall operate or maintain a business as General Contractor within the City without first having obtained a licence to do so.

48.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

48.2.3.0.0 No person shall perform any work without first having obtained the necessary permits.

48.2.4.0.0 No person shall employ or otherwise contract any drain layer contractor, drain layer, electrical contractor, master electrician, plumbing contractor, master plumber, demolition contractor, heating, air conditioning, refrigeration contractor, insulation installation contractor, mechanical contractor unless such person is qualified to carry out such work.

48.2.5.0.0 Every General Contractor shall, within fourteen (14) days of any change of address, notify the Issuer of Licences of his new address.

49.0.0.0.0 **HEATING, AIR CONDITIONING, REFRIGERATION INSTALLATION CONTRACTOR**

Authority: Municipal Act S.O. 2001, c. 25

Deleted

50.0.0.0.0 **HOME/PROPERTY INSPECTOR**

Authority: Municipal Act, S.O. 2001, c. 25

51.1.0.0.0 Deleted

50.2.0.0.0 **OPERATING CRITERIA**

50.2.1.0.0 No person shall operate or maintain the business of Home Inspector within the City without first having obtained a licence to do so.

50.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

50.2.3.0.0 Every individual, at the time of application shall produce to the Issuer of Licences a Criminal Record Check obtained from a Police enforcement agency and dated within 30 days of the date of receipt of the application.

50.2.4.0.0 Every individual at the time of application shall produce to the Issuer of Licences at the time of application, two pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current residential address.

50.2.5.0.0 The licensee shall ensure that he carries with him and displays on his person the photographic identification as provided by the City of Barrie.

50.2.6.0.0 No person shall engage in, or carry on his business by inspecting a residential dwelling within the City before 9:00 a.m. any day or after 9:00 p.m. any day.

50.2.7.0.0 Every applicant shall provide, at the time of application, proof of membership with the Ontario Association of Home Inspectors.

50.2.8.0.0 Every licensee shall maintain membership in good standing with the Ontario Association of Home Inspectors.

51.0.0.0.0 **INSULATION INSTALLATION CONTRACTOR**

Authority: Municipal Act, S.O. 2001, c. 25

51.1.0.0.0 Deleted

51.2.0.0.0 **OPERATING CRITERIA**

51.2.1.0.0 No person shall operate or maintain the business of Insulation Installation Contractor within the City without first having obtained a licence to do so.

51.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

51.2.3.0.0 Every person shall ensure that only insulation as certified by the National Research Council and as outlined in The Ontario Building Code Act, R.S.O. 1990, c. B.13, as amended, is used by him in the performance of his work.

51.2.4.0.0 No person shall perform any work without first having obtained the necessary permits to do so.

51.2.5.0.0 Every Insulation Installation Contractor shall, within fourteen (14) days of any change of address, notify the Issuer of Licences of his new address.

52.0.0.0.0 **KENNEL**

Authority: Municipal Act, S.O. 2001, c. 25

- 52.1.0.0.0 Deleted
- 52.2.0.0.0 **OPERATING CRITERIA**
- 52.2.1.0.0 No person shall operate or maintain a Kennel within the City without first obtaining a licence to do so.
- 52.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 52.2.3.0.0 Every person shall, upon application to operate or maintain a Kennel, provide a Certificate of Registration with the Canadian Kennel Club Incorporated signed by the keeper of the Register or a certified extract from such Register showing that all dogs kept within such kennel are so registered.
- 52.2.4.0.0 No person shall operate or maintain a Kennel within the City contrary to any section of the Dog Owner's Liability Act, R.S.O. 1990, c. D16.
- 53.0.0.0.0 **LAUNDROMAT**
Authority: Municipal Act, S.O. 2001, c. 25
- Deleted
- 54.0.0.0.0 **LAUNDRY**
Authority: Municipal Act, S.O. 2001, c. 25
- Deleted
- 55.0.0.0.0 **BOARDING, LODGING, AND ROOMING HOUSE**
Authority: Municipal Act, S.O. 2001, c. 25
- 55.1.0.0.0 **BOARDING LODGING ROOMING HOUSE – LARGE**
- 55.1.1.0.0 No person shall operate or maintain a Boarding Lodging and Rooming House (Large) within the City of Barrie without first having obtained a licence to do so.
- 55.1.2.0.0 Every applicant shall, at the time of application or as otherwise requested by the Issuer of Licences:
- a) provide to the Issuer of Licences, the name, mailing address, address of residence, daytime telephone number, emergency telephone number, Facsimile number and e-mail address of the registered owner of the property;
 - b) where the registered owner is a Corporation, provide to the Issuer of Licences, the full registered Corporate name of the registered owner, the mailing address, address of business operation, daytime telephone number, emergency telephone number, Facsimile number, and e-mail address of all principals or partners of such Corporation;
 - c) the name, mailing address, address of residence, daytime telephone number, emergency telephone number; Facsimile number and e-mail address of the keeper, manager, superintendent or custodian of the Boarding, Lodging and Rooming House (Large), if not the same as the owner;
 - d) provide copies of any documentation, certificate or other submission as set out in Table 1 to this by-law, or otherwise required by the Issuer of Licences and shall produce the original of such documentation, certificate or other submission, if requested to do so by the Issuer of Licences;
 - e) provide an Electrical Inspection Certificate verifying the building is in compliance with the Electrical Safety Authority and/or Barrie Hydro and that such electrical system has been inspected within five years of the date of application;
 - f) provide an Inspection Certificate from a certified technician that the heating system is in a safe working order and that such heating system has been inspected within five years of the date of application;

- g) provide a detailed diagram reflecting all structures existing on the property of the proposed Boarding, Lodging and Rooming House, the location of the driveway, any walkways, and the proposed parking to be provided for the occupants of the premise. The applicant shall ensure that such diagram includes the dimensions of the said property, structures, parking spaces, driveways, and walkways, and shall also include set back distances of such structures, parking spaces, driveways, and walkways from the property boundaries. The applicant shall ensure that the number of parking spaces meets but does not exceed that required or permitted under the City's Zoning By-law;
- h) provide a detailed diagram of each floor of the dwelling unit for which application is being made as a Boarding, Lodging and Rooming House (Large) identifying the use of each room and further identifying which room(s)/area(s) are considered common areas. Such diagram shall include the dimensions of each room and reflect all means of ingress/egress to each room/area, windows, stairwells, etc.

55.1.3.0.0 Every person shall ensure that:

- a) the use and intended use of the property is in compliance with the City of Barrie Zoning By-law, as amended from time to time, affecting the said property;
- b) the premise is in compliance at all times with the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended;
- c) the building used as a Boarding, Lodging and Rooming House (Large) is in compliance at all times with the Ontario Building Code 1997, as amended;
- d) the building used as a Boarding, Lodging and Rooming House (Large) and the property are maintained in compliance at all times with the Property Standards By-law and the City of Barrie Clean Yards By-law as amended from time to time;
- e) liability insurance in the minimum amount of \$2,000,000 is maintained at all times during the term of the business licence. Where such liability insurance expires during the term of the business licence, the licensee shall ensure that a copy of the renewed liability insurance policy in the minimum amount of \$2,000,000 is submitted to the Issuer of Licences in advance of expiration of such insurance coverage;
- f) any alteration of the proposed parking space(s) is submitted in advance to the Issuer of Licences, and no person shall undertake any alteration to such parking space(s) without the written acknowledgement of the Issuer of Licences;
- g) any alteration or change to the designation of any room within the dwelling unit, or any alteration proposed to be carried out within the dwelling unit shall be communicated in writing and accompanied by a new detailed diagram to the Issuer of Licences prior to such alteration or change being made;
- h) the municipal address of the Boarding, Lodging and Rooming House (Large) is clearly posted on the exterior of the premise in accordance with the provisions of the City of Barrie's Municipal Addressing By-law 2004-147;
- i) ensure that the occupant load, name of the manager, superintendent or other custodian together with a day time telephone number and emergency telephone number is clearly posted at all entrances to the dwelling unit.

55.1.4.0.0 Every person shall ensure that the actions or activities carried on by his tenant, an occupant, or visitor to such Boarding Rooming Lodging House (Large) while in the Boarding, Lodging and Rooming House (Large), or upon the property of such Boarding, Lodging and Rooming House (Large):

- a) do not breach or violate the provisions of any municipal, provincial or federal law;
- b) do not cause, suffer or commit any nuisance to arise in, on or in connection with the premise;
- c) do not cause a disturbance to any neighbour;
- d) do not obstruct any City walkway, sidewalk, roadway;
- e) do not obstruct any aspect of private property.

55.2.0.0.0 BOARDING LODGING AND ROOMING HOUSE – SMALL

55.2.1.0.0 No person shall operate or maintain a Boarding, Lodging and Rooming House (Small) within the City of Barrie without first having obtained a licence to do so.

55.2.2.0.0 Every applicant shall, at the time of application or as otherwise requested by the Issuer of Licences:

- a) provide to the Issuer of Licences, the name, mailing address, address of residence, daytime telephone number, emergency telephone number, Facsimile number and e-mail address of the registered owner of the property;
- b) where the registered owner is a Corporation, provide to the Issuer of Licences, the full registered Corporate name of the registered owner, the mailing address, address of business operation, daytime telephone number, emergency telephone number, Facsimile number, and e-mail address of all principals or partners of such Corporation;
- c) the name, mailing address, address of residence, daytime telephone number, emergency telephone number; Facsimile number and e-mail address of the keeper, manager, superintendent or custodian of the Boarding, Lodging and Rooming House (Small), if not the same as the owner;
- d) provide copies of any documentation, certificate or other submission as set out in Table 1 to this by-law, or otherwise required by the Issuer of Licences and shall produce the original of such documentation, certificate or other submission, if requested to do so by the Issuer of Licences;
- e) provide an Electrical Inspection Certificate verifying the building is in compliance with the Electrical Safety Authority and/or Barrie Hydro and that such electrical system has been inspected within five years of the date of application;
- f) provide an Inspection Certificate from a certified technician that the heating system is in a safe working order and that such heating system has been inspected within five years of the date of application;
- g) provide a detailed diagram reflecting all structures existing on the property of the proposed Boarding, Lodging and Rooming House (Small), the location of the driveway, any walkways, and the proposed parking to be provided for the occupants of the premise. The applicant shall ensure that such diagram includes the dimensions of the said property, structures, parking spaces, driveways, and walkways, and shall also include set back distances of such structures, parking spaces, driveways, and walkways from the property boundaries. The applicant shall ensure that the number of parking spaces meets but does not exceed that required or permitted under the City's Zoning By-law;

- h) provide a detailed diagram of each floor of the dwelling unit for which application is being made as a Boarding, Lodging and Rooming House (Small) identifying the use of each room and further identifying which room(s)/area(s) are considered common areas. Such diagram shall include the dimensions of each room and reflect all means of ingress/egress to each room/area, windows, stairwells, etc.

55.2.3.0.0 Every person shall ensure that:

- a) the use and intended use of the property is in compliance with the City of Barrie Zoning By-law, as amended from time to time, affecting the said property;
- b) the premise is in compliance at all times with the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended;
- c) the building used as a Boarding, Lodging and Rooming House (Small) is in compliance at all times with the Ontario Building Code 1997, as amended;
- d) the building used as a Boarding, Lodging and Rooming House (Small) and the property are maintained in compliance at all times with the Property Standards By-law and the City of Barrie Clean Yards By-law as amended from time to time;
- e) liability insurance in the minimum amount of \$2,000,000 is maintained at all times during the term of the business licence. Where such liability insurance expires during the term of the business licence, the licensee shall ensure that a copy of the renewed liability insurance policy in the minimum amount of \$2,000,000 is submitted to the Issuer of Licences in advance of expiration of such insurance coverage;
- f) any alteration of the proposed parking space(s) is submitted in advance to the Issuer of Licences, and no person shall undertake any alteration to such parking space(s) without the written acknowledgement of the Issuer of Licences;
- g) any alteration or change to the designation of any room within the dwelling unit, or any alteration proposed to be carried out within the dwelling unit shall be communicated in writing and accompanied by a new detailed diagram to the Issuer of Licences prior to such alteration or change being made;
- h) the municipal address of the Boarding, Lodging and Rooming House (Small) is clearly posted on the exterior of the premise in accordance with the provisions of the City of Barrie's Municipal Addressing By-law 2004-147;
- i) ensure that the occupant load, name of the manager, superintendent or other custodian together with a day time telephone number and emergency telephone number is clearly posted at all entrances to the dwelling unit.

