

## THE CORPORATION OF THE CITY OF GUELPH

By-Law Number (2009)-18855  
**(Office Consolidation)**

Being a By-law respecting the licensing of Businesses operating within the City of Guelph and to adopt Municipal Code Amendment 499 which shall replace Chapter 176 "Business Licences", in the Corporation of the City of Guelph's Municipal Code, and to repeal Bylaws (2004) -17551, (2005) - 17707, (2005) - 17907, (2006) - 18175, (2007) - 18254, (2007) - 18433, (2008) - 18638, and (2009) - 18728. [Amended by By-laws (2010)-18949; (2010)-19079; (2011)-19144; (2011)-19262; (2011)-19275; (2012)-19396; (2012)-19462; (2012)-19515; (2013)-19528); (2013)-19613; (2013)-19639; (2014)-19722; (2015)-19904; (2015)-19905; (2015)-19940; (2016) - 20030]

WHEREAS pursuant to Part II, Section 10(2) 11 of the Act, 2001, as amended, a single tier municipality has the authority to pass by-laws respecting business licensing;

AND WHEREAS pursuant to Part IV, of the Act a municipality may provide for a system of Business Licences with respect to a business;

AND WHEREAS pursuant to Part II, Section 10(2) 6 of the Act, a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS, as set out in Section 224 of the Act, it is the role of Council to represent the public and to consider the well-being and interests of the municipality;

AND WHEREAS it is desirable to continue a system of Business Licences for the purpose of the health, safety and well-being of people in the City of Guelph where Council determines it to be in the municipal interest;

AND WHEREAS Part XIV of the Act provides for certain powers in relation to the enforcement of municipal by-laws;

AND WHEREAS notice of a public meeting was placed in a local newspaper not less than two weeks prior to the public meeting to consider these amendments pursuant to the City's notice policy dated November 19, 2007;

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

### **DEFINITIONS** [AMENDED BY (2011)-19144; (2012)-19396]

1. For the purpose of this By-law, the following terms shall have the meanings indicated:
  - (a) ACT – means the Municipal Act, S.O. 2001, c. 25, as amended from time to time, or any successor thereof;
  - (b) ADULT ENTERTAINMENT GOODS - means Goods that are designed to appeal to erotic or sexual appetites or inclinations;
  - (c) ADULT ENTERTAINMENT SERVICES - means Services that are designed

- to appeal to erotic or sexual appetites or inclinations;
- (d) APPEALS COMMITTEE - means the Corporate Administration, Finance and Enterprise Committee of the Council of the City;
  - (e) APPLICANT – means any Person or Person(s) whose names appear on any Business Licence application filed with the City;
  - (f) BUILDING – means any building as defined in the Building Code Act, or any structure but does not include a vehicle;
  - (g) BUILDING CODE ACT – means the Ontario Building Code Act, 1992, S.O. 1992, c. 23 and all regulations thereto, as amended from time to time, or any successor thereof;
  - (h) BUSINESS –includes, without limitation, any trade, occupation or business carried on or engaged in wholly or partly within the City of Guelph, and any trade, occupation or business carried on or engaged in by a charitable or non profit organization;
  - (i) BUSINESS LICENCE - means current, valid, business licence issued by the City pursuant to this By-law;
  - (j) BY-LAW – means this By-law and all schedules forming part of this by-law, and includes any amendments thereto;
  - (k) CENTRAL BUSINESS DISTRICT – means the geographic area of the City of Guelph bounded by London Road, Gordon and Norfolk Streets and the Speed River;
  - (l) CHIEF OF POLICE – means the Chief of the Guelph Police Service or his or her designate;
  - (m) CITY – means The Corporation of the City of Guelph;
  - (n) CLERK – means the Clerk of the City or his or her designate;
  - (o) COUNCIL – means the Council of the City;
  - (p) FIRE CHIEF - means the Chief of the Guelph Fire Department or his or her designate;
  - (q) FIRE PROTECTION AND PREVENTION ACT – means the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, and all regulations thereto, as amended from time to time, or any successor thereof;
  - (r) FLOOR PLAN - means a drawing to scale, in a form acceptable to the Issuer of Licences, setting out the design of the Premises by identifying all Principal Entrances, and other entrances, and all rooms that are to be used for the Provision of Services and the Provision of Goods, and all other rooms, spaces and areas of the lands, buildings, structures or installations in which the owner has an interest;
  - (s) GOODS - includes books, magazines, pictures, slides, film, phonograph records or discs, prerecorded magnetic tapes, video discs and tapes, visual computer displays, reading, viewing or listening matter, lotions, oils, ointments, clothing, jewellery, and food;
  - (t) GOODS DESIGNED TO APPEAL TO EROTIC OR SEXUAL APPETITES OR INCLINATIONS - include:
    - (i) any Goods in which or on which is displayed any depiction or characterization of any female person's breasts or any person's pubic, genital, perineal, perianal areas or buttocks; and