55.2.4.0.0 Every person shall ensure that the actions or activities carried on by his tenant, an occupant, or visitor to such Boarding, Lodging and Rooming House (Small) while in the Boarding, Lodging and Rooming House (Small), or upon the property of such Boarding, Lodging and Rooming House (Small):

- a) do not breach or violate the provisions of any municipal, provincial or federal law;
- b) do not cause, suffer or commit any nuisance to arise in, on or in connection with the premise;
- c) do not cause a disturbance to any neighbour;
- d) do not obstruct any City walkway, sidewalk, roadway;
- e) do not obstruct any aspect of private property.

- 56.0.0.0.0 **MECHANICAL CONTRACTOR**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 57.0.0.0.0 **MENAGERIES/ZOO**
Authority: Municipal Act, S.O. 2001, c. 25
- 57.1.0.0.0 Deleted
- 57.2.0.0.0 **OPERATING CRITERIA**
- 57.2.1.0.0 No person shall operate or maintain a Menagerie or Zoo within the City without first having obtained a licence to do so.
- 57.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 57.2.3.0.0 Every applicant shall provide to the Issuer of Licences at the time of application, and maintain at all times, a current list of all animals which are kept in such menagerie or zoo.
- 57.2.4.0.0 The applicant shall indicate at the time of application and maintain with the Issuer of Licences at all times, the name and address of the person having control and charge of the menagerie or zoo.
- 57.2.5.0.0 Every person shall maintain and keep all animals within the menagerie or zoo in a clean, well-bedded, and healthy manner and shall ensure that the animals are treated in a humane manner at all times.
- 57.2.6.0.0 Every person shall ensure that all animals kept within a menagerie or zoo are kept in a secure manner so as not to endanger or impose risk to any person, whether a visitor to the menagerie or zoo or otherwise.
- 57.2.7.0.0 The licensee shall post any admission price in a conspicuous and prominent location outside the entrance.
- 57.2.8.0.0 The licensee shall post any cautions or warnings regarding any animals kept in the menagerie or zoo in a conspicuous and prominent location outside the entrance to the premise.
- 58.0.0.0.0 **MOTEL**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 59.0.0.0.0 **NEWSPAPER/PERIODICAL DISTRIBUTION COMPANY/BOX**
Authority: Municipal Act, S.O. 2001, c. 25
- 59.1.0.0.0 Deleted
- 59.2.0.0.0 **OPERATING CRITERIA**
- 59.2.1.0.0 No person shall operate or maintain a Newspaper or Periodical Distribution Company within the City without first obtaining a licence to do so.
- 59.2.2.0.0 The applicant, at the time of application shall provide:
- a) a complete list of all municipal and private property locations where a distribution box or unit is placed
 - b) a description and model number for each of distribution box or unit utilized by the company; and
 - c) at the time of application for each distribution box, the model number and location for the distribution box for which application is being made.
- 59.2.3.0.0 No person shall operate, maintain or place any distribution box on private property, not being the private property of the Newspaper or Periodical Distribution Company, without the express permission of the property owner or his authorized agent.

- 59.2.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000
- 59.2.5.0.0 The applicant shall provide to the Issuer of Licences, at the time of application, written permission from the private property owner or his authorized agent permitting the location of the distribution box on the private property.
- 59.2.6.0.0 No person shall place any distribution box on municipal property without first obtaining a licence to do so.
- 59.2.7.0.0 Distribution boxes, as approved by the Issuer of Licences, may be placed on municipal property provided:
- a) the distribution box is located only at the location as approved by the Issuer of Licences;
 - b) the distribution box does not impede or interfere with access to or from any municipal or private property;
 - c) the distribution box does not interfere with the maintenance or repair of any municipal or private property;
 - d) the distribution box is maintained in a proper state of repair so that it does not become unsafe, unsightly, dangerous or defective and so that it is completely operative at all times;
 - e) not more than one distribution box is placed by any Newspaper or Periodical distribution Company at any one location;
 - f) the total number of distribution boxes does not exceed five (5) at any one location;
 - g) the distribution box is not located in front of or adjacent to any residential zone; and
 - h) the distribution box is located at a distance of no less than 75 feet from any intersection.
- 59.2.8.0.0 Any distribution box placed contrary to the provision of this section may be immediately removed by a Municipal Law Enforcement Officer or other duly authorized individual without notification to the owner or apparent owner of the distribution box. Any distribution box or unit removed by the City will be stored for a minimum period of 30 days from the date of removal after which the distribution box or unit may be disposed of by the City without notification or compensation to the owner or apparent owner. The owner of the confiscated distribution box may, within 30 days of such distribution box being confiscated, and upon payment to the City of Barrie of all costs associated with the removal of such distribution box reclaim such distribution box or unit.
- 59.2.9.0.0 All distribution boxes shall be removed from municipal property by the licensee upon termination of the licence or business.
- 59.2.10.0.0 Notwithstanding Section 59.2.6.0.0, no person shall place a distribution box at any location on municipal property within in the Downtown Business Improvement Area.
- 59.2.11.0.0 No person shall place a newspaper distribution box or periodical distribution box within or adjacent to any City parkland.
- 60.0.0.0.0 **PARKING LOT (not including Parking Lots - Temporary Location)**
Authority: Municipal Act, S.O. 2001, c. 25
- Deleted
- 61.0.0.0.0 **PARKING LOT (TEMPORARY)**
Authority: Municipal Act, S.O. 2001, c. 25
- 61.1.0.0.0 Deleted
- 61.2.0.0.0 **OPERATING CRITERIA**
- 61.2.1.0.0 No person shall operate or maintain a premise or location as a temporary parking lot within the City without first having obtained a licence to do so.

- 61.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 61.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application:
- a) the location and dimensions of the lands in respect to which he seeks such licence;
 - b) the maximum number of motor vehicles proposed to be parked or stored at or upon such premise at any one time;
 - c) the hours during which such premise shall be open for business;
 - d) the location of each proposed entrance to and exit from such premise; and,
 - e) the rates or charges for parking or storing motor vehicles.
- 61.2.4.0.0 Every person operating a parking station shall:
- a) if he engages in driving, operating or moving motor vehicles parked or stored on the licensed premise be the holder of a valid Province of Ontario Motor Vehicle Operator's Licence and shall not employ or permit any person or employee to drive or operate such motor vehicles unless such person is the holder of such an Operator's Licence;
 - b) display in a conspicuous place at or upon the licensed premise a sign bearing, in readily legible letters, the rates or charges for parking or storing motor vehicles, the hours during which the premise are open for business, together with the business name and address, and the name, address and telephone number of an authorized contact person;
 - c) keep the licensed premise free from rubbish and in a clean and neat condition any keep and sidewalk or street upon which such premise abuts free from any dirt or any other foreign substance derived from the operation thereof;
 - d) at the time of receiving each motor vehicle for the purpose of parking or storing the same at or upon the licensed premise, give or cause to be given to the person from whom the motor vehicle is received, a numbered receipt bearing on the same side as the number;
 - e) post in a conspicuous location on the premise, a clear statement of the extent of the responsibility accepted by the operator in respect to loss of, or damage to, such motor vehicle and the contents thereof while parked or stored in the care and custody of the licensee and any of his employees;
 - f) post in a conspicuous location on the premise, the licensee's business name, the municipal address of the parking lot and the business hours; and,
 - g) whenever any motor vehicle remains continuously without lawful excuse at or upon the licensed premise for more than 24 continuous hours, report to the Issuer of Licences and/or Barrie Police Service, the make, model and provincial licence plate number of such vehicle.
- 61.2.5.0.0 No person of an enclosed parking lot shall permit the engine of a motor vehicle to run, while stationary, unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes.
- 61.2.6.0.0 No person shall store, park or allow to be stored or parked, any trailer used for human habitation while so parked or stored.
- 61.2.7.0.0 No person shall remove or cause to be removed any snow from his parking lot premise to any sidewalk, boulevard, highway, roadway or other municipal property.
- 62.0.0.0.0 **PAVING/RESURFACING CONTRACTOR**
Authority: Municipal Act, S.O. 2001, c. 25
- 62.1.0.0.0 Deleted

62.2.0.0.0 **OPERATING CRITERIA**

62.2.1.0.0 No person shall operate or maintain a business of Paving or Resurfacing Contractor within the City without first obtaining a licence to do so.

62.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

62.2.3.0.0 Every person shall take reasonable precautions so as to ensure that any product or substance being used in the paving or resurfacing of any surface is confined to that property or surface for which the contract applies.

62.2.4.0.0 No person shall dispose of old pavement or resurfacing materials in an unsafe manner or in a manner contrary to any municipal, provincial or federal law.

63.0.0.0.0 **PAWN SHOP**

Authority: Pawnbroker's Act, R.S.O. 1990, c. P6
Municipal Act S.O. 2001, c. 25

63.1.0.0.0 Deleted

63.2.0.0.0 **OPERATING CRITERIA**

63.2.1.0.0 No person shall operate or maintain the business of a Pawn Shop within the City without first having obtained a licence to do so.

63.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, security in the form of a Letter of Credit or cash security deposit in the amount of \$1,000, for the due observance of the provisions of the Pawnbroker's Act, R.S.O. 1990, c. P6. The licensee shall maintain such Letter of Credit or cash security deposit valid for the duration of the licence. Additionally the applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

63.2.3.0.0 Every licensee shall comply at all times with all provisions of the Pawnbroker's Act, R.S.O. 1990, c. P6.

63.2.4.0.0 The licensee shall:

- a) Deleted.
- b) ensure that, before purchasing or taking in exchange any second-hand good, a record is made in a ledger book in chronological order with the entries transcribed in ink in a clear and legible manner or in a recording system approved by the Chief of Police of,
 - i) the day, month, year and time of the transaction;
 - ii) a detailed description of each second-hand good that shall be reasonably sufficient to identify it, including make, model, serial numbers, marking and titles, where applicable,
 - iii) the purchase price of each second-hand good or a description of the item exchanged for it, and
 - iv) the initials of the employee conducting the transaction on behalf of the licensee.
 - v) For the purpose of Second Hand Sales, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual shall not access or remove personal information collected by the vendor unless such information is directly related to an active investigation, court or other legal proceeding and is necessary to the investigation.
- c) ensure that no person enters inaccurate or false information in the ledger book pertaining to any transaction or alters any record made in the ledger book of a transaction or person making such transaction, so as to make the original entry illegible.

- 63.2.5.0.0 Deleted
- 63.2.6.0.0 Deleted
- 63.2.7.0.0 Deleted
- 64.0.0.0.0 **PET GROOMER**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 65.0.0.0.0 **PET GROOMER (MOBILE)**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 66.0.0.0.0 **PET SHOP**
Authority: Municipal Act, S.O. 2001, c. 25
- 66.2.0.0.0 **OPERATING CRITERIA**
- 66.2.1.0.0 No person shall operate or maintain Pet Shop within the City without first having obtained a licence to do so.
- 66.2.2.0.0 A separate licence shall be taken out for each pet shop.
- 66.2.3.0.0 The licensee shall ensure that all provisions under the Dog Owner's Liability Act, R.S.O 1990, c. D16 are adhered to at all times and any observation of a potential violation of the Dog Owner's Liability Act by a client shall be immediately reported by the Licensee to the Issuer of Licences.
- 66.2.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000
- 66.2.5.0.0 The licensee shall ensure that the pet shop is maintained in a sanitary, well ventilated and clean condition and free from offensive odours at all times
- 66.2.6.0.0 The licensee shall ensure that every animal and bird is kept in sanitary, well-bedded, well lighted clean quarters kept at a temperature appropriate for the health requirements of the type of species of animal or bird housed therein.
- 66.2.7.0.0 Where quarters used for the housing of any animal or bird form part of or are physically attached to a building used for human habitation or to which the public has access, the licensee shall ensure that such quarters have a concrete or other impermeable floor with a drain opening constructed as a plumbing fixture. The licensee shall ensure that such floor is cleaned and sanitized a minimum of once a day or as deemed necessary to keep the floor clean.
- 66.2.8.0.0 The licensee shall ensure that every cage or container used for keeping or housing of any animal or bird:
- a) is of adequate size to permit any such animal or bird to stand normally to its full height, to turn around and to lie down in a fully extended position;
 - b) in the case of a cage or other container used to keep or house only birds, has a removable metal or other impermeable bottom which shall be cleaned daily;
 - c) in the case of a cage containing birds is of sufficient size and dimensions to enable all birds to have sufficient perch space to permit full extension of their wings in every direction;
 - d) in the case of all other cages or containers has a floor of either solid or wire mesh construction or any combination thereof provided that:
 - i) all spaces in the wire mesh shall be smaller than the pads of the paws of any animal confined therein;
 - ii) any such wire mesh shall be of a thickness design adequate to prevent injury to any such animal.

- iii) such floor shall be of sufficient strength to support the weight of any animal confined therein;
 - e) is equipped with receptacles for food and water so mounted or situated that they cannot be easily overturned or contaminated; and,
 - f) all cages or containers are cleaned on a daily basis.
- 66.2.9.0.0 The licensee shall ensure that water is provided daily to every animal or bird in sufficient quantity to maintain at all times a drinkable supply available to such bird or animal.
- 66.2.10.0.0 The licensee shall ensure that all animals and birds are fed periodically each day in accordance with the particular food requirements of each type or species of animal or bird.
- 66.2.11.0.0 The licensees shall ensure that all cages, tanks, containers or other enclosures in which animals or birds are kept are located in such a way so as to provide maximum comfort to satisfy the known and established needs for the particular species so housed and are provided with safeguards to prevent extreme environmental changes and to prevent undue direct physical contact with the general public.
- 66.2.12.0.0 The licensee shall ensure that all persons responsible for the care, feeding or cleaning of birds and animals are adequately instructed and supervised in the handling and care of all such animals and birds.
- 66.2.13.0.0 No licensee shall:
 - a) keep, sell, offer for sale, exchange or other remuneration or consideration any exotic pets prohibited by by-law or otherwise prohibited;
 - b) keep his stock of animals or birds in crowded quarters;
 - c) sell any diseased animal or bird. The following shall deem an animal unfit for sale or release:
 - i) obvious signs of infectious disease such as distemper, hepatitis, leptospirosis, rabies or other similar diseases;
 - ii) obvious signs of nutritional deficiencies including deficiencies including rickets or emacipation;
 - iii) obvious signs of severe parasitism severe enough to influence the general health of the animal; or
 - iv) obvious fractures or congenital abnormalities affecting the general health of the animal.
- 66.2.14.0.0 Every licensee shall ensure that any animal or bird indicating signs of sickness or disease is examined and appropriately treated within 4 hours of the onset of the illness, by a veterinarian or other qualified person experienced in the care and treatment of the species concerned and that such animal or bird is kept in a quarantine area, separate from all other birds and animals until such illness is cured.
- 66.2.15.0.0 No licensee shall sell, permit to be sold or offer for sale, or give away, any mammal before it has reached the normal weaning age, based on known requirements of that particular species.
- 67.0.0.0.0 **PHYSICAL FITNESS CENTRE**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 68.0.0.0.0 **PLACE OF AMUSEMENT - RENTAL**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted

- 69.0.0.0.0 **PLUMBING CONTRACTORS**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 70.0.0.0.0 **MASTER PLUMBER**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 71.0.0.0.0 **PROPERTY MAINTENANCE CONTRACTOR**
Authority: Municipal Act, S.O. 2001, c. 25
- 71.1.0.0.0 Deleted
- 71.2.0.0.0 **OPERATING CRITERIA**
- 71.2.1.0.0 No person shall operate or maintain a business as a Property Maintenance Contractor within the City without first obtaining a licence to do so.
- 71.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 71.2.3.0.0 Every person shall take reasonable precautions so as to ensure that any product, chemical or substance used by him is confined to that property for which the contract applies.
- 71.2.4.0.0 No person shall deposit or cause to be deposited debris, or other materials on any other property, including municipal property without the express written permission of the City or property owner.
- 71.2.5.0.0 No person shall deposit or cause to be deposited snow or ice on or over any sidewalk, boulevard, street, or other municipal property or to the contrary to the provisions of any City by-law.
- 72.0.0.0.0 **RECREATIONAL ESTABLISHMENT**
Authority: Municipal Act, S.O. 2001, c. 25
- 72.1.0.0.0 Deleted
- 72.2.0.0.0 **OPERATING CRITERIA**
- 72.2.1.0.0 No person shall operate or maintain a Recreational Establishment within the City without first having obtained a licence to do so.
- 72.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 72.2.3.0.0 The licensee shall display in a prominent place within the licensed premise, Occupant Load Notices, as may be applicable, displaying the maximum occupant load as determined by the Chief Fire Official, or his designate.
- 72.2.4.0.0 No person shall permit a greater number of people to enter or be in the recreational establishment at any one time than stated as the maximum capacity on the occupant load notice.
- 72.2.5.0.0 Deleted
- 72.2.6.0.0 The licensee shall maintain, keep and operate the premise in an orderly and respectable manner at all times.
- 72.2.7.0.0 The licensee shall ensure that there are no payoffs, betting or offering of any article or thing as a prize in contravention of the Criminal Code of Canada within the licensed premise.
- 72.2.8.0.0 A Municipal Law Enforcement Officer, Police Officer or other person duly appointed may, at any time enter any business premise in which they have reason to believe there is kept or being operated a recreational establishment contrary to the provisions of this By-law.

72.2.9.0.0 The licensee shall ensure that the forming of queues for the purpose of gaining entrance to the premise does not obstruct any other business, sidewalk, boulevard, 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.

72.2.10.0.0 The licensee shall comply with all requirements and provisions of the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended or such conditions or regulations as otherwise may apply to the operation of such premise.

73.0.0.0.0 **RECREATIONAL VEHICLE LEASING/WATERCRAFT LEASING**

Authority: Municipal Act, S.O. 2001, c. 25

Deleted

74.0.0.0.0 **RECREATIONAL VEHICLE REPAIRS/WATERCRAFT REPAIR**

Authority: Municipal Act, S.O. 2001, c. 25

Deleted

75.0.0.0.0 **RECREATION VEHICLE SALES/WATERCRAFT SALES**

Authority: Municipal Act, S.O. 2001, c. 25

Deleted

76.0.0.0.0 **REFRESHMENT VEHICLE - MOTORIZED**

Authority: Municipal Act, S.O. 2001, c. 25

76.1.0.0.0 Deleted

76.2.0.0.0 **OPERATING CRITERIA**

76.2.1.0.0 No person shall operate or maintain or permit the operation or maintenance of a motorized refreshment vehicle within the City without first having obtained a licence to do so.

76.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

76.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application:

- a) the vehicle identification number and the Ontario licence plate number as issued by the Ministry of Transportation for each vehicle owned by the company; and,
- b) a valid and current Safety Standards Certificate issued pursuant to the provisions of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;

76.2.4.0.0 Every licensee shall ensure that:

- a) every refreshment vehicle is equipped with a metal refuse container with a self closing lid, and such container shall be kept in a clean and sanitary condition and emptied at least once daily; or,
 - i) a disposable litter container which shall be replaced at least once daily; and
 - ii) such containers shall be used for the disposal of all refuse;
- b) every refuse container is located in such a position on the vehicle so as to be easily accessible by persons making purchases while the vehicle is stopped;
- c) the vehicle and all parts and equipment for use in the dispensing of refreshments are maintained in a clean and sanitary condition and at all times in good repair;
- d) hard ice cream and related products are maintained in a hard condition in the vehicle at all times;
- e) no thawed or partially thawed products are refrozen, stored or sold from the vehicle;

- f) soft ice cream and related products are stored in a refrigerated cabinet suitable for the storage of soft ice cream and related products, as approved by the Medical Officer of Health;
- g) all dispensing equipment is of a sanitary design and cleaned on a daily basis;
- h) all foodstuffs are wrapped or sold in individual packages;
- i) adequate refrigeration, as approved by the Medical Officer of Health, is provided for perishable foodstuffs which shall be kept so refrigerated;
- j) the date of expiration is clearly and legibly marked on or affixed to the wrapper of all sandwiches or pre-packaged food stuffs sold from the vehicle;
- k) beverages, which shall include but shall not be limited to, milk, juices, and soft drinks are only sold in individual disposable containers;
- l) where the refreshment vehicle is equipped with a deep fryer, range, griddle, char-broiler or other similar equipment the vehicle shall be equipped with a "K" Class portable fire extinguisher;
- m) where the refreshment vehicle is equipped with cooking equipment powered by propane the refreshment vehicle shall have a 2A10BC, or larger, dry chemical portable fire extinguisher.
- n) the operator of such vehicle shall have a working knowledge of the proper use of such fire extinguisher;
- o) vehicles from which hot, prepared foods are sold are so equipped as to maintain such foods so heated at a temperature as approved by the Medical Officer of Health;
- p) the vehicle is free from holes, crevices or cracks and the surface is readily washable and is kept clean and in good condition;
- q) only single service condiments, milk, cream and sugar are used; and,
- r) only single service disposable cups, plates, forks, spoons, knives and containers are used and serviettes shall be provided from a dispenser.

76.2.5.0.0 Every person selling or handling refreshments and foodstuffs shall be clean and neat in appearance and shall maintain clean hands at all times.

76.2.6.0.0 The licensee shall ensure that the Personal Services Settings Protocol as established by the Simcoe Muskoka District Health Unit is adhered to at all times.

76.2.7.0.0 No licensee shall permit any individual other than a bona fide employee to operate the refreshment vehicle.

76.2.8.0.0 The licensee shall ensure that every vehicle displays in a contrasting colour and in clearly visible letters, on both side panels, the operating name of the business as it appears on their business licence.

76.2.9.0.0 Every owner shall take out a separate licence for each refreshment vehicle owned or operated by him and the plate issued in respect of such licence shall be securely affixed to the rear of the vehicle and be visible at all times.

76.2.10.0.0 Every licensee shall at his own expense, whenever required to do so by the Issuer of Licences, bring such vehicle to any person designated by the Issuer of Licences for inspection.

76.2.11.0.0 No person shall operate a motorized refreshment vehicle on adequately zoned private property without the express written permission of the owner or his authorized agent.

- 76.2.12.0.0 No person shall stop, park or otherwise carry on business from a motorized refreshment vehicle for the purpose of selling or offering for sale any refreshments or product at a distance of less than 50 feet from any intersection, within 100 feet of any school grounds or within 100 feet of any public park, unless authorized by the City to do so.
- 76.2.13.0.0 No person shall stop, park or otherwise carry on business from a motorized vehicle in any permitted zone for longer than a 15 minute period and no person shall obstruct traffic in any way on any street.
- 76.2.14.0.0 No person shall operate a motorized refreshment vehicle within any Park unless authorized to do so by the Leisure, Transit and Facilities Department and unless such vehicle is licensed in accordance with the provisions of this By-law.
- 76.2.15.0.0 Every licensee shall ensure that each operator or employee is made familiar with the contents of this section and shall not permit any operator or employee under his control, management, supervision or direction to breach any of the provisions of this Section.
- 76.2.16.0.0 No person shall stop, park or otherwise carry on business from a refreshment vehicle of any class within the area bounded by Dunlop Street on the north, Toronto Street on the west, Simcoe Street on the south, and Bayfield Street on the east, in the City of Barrie.
- 76.2.17.0.0 No person shall operate a refreshment vehicle from any boulevard, sidewalk or other municipal property within the City of Barrie unless authorized to do so.
- 76.2.18.0.0 No person shall stand, stop or park or permit to stand, stop or be parked, any vehicle contrary to any City by-law, the Highway Traffic Act or other by-law or statute as may be applicable.
- 76.2.19.0.0 No person shall sound a horn or other signaling device in connection with the conduct of business from or in conjunction with a motorized refreshment vehicle between the hours of 9:00 p.m. of one day and 9:00 a.m. of the next day.
- 76.2.20.0.0 No person shall operate a refreshment vehicle where the refreshment vehicle is equipped with a deep fryer, range, griddle, char-broiler or other similar equipment unless the vehicle is equipped with a "K" Class portable fire extinguisher.
- 76.2.21.0.0 No person shall operate a refreshment vehicle powered by propane within 3 metres (10 feet) of any building, wall, or other combustible structure.
- 76.2.22.0.0 Where a person holds a valid City of Barrie Business Licence under this section for the current year and where such person certifies that the Refreshment Vehicle licensed under this section has been removed from service and is being replaced by another vehicle to be operated as a refreshment vehicle, and upon submission of:
- a) a duly completed application form;
 - b) an appropriate safety inspection certificate for the vehicle to be licensed as a refreshment vehicle;
 - c) any other required inspections, approvals or documents as required by the Issuer of Licences; and
 - d) payment of an administrative fee as set out in the City of Barrie Fee's By-law,
- a Refreshment Vehicle – Motorized may be reissued by the Issuer of Licences for the replacement vehicle.
- 77.0.0.0.0 **REFRESHMENT VEHICLE - NON-MOTORIZED**
Authority: Municipal Act, S.O. 2001, c. 25
- 77.1.0.0.0 Deleted
- 77.2.0.0.0 **OPERATING CRITERIA**
- 77.2.1.0.0 No person shall operate or maintain or permit the operation or maintenance of a non-motorized refreshment vehicle within the City without first having obtained a licence to do so.
- 77.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