- (ii) any Goods in which or on which is displayed any depiction or characterization of sexual intercourse, masturbation, ejaculation, oral sex or any other direct physical stimulation of any Nude or Partially Nude genital organ;
- (u) HEALTH PROTECTION AND PROMOTION ACT – means the Health Protection and Promotion Act R.S.O, 1990, c. H. 7, and all regulations thereto as amended from time to time, or any successor thereof;
- (v) HOURS OF OPERATION- except as otherwise stated in this Bylaw, means the hours of operation as listed on the application for inspections;
- (w) HIGHWAY - Shall have the same meaning as set out in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time or any successor thereof;
- (x) IDENTIFICATION – means a current, valid government- issued:  
 Drivers Licence –issued within North America;  
 Canadian Passport;  
 Canadian Citizenship Card; and  
 Provincial Health Card;
- (y) INSPECTION - includes physical visit to the premises, where applicable, or a document review or search;
- (z) ISSUER OF LICENCES – means the Manager of Bylaw Compliance and Security to issue Business Licenses and/or administer this By-law;
- (aa) LICENSEE – means a Person to whom a Business Licence has been issued;
- (bb) MEDICAL OFFICER OF HEALTH – means the Medical Officer of Health for Wellington-Dufferin-Guelph Public Health or his or her designate;
- (cc) NUDE - includes any exposure to view of any portion of a female person's breasts or any person's pubic, genital, perineal, perianal areas or buttocks, and "Nudity" shall have a corresponding meaning;
- (dd) OFFICER - means any person authorized by the City to enforce this by-law or to carry out Inspections in relation to this By-law, and includes a police officer of the Guelph Police Service, and the Medical Officer of Health;
- (ee) PERSON – includes a Corporation;
- (ff) PREMISES – includes any land, including a building, structure or installation and also includes any vehicle, vessel or conveyance used in the operation of the Business;
- (gg) PRINCIPAL ENTRANCE - means all entrances to the Premises which are identified as principal entrances on the Floor Plan and includes any other entrances required to access the Premises where the Business is in a building in common with other establishments, that are not part of the Business;
- (hh) PROVIDE - when used in relation to Goods- means to Rent, Sell, lease offer to Rent, lease, Sell or display for Rent, lease or Sale by retail or otherwise and "Provides", "Providing", and "Provided" shall have the corresponding meanings;
- (ii) PROVIDE-, when used in relation to Services, includes to furnish, offer or perform any Services, and includes the holding out that any

Services are performed, offered or provided, and "Providing" ,  
"Provided" and "Provision of " shall have corresponding meanings;

- (jj) PROPERTY STANDARDS BYLAW - means the City of Guelph By-law Number (2000)-16454, as amended from time to time, or any successor thereof;
- (kk) REGISTER – means a written record containing entries of items or details;
- (ll) RENT- means the exchange of a sum of money or other financial consideration for the temporary use of Goods, and "Rental" has the corresponding meaning;
- (mm) SALE- means the exchange of a sum of money or other financial consideration for Goods, and Sell has the corresponding meaning;
- (nn) SECRETARY TO THE APPEALS COMMITTEE – means the Council Committee Coordinator of the City or his or her designate;
- (oo) SERVICE - includes any activity, facility, performance, exhibition, viewing and encounters, but does not include the exhibition of film approved under the Theatres Act R.S.O. 1990 c.T6, as amended from time to time or any successor thereof, when such film is displayed in a theatre as defined under the Theatres Act;
- (pp) SERVICES DESIGNED TO APPEAL TO EROTIC OR SEXUAL APPETITES OR INCLINATIONS - include:
  - (i) Services of which any feature or characteristic is the nudity or partial nudity of any person;
  - (ii) Services in which any person performs any form of striptease; and,
  - (iii) Services in respect of which the term "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.
- (qq) ZONING BY-LAW – means the City of Guelph By-law Number (1995)-14864, as amended from time to time, or any successor thereof; and
- (rr) WELL BEING – means a peaceful, healthy, prosperous and beneficial state.