77.2.3.0.0 Every licensee shall ensure that:

- a) every refreshment vehicle is equipped with a metal refuse container with a self closing lid, and such container shall be kept in a clean and sanitary condition and emptied at least once daily; or
 - i) a disposable litter container which shall be replaced at least once daily; and
 - ii) such containers shall be used for the disposal of all refuse.
- b) every refuse container is located in such a position on the vehicle so as to be easily accessible by persons making purchases while the vehicle is stopped;
- c) the vehicle and all parts and equipment for use in the dispensing of refreshments are maintained in a clean and sanitary condition and at all times in good repair;
- d) hard ice cream and related products are maintained in a hard condition in the vehicle at all times;
- e) no thawed or partially thawed products are refrozen, stored or sold from the vehicle;
- f) soft ice cream and related products are stored in a refrigerated cabinet suitable for the storage of soft ice cream and related products, as approved by the Medical Officer of Health;
- g) all dispensing equipment is of a sanitary design and cleaned on a daily basis;
- h) all foodstuffs are wrapped or sold in individual packages;
- i) adequate refrigeration, as approved by the Medical Officer of Health, is provided for perishable foodstuffs which shall be kept so refrigerated;
- j) the date of expiration is clearly and legibly marked on or affixed to the wrapper of all sandwiches or pre-packaged food stuffs sold from the vehicle;
- k) beverages, which shall include but shall not be limited to, milk, juices, and soft drinks are only sold in individual disposable containers;
- l) where the refreshment vehicle is equipped with a deep fryer, range, griddle, char-broiler or other similar equipment the vehicle is equipped with a "K" Class portable fire extinguisher;
- m) where a vehicle is powered by propane, the vehicle is inspected and certified at the time of application and on an annual basis by an authorized inspector and such certification shall be filed with the Issuer of Licences annually, or at the time of application, or as may be required;
- n) where the refreshment vehicle is equipped with cooking equipment powered by propane the refreshment vehicle shall have a 2A10BC, or larger, dry chemical portable fire extinguisher mounted on the vehicle and the operator of such vehicle shall be knowledgeable in the proper use of such fire extinguisher;
- o) vehicles from which hot, prepared foods are sold are so equipped as to maintain such foods so heated at a temperature as approved by the Medical Officer of Health;
- p) the vehicle is free from holes, crevices or cracks and the surface is readily washable and is kept clean and in good condition;
- q) only single service condiments, milk, cream and sugar are used;

- r) only single service disposable cups, plates, forks, spoons, knives and containers are used and serviettes shall be provided from a dispenser.
- 77.2.4.0.0 Every person selling or handling refreshments and foodstuffs shall be clean and neat in appearance and shall maintain clean hands at all times.
- 77.2.5.0.0 The licensee shall ensure that the Personal Services Settings Protocol as established by the Simcoe Muskoka District Health Unit is adhered to at all times.
- 77.2.6.0.0 No licensee shall permit any individual other than a bona fide employee to operate the refreshment vehicle.
- 77.2.7.0.0 The licensee shall ensure that every vehicle displays in a contrasting colour in clearly visible letters, on both side panels, the operating name of the business as it appears on their business licence.
- 77.2.8.0.0 Every owner shall take out a separate licence for each refreshment vehicle owned or operated by him and the plate issued in respect of such licence shall be securely affixed to the rear of the vehicle and be visible at all times.
- 77.2.9.0.0 Every licensee shall at his own expense, whenever required to do so by the Issuer of Licences, bring such vehicle to any person designated By the Issuer of Licences for inspection.
- 77.2.10.0.0 No person shall operate a non-motorized refreshment vehicle on adequately zoned private property without the express written permission of the owner of the property or his authorized agent.
- 77.2.11.0.0 No person shall stop or park a non-motorized refreshment vehicle for the purpose of selling or offering for sale any refreshments or product at a distance of less than 50 feet from any intersection, within 100 feet of any school grounds or within 100 feet of any public park, unless authorized by the City to do so.
- 77.2.12.0.0 No person shall stop, park or carry on business from a non-motorized vehicle in any permitted zone for longer than a 15 minute period and no person shall obstruct traffic in any way on any street.
- 77.2.13.0.0 No person shall operate a non-motorized refreshment vehicle within any park unless authorized to do so by the Leisure, Transit and Facilities Department and unless such vehicle is licensed in accordance with the provisions of this By-law.
- 77.2.14.0.0 Every licensee shall ensure that each operator or employee is made familiar with the contents of this section and shall not permit any operator or employee under his control, management, supervision or direction to breach any of the provisions of this Section.
- 77.2.15.0.0 No person shall operate a refreshment vehicle of any class within the area bounded by Dunlop Street on the north, Toronto Street on the west, Simcoe Street on the south, and Bayfield Street on the east, in the City of Barrie.
- 77.2.16.0.0 No person shall operate a refreshment vehicle from any sidewalk, boulevard or other municipal property within the City of Barrie unless authorized to do so.
- 77.2.17.0.0 No person shall operate a refreshment vehicle equipped with a deep fat fryer, range, griddle, char-broiler or other similar equipment unless such refreshment vehicle is equipped with a "K" Class portable fire extinguisher or a 2A10BC, or larger, dry chemical portable extinguisher as may be required to the satisfaction of the Barrie Fire and Emergency Service.
- 77.2.18.0.0 No person shall sound a horn or other signaling device in connection with the conduct of business from the non-motorized refreshment vehicle between the hours of 9:00 p.m. of one day and 9:00 a.m. of the next day.
- 77.2.19.0.0 No person shall operate a refreshment vehicle powered by propane within 3 metres (10 feet) of any building, wall, or other combustible structure.

77.2.20.0.0 Where a person holds a valid City of Barrie Business Licence under this section for the current year and where such person certifies that the Refreshment Vehicle licensed under this section has been removed from service and is being replaced by another vehicle to be operated as a refreshment vehicle, and upon submission of:

- a) a duly completed application form;
- b) an appropriate safety inspection certificate for the vehicle to be licensed as a refreshment vehicle;
- c) any other required inspections, approvals or documents as required by the Issuer of Licences; and
- d) payment of an administrative fee as set out in the City of Barrie Fee's By-law,

a Refreshment Vehicle – Non-Motorized may be reissued by the Issuer of Licences for the replacement vehicle.

78.0.0.0.0 **REGISTERED MESSAGE CLINIC**
Authority: Municipal Act, S.O. 2001, c. 25

78.1.0.0.0 Deleted

78.2.0.0.0 **OPERATING CRITERIA**

Deleted

78.2.1.0.0 Deleted

78.2.2.0.0 Deleted

78.2.3.0.0 Deleted

78.2.4.0.0 Deleted

78.2.5.0.0 Deleted

79.0.0.0.0 **REGISTERED MESSAGE THERAPIST (MOBILE)**
Authority: Municipal Act, S.O. 2001, c. 25 – Deleted

79.1.0.0.0 Deleted

79.2.0.0.0 **OPERATING CRITERIA**
Deleted

79.2.1.0.0 Deleted

79.2.2.0.0 Deleted

79.2.3.0.0 Deleted

79.2.4.0.0 Deleted

79.2.5.0.0 Deleted

79.2.6.0.0 Deleted

80.0.0.0.0 **RESTAURANT**
Authority: Municipal Act, S.O. 2001, c. 25

80.1.0.0.0 Deleted

80.2.0.0.0 **OPERATING CRITERIA**

80.2.1.0.0 No person shall operate or maintain a restaurant within the City without first having obtained a licence to do so.

80.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

- 80.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Simcoe Muskoka District Health Unit.
- 80.2.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application the occupant load for the premise as set out by the Chief Fire Official.
- 80.2.5.0.0 If premise are divided into compartments in which persons are served with food or other refreshments, the licensee shall ensure that the compartments are not enclosed on more than three sides and shall ensure that no curtain, screen or other obstruction is used on the fourth side.
- 80.2.6.0.0 The licensee shall ensure that all rooms where foodstuffs are kept, stored, cooked or prepared, have walls and floors so constructed as to prevent the infestation of the premise by insects, rodents and other vermin and shall ensure that all walls and floors are kept in good repair.
- 80.2.7.0.0 The licensee shall ensure that no dogs, cats or other animals are allowed in any premise or place where food is kept, stored, cooked, prepared or served.
- 80.2.8.0.0 Notwithstanding Section 80.2.7.0.0, no person shall, in respect of any seeing impaired person being guided or led by a dog:
- a) refuse to serve such person;
 - b) refuse to permit such person to enter with such dog into or upon any place or premise to which this licence relates; or,
 - c) refuse to permit such person and such dog to remain in or upon such place or premise, by reason only of the presence of the said dog.
- 80.2.9.0.0 The licensee shall ensure that all premises are operated in a clean and sanitary condition.
- 80.2.10.0.0 The licensee shall ensure that no room is used for sleeping.
- 80.2.11.0.0 Every person who engages in the handling of food shall, while so engaged, take all reasonable steps as may be necessary to protect the foodstuffs from dust, dirt, mud, filth, dirty water, animals, birds, rodents, flies, insects and other sources of contamination and shall cause such foodstuffs to be so placed as to prevent the risk of contamination.
- 80.2.12.0.0 The licensee shall ensure that no refuse or filth is deposited or permitted to accumulate in any premise except as may be unavoidable for the proper carrying on of the business.
- 80.2.13.0.0 The licensee shall ensure that food which is susceptible to spoilage or the action of toxin producing organisms is kept under refrigeration in accordance with the requirements of the Simcoe Muskoka District Health Unit.
- 80.2.14.0.0 The licensee shall ensure that all premises where foodstuffs are stored, kept, prepared, cooked or served to customers, are fully protected from dust, dirt, flies, and vermin, by glass cases, wire screens or other such methods as may be satisfactory and necessary.
- 80.2.15.0.0 The licensee shall ensure that garbage and waste are removed from the premise at least twice weekly or as often as is necessary to maintain the premise in a sanitary condition.
- 80.2.16.0.0 The licensee shall ensure that garbage receptacles in a room or place where food is prepared, handled, processed, displayed, sold, offered for sale, served or stored:
- a) are cleaned and sanitized after each use; and,
 - b) are removed from the room when full;
- except where daily collection service is provided, are placed in a separate room, place, compartment or bin, so constructed and maintained as to exclude vermin and insects and prevent odors and health hazards on the premise.
- 80.2.17.0.0 The licensee shall ensure that all liquid waste from the operation of the premise is disposed of in a sanitary manner.

- 80.2.18.0.0 The licensee shall ensure that kitchens and other similar facilities are equipped with ample facilities for washing and sterilizing eating and cooking utensils.
- 80.2.19.0.0 The licensee shall ensure that all knives, forks, spoons, dishes and other tableware are thoroughly sterilized with steam or boiling water after each using.
- 80.2.20.0.0 The licensee shall ensure that adequate sanitary toilet facilities are provided as required by the Simcoe Muskoka District Health Unit and the licensee shall ensure that such facilities are maintained in a clean and sanitary condition at all times.
- 80.2.21.0.0 The licensee shall ensure that the Personal Services Settings Protocol as established by the Simcoe Muskoka District Health Unit is adhered to at all times.
- 80.2.22.0.0 Every person employed in such premise shall keep himself and his wearing apparel in a clean and sanitary condition.
- 80.2.23.0.0 The licensee shall ensure that all premises comply with the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended.
- 80.2.24.0.0 No person shall operate a refreshment vehicle of any class as an extension of a restaurant operation without a licence to do so.
- 80.2.25.0.0 No person shall operate an outdoor patio as an extension to a restaurant operation without a licence to do so.
- 81.0.0.0.0 **RESTAURANT / TAVERN**
Authority: Municipal Act, S.O. 2001, c. 25
- 81.1.0.0.0 Deleted
- 81.2.0.0.0 **OPERATING CRITERIA**
- 81.2.1.0.0 No person shall operate or maintain a restaurant/tavern within the City without first having obtained a licence to do so.
- 81.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 81.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Simcoe Muskoka District Health Unit.
- 81.2.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application the occupant load for the premise as set out by the Chief Fire Official.
- 81.2.5.0.0 The applicant shall provide to the Issuer of Licences at the time of application, a copy of the Liquor Licence as issued by the Alcohol and Gaming Commission.
- 81.2.6.0.0 If premise are divided into compartments in which persons are served with food or other refreshments, the licensee shall ensure that the compartments are not enclosed on more than three sides and shall ensure that no curtain, screen or other obstruction is used on the fourth side.
- 81.2.7.0.0 The licensee shall ensure that all rooms where foodstuffs are kept, stored, cooked or prepared, have walls and floors so constructed as to prevent the infestation of the premise by insects, rodents and other vermin and shall ensure that all walls and floors are kept in good repair.
- 81.2.8.0.0 The licensee shall ensure that no dogs, cats or other animals are allowed in any premise or place where food is kept, stored, cooked, prepared or served.
- 81.2.9.0.0 Notwithstanding Section 81.2.8.0.0, no person shall, in respect of any seeing impaired person being guided or led by a dog:
- a) refuse to serve such person;
 - b) refuse to permit such person to enter with such dog into or upon any place or premise to which this licence relates; or,
 - c) refuse to permit such person and such dog to remain in or upon such place or premise, by reason only of the presence of the said dog.

- 81.2.10.0.0 The licensee shall ensure that all premises are operated in a clean and sanitary condition.
- 81.2.11.0.0 The licensee shall ensure that no room is used for sleeping.
- 81.2.12.0.0 Every person who engages in the handling of food shall, while so engaged, take all reasonable steps as may be necessary to protect the foodstuffs from dust, dirt, mud, filth, dirty water, animals, birds, rodents, flies, insects and other sources of contamination and shall cause such foodstuffs to be so placed as to prevent the risk of contamination.
- 81.2.13.0.0 The licensee shall ensure that no refuse or filth is deposited or permitted to accumulate in any premise except as may be unavoidable for the proper carrying on of the business.
- 81.2.14.0.0 The licensee shall ensure that food, which is susceptible to spoilage or the action of toxin producing organisms, is kept under refrigeration in accordance with the requirements of the Simcoe Muskoka District Health Unit.
- 81.2.15.0.0 The licensee shall ensure that all premises where foodstuffs are stored, kept, prepared, cooked or served to customers, are fully protected from dust, dirt, flies, and vermin, by glass cases, wire screens or other such methods as may be satisfactory and necessary.
- 81.2.16.0.0 The licensee shall ensure that garbage and waste are removed from the premise at least twice weekly or as often as is necessary to maintain the premise in a sanitary condition.
- 81.2.17.0.0 The licensee shall ensure that garbage receptacles in a room or place where food is prepared, handled, processed, displayed, sold, offered for sale, served or stored:
- a) are cleaned and sanitized after each use; and,
 - b) are removed from the room when full;
- except where daily collection service is provided, are placed in a separate room, place, compartment or bin, so constructed and maintained as to exclude vermin and insects and prevent odours and health hazards on the premise.
- 81.2.18.0.0 The licensee shall ensure that all liquid waste from the operation of the premise is disposed of in a sanitary manner.
- 81.2.19.0.0 The licensee shall ensure that kitchens and other similar facilities are equipped with ample facilities for washing and sterilizing eating and cooking utensils.
- 81.2.20.0.0 The licensee shall ensure that all knives, forks, spoons, dishes and other tableware are thoroughly sterilized with steam or boiling water after each using.
- 81.2.21.0.0 The licensee shall ensure that adequate sanitary toilet facilities are provided as required by the Simcoe Muskoka District Health Unit and the licensee shall ensure that such facilities are maintained in a clean and sanitary condition at all times.
- 81.2.22.0.0 Every person employed in such premise shall keep himself and his wearing apparel in a clean and sanitary condition.
- 81.2.23.0.0 The licensee shall ensure that the Personal Services Settings Protocol as established by the Simcoe Muskoka District Health Unit is adhered to at all times.
- 81.2.24.0.0 The licensee shall ensure that all premises comply with the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended.
- 81.2.25.0.0 The licensee shall ensure that the operation of such premise complies with the Liquor Licence Act, R.S.O. 1990, c. L19.
- 81.2.26.0.0 No person shall operate a refreshment vehicle of any class as an extension of a restaurant/tavern operation without a licence to do so.
- 81.2.27.0.0 No person shall operate an outdoor patio as an extension to a restaurant/tavern operation without a licence to do so.
- 81.2.28.0.0 The applicant shall provide to the issuer of Licences at the time of application, a completed City of Barrie liquor licence application questionnaire.

- 82.0.0.0.0 **RESTAURANT - TAKE OUT ONLY/DRIVE THRU ONLY**
Authority: Municipal Act, S.O. 2001, c. 25
- 82.1.0.0.0 Deleted
- 82.2.0.0.0 **OPERATING CRITERIA**
- 82.2.1.0.0 No person shall operate or maintain a take out or drive thru restaurant within the City without first having obtained a licence to do so.
- 82.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 82.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Simcoe Muskoka District Health Unit.
- 82.2.4.0.0 The licensee shall ensure that all rooms where foodstuffs are kept, stored, cooked or prepared, have walls and floors so constructed as to prevent the infestation of the premise by insects, rodents and other vermin and shall ensure that such walls and floors are kept in good repair.
- 82.2.5.0.0 The licensee shall ensure that no dogs, cats or other animals are allowed in any premise or place where food is kept, stored, cooked, prepared or served.
- 82.2.6.0.0 Notwithstanding Section 82.2.5.0.0, no person licensed hereunder shall, in respect of any seeing impaired person being guided or led by a dog:
- a) refuse to serve such person;
 - b) refuse to permit such person to enter with such dog into or upon any place or premise to which this licence relates; or,
 - c) refuse to permit such person and such dog to remain in or upon such place or premise, by reason only of the presence of the said dog.
- 82.2.7.0.0 The licensee shall ensure that all premises are operated in a clean and sanitary condition.
- 82.2.8.0.0 The licensee shall ensure that no room is used for sleeping.
- 82.2.9.0.0 The licensee shall ensure that no food or beverages are consumed by any customer within any take out or drive thru premise.
- 82.2.10.0.0 Every person who engages in the handling of food shall, while so engaged, take all reasonable steps as may be necessary to protect the foodstuffs from dust, dirt, mud, filth, dirty water, animals, birds, rodents, flies, insects and other sources of contamination and shall cause such foodstuffs to be so placed as to prevent the risk of contamination.
- 82.2.11.0.0 The licensee shall ensure that no refuse or filth is deposited or permitted to accumulate in any premise except as may be unavoidable for the proper carrying on of the business.
- 82.2.12.0.0 The licensee shall ensure that food which is susceptible to spoilage or the action of toxin producing organisms is kept under refrigeration in accordance with the requirements of the Simcoe Muskoka District Health Unit.
- 82.2.13.0.0 The licensee shall ensure that all premises where foodstuffs are stored, kept, prepared, cooked or served to customers, is fully protected from dust, dirt, flies, and vermin, by glass cases, wire screens or other such methods as may be satisfactory and necessary.
- 82.2.14.0.0 The licensee shall ensure that garbage and waste is removed from the premise at least twice weekly or as often as is necessary to maintain the premise in a sanitary condition.

82.2.15.0.0 The licensee shall ensure that garbage receptacles in a room or place where food is prepared, handled, processed, displayed, sold, offered for sale, served or stored:

- a) are cleaned and sanitized after each use; and,
- b) are removed from the room when full;

except where daily collection service is provided, are placed in a separate room, place, compartment or bin, so constructed and maintained as to exclude vermin and insects and prevent odours and health hazards on the premise.

82.2.16.0.0 The licensee shall ensure that all liquid waste from the operation of the premise is disposed of in a sanitary manner.

82.2.17.0.0 The licensee shall ensure that kitchens and other similar facilities are equipped with ample facilities for washing and sterilizing cooking utensils.

82.2.18.0.0 The licensee shall ensure that all cooking utensils are thoroughly sterilized with steam or boiling water so as to prevent the spread of germs and other bacteria.

82.2.19.0.0 The licensee shall ensure that adequate sanitary toilet facilities are provided as required by the Simcoe Muskoka District Health Unit and such facilities are maintained in a clean and sanitary condition at all times.

82.2.20.0.0 The licensee shall ensure that the Personal Services Settings Protocol as established by the Simcoe Muskoka District Health Unit is adhered to at all times.

82.2.21.0.0 Every person employed in such premise shall keep himself and his wearing apparel in a clean and sanitary condition.

82.2.22.0.0 Deleted

83.0.0.0.0 **RESTAURANT / RESTAURANT TAVERN - OUTDOOR PATIO EXTENSION – PRIVATE PROPERTY**

Authority: Municipal Act, S.O. 2001, c. 25

83.1.0.0.0 Deleted

83.2.0.0.0 **OPERATING CRITERIA**

83.2.1.0.0 No person shall operate or maintain an outdoor patio extension to a restaurant or restaurant/tavern on private property without first having obtained a licence to do so.

83.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

83.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Simcoe Muskoka District Health Unit.

83.2.4.0.0 Where the applicant proposes to sell or offer for sale alcoholic beverages from the outdoor patio extension, the applicant shall provide to the Issuer of Licences at the time of application, a copy of the Liquor Licence issued to the applicant by the Alcohol and Gaming Commission.

83.2.5.0.0 No person shall be eligible to obtain an Outdoor Patio Extension on Private Property unless the Restaurant or Restaurant/Tavern such patio is operated in conjunction with is licensed under the provisions of this By-law.

83.2.6.0.0 The licensee shall comply with all conditions as set out for the operation of a Restaurant or Restaurant/Tavern as set out in this by-law.

83.2.7.0.0 No person shall permit or allow any sound contrary to the provisions of the noise control by-law for the City.

83.2.8.0.0 No person shall operate an outdoor patio under this classification within a parking space or area intended for the parking of vehicles.

83.2.9.0.0 No person shall operate any amusement device or game within any outdoor patio area.

- 83.2.10.0.0 No person shall permit the consumption of alcoholic beverages within any outdoor patio area unless such area is licensed under the provisions of the Liquor License Act to permit the consumption of alcoholic beverages and unless such outdoor patio extension is operated in conjunction with a Restaurant/Tavern holding a valid Liquor Licence and license as required under the provisions of this by-law.
- 83.2.11.0.0 Where such premise is licensed to permit the consumption of alcoholic beverages, no person shall serve or allow the consumption of alcoholic beverages contrary to any law.
- 83.2.12.0.0 The applicant shall provide to the issuer of Licences at the time of application, a completed City of Barrie liquor licence application questionnaire.
- 84.0.0.0.0 **RESTAURANT/RESTAURANT TAVERN – OUTDOOR PATIO EXTENSION – MUNICIPAL PROPERTY**
- Authority: Municipal Act, S.O. 2001, c. 25
- 84.1.0.0.0 Deleted
- 84.2.0.0.0 **OPERATING CRITERIA**
- 84.2.1.0.0 No person shall operate or maintain an outdoor patio extension to a restaurant or restaurant/tavern on municipal property without first having obtained a licence to do so.
- 84.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000 naming The Corporation of the City of Barrie as an additional insured.
- 84.2.3.0.0 No person shall operate or maintain an outdoor patio extension to a restaurant or restaurant/tavern on municipal property without the expression permission of the City and proof of such permission shall be provided by the applicant to the Issuer of Licences at the time of application.
- 84.2.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Simcoe Muskoka District Health Unit.
- 84.2.5.0.0 Where the applicant proposes to sell or offer for sale alcoholic beverages from the outdoor patio extension, the applicant shall provide to the Issuer of Licences at the time of application, a copy of the Liquor Licence issued to the applicant by the Alcohol and Gaming Commission.
- 84.2.6.0.0 No person shall be eligible to obtain an Outdoor Patio Extension on municipal property unless the Restaurant or Restaurant/Tavern such patio is operated in conjunction with is licensed under the provisions of this by-law.
- 84.2.7.0.0 The licensee shall comply with all conditions as set out for the operation of a Restaurant or Restaurant/Tavern as set out in this by-law.
- 84.2.8.0.0 No person shall permit or allow any sound contrary to the provisions of the noise control by-law for the City.
- 84.2.9.0.0 No person shall operate an outdoor patio on any municipal property other than that for which permission has been granted.
- 84.2.10.0.0 No person shall operate any amusement device or game within any outdoor patio area.
- 84.2.11.0.0 No person shall permit the consumption of alcoholic beverages within any outdoor patio area unless such area is licensed under the provisions of the Liquor License Act to permit the consumption of alcoholic beverages and unless such outdoor patio extension is operated in conjunction with a Restaurant/Tavern holding a valid Liquor Licence and license as required under the provisions of this by-law.
- 84.2.12.0.0 Where such premise is licensed to permit the consumption of alcoholic beverages, no person shall serve or allow the consumption of alcoholic beverages contrary to any law.
- 84.2.13.0.0 No person shall allow any person to enter or re-enter the outdoor patio area after 10:30 p.m. and shall ensure that no person is permitted to be in or remain in the outdoor patio area after 11:15 p.m. (02-G-614)

84.2.14.0.0 No person shall provide or allow any entertainment in the Outdoor Patio area licensed or required to be licensed under this section after 11:00 p.m.

84.2.15.0.0 The applicant shall provide to the issuer of Licences at the time of application, a completed City of Barrie liquor licence application questionnaire.

85.0.0.0.0 **RESTAURANT/RESTAURANT TAVERN – REFRESHMENT VEHICLE – NON-MOTORIZED – PRIVATE PROPERTY EXTENSION**

Authority: Municipal Act, S.O. 2001, c. 25

85.1.0.0.0 Deleted

85.2.0.0.0 **OPERATING CRITERIA**

85.2.1.0.0 No person shall operate or maintain a non-motorized refreshment vehicle on private property within the City as an extension to a restaurant or restaurant/tavern without first having obtained a licence to do so.

85.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance including the refreshment vehicle as an endorsement, in the minimum amount of \$2,000,000.

85.2.3.0.0 All conditions as set out for the operation of Restaurant or Restaurant/Tavern under the provisions of this by-law shall apply.

85.2.4.0.0 All conditions as set out for the operation of a Non-motorized Refreshment Vehicle under the provisions of this by-law shall apply.

85.2.5.0.0 No person shall operate a motorized refreshment vehicle as an extension to a Restaurant or Restaurant/Tavern.

85.2.6.0.0 No person shall operate a refreshment vehicle in any parking space or area intended for the parking of vehicles.

86.0.0.0.0 **RESTAURANT/ RESTAURANT TAVERN – REFRESHMENT VEHICLE – NON-MOTORIZED –MUNICIPAL PROPERTY EXTENSION**

Authority: Municipal Act, S.O. 2001, c. 25

86.1.0.0.0 Deleted

86.2.0.0.0 **OPERATING CRITERIA**

86.2.1.0.0 No person shall operate or maintain a non-motorized refreshment vehicle on municipal property within the City as an extension to a restaurant or restaurant/tavern without first having obtained a licence to do so.

86.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance including the refreshment vehicle as an endorsement, in the minimum amount of \$2,000,000.

86.2.3.0.0 All conditions as set out for the operation of Restaurant or Restaurant/Tavern under the provisions of this by-law shall apply.

86.2.4.0.0 All conditions as set out for the operation of a Non-motorized Refreshment Vehicle under the provisions of this by-law shall apply.

86.2.5.0.0 No person shall operate a motorized refreshment vehicle as an extension to a Restaurant or Restaurant/Tavern.

86.2.6.0.0 No person shall operate a refreshment vehicle on any municipal property for which permission has not been granted.

86.2.7.0.0 No person shall operate a refreshment vehicle licensed or required to be licensed under this section after 11:00 p.m.

87.0.0.0.0 **SALVAGE YARD**

Authority: Municipal Act, S.O. 2001, c. 25

87.1.0.0.0 Deleted

87.2.0.0.0 **OPERATING CRITERIA**

87.2.1.0.0 No person shall operate or maintain a salvage yard within the City without first having obtained a licence to do so.

87.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

87.2.3.0.0 The licensee shall ensure that the business is conducted at all times in such a manner so as not to disturb or be a nuisance to any other business, resident or person.

87.2.4.0.0 The licensee shall conduct his business in such a manner so as not to contravene any provision of the Noise Control by-law of the City.

87.2.5.0.0 No person shall burn or allow to be burned any type or description of combustible material or matter, except as may be permitted by Barrie Fire and Emergency Service in accordance with the by-laws of the City.

87.2.6.0.0 No person shall carry on or maintain the business of Wrecking Yard on the premise unless otherwise licensed under the provisions of this by-law to do so.

87.2.7.0.0 The licensee shall keep the premise free from rubbish and shall maintain such premise in a clean and neat condition.

87.2.8.0.0 The licensee shall keep any sidewalk, boulevard, street or other property, not being that property licensed under the provisions of this Section, free from dirt or other foreign substance, material, object or item derived from or resulting from the operation of the Salvage Yard.

87.2.9.0.0 No person shall park or store or permit to be parked or stored any motor vehicle, part of any motor vehicle or any motor powered machinery on or over any sidewalk, boulevard, street or other municipal property.

87.2.10.0.0 No person shall remove or cause to be removed any snow from the premise to any public sidewalk, boulevard, street or other municipal property.

88.0.0.0.0 **SANDBLASTER**

Authority: Municipal Act, S.O. 2001, c. 25

Deleted

89.0.0.0.0 **SECOND HAND SALES - TEMPORARY LOCATION**

Authority: Municipal Act, S.O. 2001, c. 25

89.1.0.0.0 Deleted

89.2.0.0.0 **OPERATING CRITERIA**

89.2.1.0.0 No person shall operate or maintain a temporary location or booth for the purpose of Second Hand Sales within the City without first having obtained a licence to do so.

89.2.2.0.0 No person shall operate or maintain a temporary sales booth or location on any private property within the City without the express written permission of the property owner including the specific time frame for which the applicant is permitted to operate at such location and the applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, such written permission and statement of time frame from the property owner.

89.2.3.0.0 No person shall operate or maintain an outdoor temporary sales booth or location any closer than 300 yards from any permanent business offering goods, wares, merchandise or service for sale on a regular basis, which is the same as or similar to the goods, wares, merchandise or service of the temporary sales booth or location.

89.2.4.0.0 Every person, for the purpose of Second Hand Sales shall:

- a) at all times keep any second hand goods, wares or merchandise to be sold or offered for sale within a building and none of the goods, wares or merchandise shall be offered for sale or sold except within such building;
- b) ensure that all goods, wares and merchandise sold or offered for sale are displayed and kept in a neat, tidy, sanitary and safe manner;
- c) at any time, permit such building, location or booth operated or maintained for the purpose of Second Hand Sales to be inspected by anyone appointed by the City for that purpose and the proprietor of such business shall promptly ensure that any reasonable changes in regard to the operation or conduct of the business are carried out as required by the inspector;
- d) record the name and address of the person from whom the purchase or acquisition was made;
- e) before purchasing or taking in exchange any second-hand good, a record is made in a ledger book in chronological order with the entries transcribed in ink in a clear and legible manner or in a recording system approved by the Chief of Police of,
 - i) the day, month, year and time of the transaction;
 - ii) a detailed description of each second-hand good that shall be reasonably sufficient to identify it, including make, model, serial numbers, marking and titles, where applicable,
 - iii) the purchase price of each second-hand good or a description of the item exchanged for it, and
 - iv) the initials of the employee conducting the transaction on behalf of the licensee.
 - v) For the purpose of Second Hand Sales, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual shall not access or remove personal information collected by the vendor unless such information is directly related to an active investigation, court or other legal proceeding and is necessary to the investigation.

No person shall enter inaccurate or false information in the ledger book pertaining to any transaction or person making any such transaction and no person shall alter any record made in the ledger book of a transaction or person making such transaction, so as to make the original entry illegible.

- f) operate or maintain any building or premise licensed under this section in accordance with the provisions of the Retail Business Holidays Act or other applicable legislation regarding hours of operation;
- g) conduct his business with as little noise as possible and in such a manner as not to contravene the provisions of the Noise Control by-law of the City;
- h) Deleted
- i) during the thirty days as referenced in Section 89.2.5.0.0 (d), the goods, wares, merchandise or articles so obtained shall remain on the premise to which the licence is issued and shall be kept in a separate location from previously purchased automobiles, parts of automobiles, metals, goods or articles; and,
- j) where any person has reasonable cause to believe or suspect that any the serial number, identification number or model number of any second hand good has been removed, defaced or otherwise tampered with or that the second hand good is suspected to have been stolen or otherwise unlawfully obtained by the seller, the person shall immediately notify the Chief of Police.

89.2.5.0.0 No person shall:

- a) burn or cause or suffer to be burned any type or description of combustible material or matter except only material or matter used for heating fuel and burned in a heating unit installed for that purpose, or as otherwise permitted by the Barrie Fire and Emergency Service in accordance with the by-laws of the City;
- b) conduct such business in such a manner as to be a public or private nuisance;
- c) directly or indirectly purchase from, exchange with, or receive from or in pledge from any minor, under the age of eighteen years, without written authority from a parent or guardian of such minor, any automobile, parts of an automobile, metals, goods or articles; or,
- d) alter, repair, dispose of or in any way part with any automobile, part of an automobile, metals, goods or articles purchased or taken in exchange until after the expiration of thirty days, from the date of purchase or such exchange.

90.0.0.0.0 **SECOND HAND SALES - PERMANENT LOCATION**

Authority - Municipal Act, S.O. 2001, c. 25

90.1.0.0.0 Deleted

90.2.0.0.0 **OPERATING CRITERIA**

90.2.1.0.0 No person shall operate or maintain the business of second hand sales from a permanent location within the City without first having obtained a licence to do so.

90.2.2.0.0 Every person for the purpose of Second Hand Sales shall:

- a) at all times keep any second hand goods, wares or merchandise to be sold or offered for sale within a building and none of the goods, wares or merchandise shall be offered for sale or sold except within such building;
- b) ensure that all antique goods, wares and merchandise sold or offered for sale are displayed and kept in a neat, tidy, sanitary and safe manner;
- c) at any time, permit such building, location or booth operated or maintained for the purpose of Antique Sales to be inspected by anyone appointed by the City for that purpose and the proprietor of such business shall promptly ensure that any reasonable changes in regard to the operation or conduct of the business are carried out as required by the inspector;
- d) Deleted
- e) ensure that, before purchasing or taking in exchange any second-hand good, a record is made in a ledger book in chronological order with the entries transcribed in ink in a clear and legible manner or in a recording system approved by the Chief of Police of,
 - i) the day, month, year and time of the transaction;
 - ii) a detailed description of each second-hand good that shall be reasonably sufficient to identify it, including make, model, serial numbers, marking and titles, where applicable,
 - iii) the purchase price of each second-hand good or a description of the item exchanged for it, and
 - iv) the initials of the employee conducting the transaction on behalf of the licensee.
 - v) For the purpose of Second Hand Sales, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual shall not access or remove personal information collected by the vendor unless such information is directly related to an active investigation, court or other legal proceeding and is necessary to the investigation.

No person shall enter inaccurate or false information in the ledger book pertaining to any transaction or person making any such transaction and no person shall alter any record made in the ledger book of a transaction or person making such transaction, so as to make the original entry illegible.

- f) operate or maintain any business or premise licensed under this section in accordance with the provisions of the Retail Business Holidays Act or other applicable legislation regarding hours of operation;
- g) conduct his business with as little noise as possible and in such a manner as not to contravene the provisions of the Noise Control by-law of the City;
- h) Deleted
- i) during the thirty days as referenced in Section 90.2.3.0.0 (d), the goods, wares, merchandise or articles so obtained shall remain on the premise to which the licence is issued and shall be kept in a separate location from previously purchased automobiles, parts of automobiles, metals, goods or articles; and,
- j) where any person has reasonable cause to believe or suspect that the serial number, identification number or model number of any second hand good has been removed, defaced or otherwise tampered with or that the second hand good is suspected to have been stolen or otherwise unlawfully obtained by the seller, the person shall immediately notify the Chief of Police

90.2.3.0.0 No person for the purpose of Second Hand Sales shall:

- a) burn or cause or suffer to be burned any type or description of combustible material or matter except only material or matter used for heating fuel and burned in a heating unit installed for that purpose, or as otherwise permitted by the Barrie Fire and Emergency Service in accordance with the by-laws of the City;
- b) conduct such business in such a manner as to be a public or private nuisance;
- c) directly or indirectly purchase from, exchange with, or receive from or in pledge from any minor, under the age of eighteen years, without written authority from a parent or guardian of such minor, any automobile, parts of an automobile, metals, goods or articles; or,
- d) alter, repair, dispose of or in any way part with any automobile, part of an automobile, metals, goods or articles purchased or taken in exchange until after the expiration of thirty days, from the date of purchase or such exchange.

91.0.0.0.0 **SELF-STORAGE FACILITY**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted

92.0.0.0.0 **SEPTIC, SANITATION AND ENVIRONMENTAL SERVICES**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted

93.0.0.0.0 **SHEET METAL CONTRACTOR**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted

94.0.0.0.0 **SIGN COMPANY**
Authority: Municipal Act, S.O. 2001, c. 25

94.1.0.0.0 Deleted

94.2.0.0.0 **OPERATING CRITERIA**

94.2.1.0.0 No person shall operate or maintain the business of Sign Company within the City without first having obtained a licence to do so.

94.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

94.2.3.0.0 No person shall install, erect, or locate or permit or allow to be erected or located any sign without the necessary permits.

94.2.4.0.0 No person shall allow or permit any sign to remain installed, erected, or located where a permit required for such sign has expired or is no longer valid.

94.2.5.0.0 No person shall install, erect, permit, allow or locate any sign on public property contrary to any by-law.

94.2.6.0.0 No person shall install, erect, or locate any sign on private property contrary to any by-law.

95.0.0.0.0 **SMALL ENGINE REPAIR**

Authority: Municipal Act, S.O. 2001, c. 25

Deleted

96.0.0.0.0 **SPECIAL EVENT - CHARITABLE/NON-PROFIT**

Authority: Municipal Act, S.O. 2001, c. 25

Deleted

97.0.0.0.0 **SPECIAL EVENT - CHARITABLE/COMMERCIAL**

Authority: Municipal Act, S.O.2001, c. 25

DELETE

98.0.0.0.0 **SPECIAL EVENT COMMERCIAL/ENTERTAINMENT**

Authority: Municipal Act, S.O. 2001, c. 25

Deleted

99.0.0.0.0 **SPECIAL SALE**

Authority: Municipal Act, S.O. 2001, c. 25

99.1.0.0.0 Deleted

99.2.0.0.0 **OPERATING CRITERIA**

99.2.1.0.0 No person shall sell or advertise for sale in any way, any goods, wares or merchandise by way of special sale within the City without first having obtained a licence to do so.

99.2.2.0.0 Where the applicant is not the owner of the goods, the applicant shall provide to the Issuer of Licences at the time of application, a statutory declaration of the owner of the goods verifying the details of the said application.

99.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000

99.2.4.0.0 The applicant shall, produce such books, records, or other documents as the Issuer of Licences shall deem necessary to corroborate any of the statements contained in the application.

99.2.5.0.0 No person shall add to or replenish the goods described in the application or substitute any goods thereof.

99.2.6.0.0 The Issuer of Licences may refuse to issue a licence or may revoke any licence already issued for a special sale if:

- a) any information set forth in the application or statutory declaration of the owner or applicant is false;
- b) any attempt is made to add to or replenish the goods described in the application or substitute any goods thereof; or,
- c) the sale is advertised or conducted in a manner other than that described in the application or in any manner calculated to mislead or deceive the public.

- 99.2.7.0.0 No licence shall be for a period longer than 30 days.
- 99.2.8.0.0 Notwithstanding the provisions of Section 99.2.7.0.0 the licensee shall be entitled to apply for a licence for an additional 30 day period to permit the sale of any remaining goods described in the original application.
- 99.2.9.0.0 No person shall give, post or advertise notice of special sale without including the number of the licence issued by the Issuer of Licences for such sale.
- 100.0.0.0 **STORAGE FACILITY (OUTDOOR)**
Authority: Municipal Act, S.O. 2001, c. 25
- Deleted
- 101.0.0.0.0 **SWIMMING POOL**
Authority: Municipal Act, S.O. 2001, c. 25
- Deleted
- 102.0.0.0.0 **TATTOO PARLOUR**
Authority: Municipal Act, S.O. 2001, c. 25
- 102.1.0.0.0 Deleted
- 102.2.0.0.0 **OPERATING CRITERIA**
- 102.2.1.0.0 No person shall operate or maintain the business of a Tattoo Parlour within the City without first having obtained a licence to do so.
- 102.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.
- 102.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested, a Certificate of Inspection from the Simcoe Muskoka District Health Unit.
- 102.2.4.0.0 No person shall dispose of any needle or other similar piercing instrument, item or tool in an unsafe manner.
- 102.2.5.0.0 The licensee shall ensure that the Personal Services Settings Protocol as established by the Simcoe Muskoka District Health Unit is adhered to at all times.
- 102.2.6.0.0 No person shall carry on or maintain the business of, body piercing Parlour in any premise licensed under this section unless the appropriate licence as required under the provisions of this by-law has first been obtained.
- 103.0.0.0.0 **TEMPORARY VENDOR - OUTDOOR**
Authority: Municipal Act, S.O. 2001, c. 25
- 103.1.0.0.0 Deleted
- 103.2.0.0.0 **OPERATING CRITERIA**
- 103.2.1.0.0 No person shall operate or maintain a temporary outdoor sales booth or location for the purpose of selling or offering for sale goods, wares, merchandise, services or other items, not being goods, wares, merchandise or items of a second hand nature as defined within this by-law, within the City without first having obtained a licence to do so.
- 103.2.2.0.0 No person shall operate or maintain a temporary outdoor sales booth or location on any private property within the City without the express written permission of the property owner including the specific time frame for which the applicant is permitted to operate at such location and such written permission shall be provided to the Issuer of Licences at the time of application, or as otherwise requested, by the Issuer of Licences, Municipal Law Enforcement Officer, Police Officer or other person duly appointed.

- 103.2.3.0.0 No person shall operate or maintain an outdoor temporary sales booth or location any closer than 300 yards from any permanent business offering goods, wares, merchandise or service for sale on a regular basis, which is the same as or similar to the goods, wares, merchandise or service of the temporary sales booth or location.
- 103.2.4.0.0 No person shall operate or maintain an outdoor temporary sales booth or location on any City property without first having obtained permission from the City to do so.
- 103.2.5.0.0 No person shall operate or maintain a temporary outdoor sales booth or location on any City sidewalk, boulevard or street.
- 103.2.6.0.0 No person shall park or permit to be parked any vehicle in respect of any temporary outdoor sales booth or location contrary to any City by-law.
- 103.2.7.0.0 No person shall operate a temporary outdoor sales booth or location for a period exceeding 60 consecutive days on any one occasion.
- 104.0.0.0.0 **TEMPORARY VENDOR - INDOOR**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 105.0.0.0.0 **TOURIST CAMP (including campgrounds)**
Authority: Municipal Act, S.O.20010, c. 25

Deleted
- 106.0.0.0.0 **TRADE SHOW**
Authority: Municipal Act, S.O. 2001, c. 25
- 106.1.0.0.0 Deleted
- 106.2.0.0.0 **OPERATING CRITERIA**
- 106.2.1.0.0 No person shall operate or maintain the business of a Trade Show within the City without first having obtained a licence to do so.
- 106.2.2.0.0 Every person shall provide to the Issuer of Licences at the time of application a list of all vendors and such list shall include the registered name, operating name, a contact name, current mailing address and telephone number as well as a description of the goods or services to be provided by such vendor.
- 106.2.3.0.0 Every person shall ensure that no vendor is permitted to operate at a Trade Show unless such vendor is identified on the listing as provided to the Issuer of Licences at the time of application or as otherwise approved by the Issuer of Licenses.
- 106.2.4.0.0 Every person shall ensure that every vendor displays a copy of the license issued to the Licensee in respect of the Trade Show at each vendor's booth or location.
- 106.2.5.0.0 Every person shall ensure that no vendor operates within any exit, corridor or public access way and shall not, in any way, impede the ingress to or egress from the trade show.
- 106.2.6.0.0 Every person shall ensure that any vehicle operated in relation to any Trade Show is not left parked, standing or otherwise stopped contrary to any City by-law.
- 106.2.7.0.0 No person shall operate a menagerie in conjunction with any Trade Show unless such menagerie is licensed under the provisions of this by-law.
- 107.0.0.0.0 **TRAILERS**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 108.0.0.0.0 **TREE CUTTING CONTRACTOR**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted
- 109.0.0.0.0 **VIDEOTAPE SALES/RENTAL (not including adult videotape sales/rental)**
Authority: Municipal Act, S.O. 2001, c. 25

Deleted

110.0.0.0.0 **WINE OR BEER MAKING ESTABLISHMENT**

Authority: Municipal Act, S.O. 2001, c. 25

Deleted

111.0.0.0.0 **WRECKING YARD**

Authority: Municipal Act, S.O. 2001, c. 25

111.1.0.0.0 Deleted

111.2.0.0.0 **OPERATING CRITERIA**

111.2.1.0.0 No person shall operate or maintain the business of Wrecking Yard within the City without first having obtained a licence to do so.

111.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

111.2.3.0.0 Every operator of a wrecking yard shall:

- a) at all times keep any automobile or part of any automobile or other goods, stored in a safe manner;
- b) Deleted
- c) ensure that, before purchasing or taking in exchange any second-hand good, a record is made in a ledger book in chronological order with the entries transcribed in ink in a clear and legible manner or in a recording system approved by the Chief of Police of:
 - i) the day, month, year and time of the transaction;
 - ii) a detailed description of each second-hand good that shall be reasonably sufficient to identify it, including make, model, serial numbers, marking and titles, where applicable,
 - iii) the purchase price of each second-hand good or a description of the item exchanged for it, and
 - vi) the initials of the employee conducting the transaction on behalf of the licensee.
 - v) For the purpose of Second Hand Sales, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual shall not access or remove personal information collected by the vendor unless such information is directly related to an active investigation, court or other legal proceeding and is necessary to the investigation.

No person shall enter inaccurate or false information in the ledger book pertaining to any transaction or person making any such transaction and no person shall alter any record made in the ledger book of a transaction or person making such transaction, so as to make the original entry illegible

- d) conduct his business in a manner so as not to contravene the provisions of the Noise Control by-law of the City;
- e) Deleted
- f) where he has reasonable cause to believe or suspect that any automobile, part of an automobile, metal, goods or article offered for sale or trade has been stolen or otherwise unlawfully obtained, he show immediately report the matter to Barrie Police Service and/or the Issuer of Licenses;
- g) during the thirty days referenced in Section 111.2.4.0.0 (d), the goods or articles so obtained shall remain on the premise to which the licence is issued and shall be kept in a separate location from previously purchased, exchanged or acquired automobiles, parts of automobiles, metals, goods or articles;

- h) keep the premise free from rubbish and in a clean and neat condition; and,
- i) keep any sidewalk, boulevard, street or other property upon which the premise abuts free from any dirt or other foreign substance derived from or resulting from the use thereof.

111.2.4.0.0 No person shall:

- a) burn or cause or suffer to be burned any type or description of combustible material or matter except as approved by the Barrie Fire and Emergency Service;
- b) conduct such business in a manner so as to be a nuisance to any business, resident or other person;
- c) directly or indirectly purchase or otherwise acquire any goods or articles from, exchange with, or receive from or in pledge from, any minor under the age of eighteen (18) years without written authority from a parent or guardian of such minor;
- d) alter, repair, dispose of or in any way, part with any automobile, part of an automobile, metals, goods or articles purchased or taken in exchange until after the expiration of thirty days, from the date of purchase, exchange or acquisition;
- e) park or store any motor vehicle on any sidewalk, boulevard, street, roadway or other municipal property;
- f) permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes; or,
- g) remove or cause to be removed any snow from the premise to any public sidewalk, boulevard, street, roadway or other municipal property.

112.0.0.0.0 **FIREWORKS / PYROTECHNIC VENDOR**
Authority: Municipal Act, S.O. 2001, c. 25

112.1.0.0.0 **OPERATING CRITERIA**

112.1.1.0.0 No person shall operate or maintain the business of Fireworks/Pyrotechnic Vendor within the City without first having obtained a licence to do so.

112.1.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

112.1.3.0.0 The applicant shall ensure that the vending site is inspected and approved by Barrie Fire and Emergency Service prior to the exhibiting, sale or offering for sale of any fireworks, and that such approval of the Barrie Fire and Emergency Service is contained on the business license application form.

112.1.4.0.0 Every Fireworks/Pyrotechnic Vendor shall ensure:

- a) that a NO SMOKING sign is posted in each area in which the fireworks/pyrotechnics are exhibited, sold, offered for sale or stored;
- b) that during the hours of operation each day the area in which the fireworks/pyrotechnics are exhibited, sold, offered for sale or stored is attended by an employee 18 years or older;
- c) any fireworks/pyrotechnics offered for sale are maintained in lot sizes not exceeding 25 kilograms in gross weight and each lot of fireworks shall be maintained separately;
- d) that the area in which the fireworks/pyrotechnics are exhibited, offered for sale, or stored has a minimum of two unobstructed exits when such area is within a building, trailer or other similar container or structure;

- e) that where fireworks/pyrotechnics are stored, the storage shall be in a building that is detached from a dwelling;
- f) that the area of fireworks/pyrotechnics storage is closed to public access;
- g) that the area of fireworks/pyrotechnics storage is used exclusively for fireworks/pyrotechnics storage;
- h) that warning signs are posted in the area of the storage marked "FIREWORKS"/"PYROTECHNICS" and "NO SMOKING";
- i) that portable fire extinguishers, (10 litres pressurized water or 3A10BC) must be kept accessible at all times where fireworks/pyrotechnics are stored, handled or offered for sale.

112.1.5.0.0 No person shall:

- a) sell, supply or permit the purchase of fireworks Class 7.2.1 to any person under the age of 18 years;
- b) sell any fireworks/pyrotechnics to any person who appears to be under the age of 18 years or who does not produce evidence that he is 18 years of age or older;
- c) ignite or set off any fireworks/pyrotechnics in the area in which fireworks/pyrotechnics are exhibited, sold, offered for sale or stored;
- d) exhibit, sell, or offer for sale any fireworks/pyrotechnics within the geographic limits of the City except for a period of 5 calendar days prior to and the day of
 - i) Victoria Day
 - ii) Canada Day
 - iii) New Year's Day
 - iv) Lunar New Year
 - v) Diwali

The exhibiting, sale, or offering for sale of any fireworks/pyrotechnics under this section shall be subject to the provisions of any other by-law which may otherwise limit or restrict such exhibit, sale, or offering for sale of such fireworks.

- e) store more than 1000 kilograms in gross weight of fireworks/pyrotechnics unless stored within a licensed factory or magazine;
- f) exhibit, sell or offer for sale any fireworks/pyrotechnics on municipal property within the City;
- g) arrange any fireworks/pyrotechnics for the purpose of sale in an area accessible by the public unless such fireworks/pyrotechnics are contained in the original packaging pursuant to the Explosives Regulations;

112.1.6.0.0 Every person shall ensure that individual firework/pyrotechnic items being offered for sale which are not contained within original packaging pursuant to the Explosives Regulations are handled only by the seller until the sale is complete.

112.1.7.0.0 Every person shall ensure, at the time of sale, individuals purchasing firework/pyrotechnic items are provided with an information fact sheet which details regulations for the setting off or discharging of any Firework/pyrotechnic within the City of Barrie. The Licensee shall ensure that all information contained in the fact sheet is accurate and up to date as of the date of the sale to the best of their knowledge.

113.0.0.0.0 **FIREWORKS OR PYROTECHNIC DISPLAY**
Authority: Municipal Act, S.O. 2001, c. 25

113.1.0.0.0 **OPERATING CRITERIA**

113.1.1.0.0 No person shall operate, maintain or conduct a Fireworks Display of Class 7.2.2 or a Pyrotechnics Display of Class 7.2.5 explosives within the City without first having obtained a licence to do so.

113.1.2.0.0 For the Purpose of this section the following definitions shall apply:

- a) HIGH LEVEL FIREWORKS - means Class 7.2.2 fireworks that attain heights of 50 metres or more;
- b) LOW LEVEL FIREWORKS - means Class 7.2.2 fireworks that attain heights of 15 - 50 metres;
- c) GROUND LEVEL FIREWORKS - means Class 7.2.2 fireworks that attain heights up to 15 metres;
- d) FREE ZONE AREA - means an area of clear distance between the point of launch and an occupied area.

113.1.3.0.0 The applicant shall ensure that the display site is inspected and approved by Barrie Fire and Emergency Service prior to the display.

113.1.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application:

- a) proof of liability insurance in the minimum amount of \$5,000,000 naming the City as an additional insured.
- b) details of the display which shall include but not limited to:
 - the location of display (municipal address including closest cross streets);
 - the date and time at which the display will commence;
 - the date of arrival of any pyrotechnics;
 - a detailed site plan of the display area including but not limited to the area where the fireworks will be stored (if applicable), the area from which the fireworks will be displayed, all fencing, set back distances from fencing, buildings, roadways, marinas, or any other structure;
 - a list of contact persons including name and contact telephone number for fencing, security and the pyrotechnic display;
 - a detailed list of all pyrotechnics proposed to be used during the display
 - detailed list of the Pyrotechnic Supervisors who will be responsible for the display, including the Level or Class of licensing, copies of all certificates and expiry dates for each Supervisor;
- c) all other required inspections or documentation as requested by the Issuer of Licences

113.1.5.0.0 The Pyrotechnic Supervisor(s) shall ensure:

- a) that a NO SMOKING sign is posted in each area in which the fireworks are stored, maintained, or displayed
- b) that the pyrotechnic display site is attended at all times by an employee over the age of 18 years;
- c) that fireworks are separated into lots not exceeding 25 kilograms in gross weight;
- d) that a fence or barricade being of a height no less than 1 metre (3ft) is erected and maintained around the area in which the fireworks are to displayed known hereafter as the "free zone" area and shall ensure that such "free zone" area is maintained at all times from the time the fireworks or pyrotechnics arrive at the display site until such time as the final clean up of the display site and "free zone" area has occurred, and break down of equipment is completed.

- e) that if utilizing HIGH LEVEL FIREWORKS, a 200 metre “free zone” area is established and maintained from the point of launch in front of the display in the direction of the flight and a 100 metre free zone must exist on each flank of the display area;
- f) that the explosives do not cross over or burst above an area occupied by people;
- g) that portable fire extinguishers (10 litres pressurized water or 3A10BC) are kept accessible at all times where fireworks are stored or handled and at all times at the firing site of the fireworks or pyrotechnic display;
- h) that when the surface wind speed exceeds 16 km per hour or when mortars in excess of 155 mm (6”) are planned for, the “free zone” area is increased as is deemed appropriate by the Pyrotechnic Supervisor to the satisfaction of Barrie Fire and Emergency Service, or as otherwise required;
- i) that if utilizing LOW LEVEL FIREWORKS a 45 metre “free zone” area is established and maintained on all sides of the display area;
- j) that if utilizing GROUND LEVEL FIREWORKS a 35 metre “free zone” area is established and maintained on all sides of the display area.

113.1.5.0.0 No person shall:

- a) use, set off or allow to be used or set off any pyrotechnics in such a manner so as to cause a danger to any person or property;
- b) do, cause, or allow any unsafe act or omission at any time while setting off fireworks where such unsafe act or omission causes or is likely to cause a danger to any person or property;
- c) use, set off or allow to be used or set off any pyrotechnics in or on or into any highway, street, lane, square, road or other public place unless authorized to do so;
- d) display any fireworks on municipal property within the City unless authorized to do so;
- e) authorize, allow or permit any incompetent person to assist or handle any pyrotechnics at any time;
- f) permit the display area in which any pyrotechnics are stored or left to be unattended at any time;
- g) set off any pyrotechnic display when the surface wind speed at the time of the pyrotechnic display exceeds 40 km per hour;
- h) ignite or set off any pyrotechnics within 300 metres of any land, building or structure where explosives, gasoline or other highly flammable substance is manufactured or stored;
- i) ignite or set off any pyrotechnics within 300 metres of a hospital, nursing home, health lodge, home for the aged, school or church unless the consent of the City and the owner or agent of the hospital, nursing home, health lodge, home for the aged, school or church has been obtained and submitted to the Issuer of Licenses in writing.

114.0.0.0.0 REPEALING

114.1.0.0.0 City of Barrie Licensing By-law 2002-288 shall be repealed upon the coming into effect of this by-law.

115.0.0.0 ENACTMENT

115.1.0.0.0 This By-law shall come into force and have effect on the 1st day of January 2007.

READ a first and second time this 30th day of October, 2006.

READ a third time and finally passed this 30th day of October, 2006.

THE CORPORATION OF THE CITY OF BARRIE

“ORIGINAL SIGNED”

MAYOR – R.J. HAMILTON

“ORIGINAL SIGNED”

CLERK – JOHN R. SISSON

AMENDING BY-LAWS

By-law 2007-181	Replace Table 1	August 27, 2007
By-law 2007-261	2.14.0.0.0 Notice and Appeal	December 10, 2007
By-law 2008-069	Boarding Rooming and Lodging Houses	May 5, 2008
By-law 2008-194	2.12.3.0.0 Refusal to Grant Licence	November 10/08
By-law 2008-210	Various	December 8, 2008
By-law 2011-013	Section 1.1.132.0.0, 1.1.133.0.0, 1.1.134.0.0, Section 78 and 79 Table 1 – Registered Massage Therapy and Registered Massage Clinic	January 10, 2011
By-law 2011-063	Sections 81.2.28.0.0, 83.2.12.0.0, 84.2.15.0.0 and Table 1	May 9, 2011
By-law 2012-039	Sections 2.2.1.0.0, 2.5.0.0.0, 2.20.1.0.0, 2.203.0.0, 2.20.4.0.0, 76.2.22.0.0, 77.2.20.0.0 and Table 1	February 13, 2012
By-law 2015-004	Sections 2.14.2.0.0, 2.14.3.0.0, 2.14.4.0.0, 2.14.5.0.0, 2.14.7.0.0., 2.14.8.0.0, 2.14.9.0.0, 2.14.10.0.0 and 2.14.11.0.0	January 19, 2015
By-law 2015-063	Sections 63.2.4.0.0, 63.2.6.0.0, 89.2.4.0.0, 90.2.2.0.0., 111.2.3.0.0.	June 29, 2015
By-law 2016-094	Section 26.2.7.0.0	October 24, 2016
By-law 2018-067	Sections 32.2.7.1.0, 32.2.7.2.0 and 33.2.7.0.0	June 4, 2018
By-law 2019-098	Sections 32.2.7.0.0 and 33.2.7.0.0	November 25, 2019
By-law 2020-093	Section 33.2.7.0.0	October 26, 2020
By-law 2021-063	Sections 112.1.5.0.0 and 112.7.0.0 Changing of times of Fireworks can be set off or discharged	June 28, 2021