### **BUSINESS LICENCE REQUIRED**

- 2. (a) No Person shall carry on any Business, set out in Schedule "A" of this By-law, without a Business Licence.
- (b) For purposes of this By-law, a Person is deemed to be carrying on a Business if engaged in the Business directly or if employing a person, directly or indirectly, to carry on or engage in the Business.
- (c) With the exception of the Business Licence required for Holistic Practitioners and Operators, no Business Licence is required for an employee of a Licensee where such employee, acting on behalf of the Licensee, carries out the selling of Goods, or provides Services on behalf of the licensee.
- (d) Unless otherwise specified, each Business, required to be licensed under section 2(a), must be separately licensed.

- (e) Where more than one Business is operated at one Premise, all applicable Business Licences are required, and all applicable fees must be paid in full, unless otherwise provided by this By-law.
- (f) Notwithstanding other provisions of this By-law, where less than 20% (twenty percent) of the total square footage of the floor area of the Business is used for the Provision of Goods designed to appeal to erotic or sexual appetites or inclinations, and such Business requires an additional Business Licence(s) under this By-law; all applicable Business Licences must be obtained, but the Inspection fee and License fee with respect to Adult Entertainment Retail Business Licence shall not apply.
- (g) This By-law shall not apply to any activities carried on by or on behalf of the City of Guelph.

**OBTAINING A BUSINESS LICENCE [Amended by By-Law (2011)-19262]**

- 3. (a) Any Person seeking to obtain a new Business Licence shall submit to the Issuer of Licences an application for inspections in accordance with this By-law, requesting all required Inspections set out in Schedule "B" of this By-law. Once all required Inspections have been completed, the Person may then submit an application for a Business Licence in accordance with this By-law.
- (b) Notwithstanding Section 3(a), an application for inspections is not required for a Person seeking a Business Licence to operate as an Operator or Practitioner of a Holistic Services Establishment, or for a Private Parking Agent.
- (c) The Issuer of Licences shall not accept any application for inspections or for a Business Licence if any of the Applicants are under the age of 18 years.
- (d) The Issuer of Licences shall not accept any application for inspections, application for a Business Licence, or application for renewal until all requirements relating to the application, as set out in this By-law, have been met.
- (e) In addition to and without limiting subsection 3(d), the Issuer of Licences shall not accept any Application for Inspections, Application for a Business Licence, or Application for Renewal unless all fines against the Applicant pursuant to the this By-law or its predecessors have either been paid in full or are the subject of a Court approved payment schedule.

**APPLICATION FOR INSPECTION [Amended By By-Law (2010) 18949]**

- 4. (a) Every application for inspections shall be made in writing upon a form approved by the Issuer of Licences and shall include:
  - (i) the fully and correctly completed inspections application form;
  - (ii) the applicable inspection fee, as set out in Schedule "C" of this By-law;
  - (iii) proof of contractual or proprietary interest in the Premises upon which the Business is to be operated;
  - (iv) a Floor Plan;

- (v) the hours of operation of the Business; and
  - (vi) any other information required pursuant to this By-law.
- (b) Notwithstanding section 4a(iv), a Floor Plan is not required if the business is not carried on within a building.
  - (c) It is the responsibility of the Applicant to ensure that all Inspections required pursuant to Schedule "B" of this By-law are completed within 90 calendar days of the date on which the Issuer of Licences received the completed application for inspections.
  - (d) If all Inspections required pursuant to Schedule "B" of this By-law are not completed and approved within 90 calendar days of the date on which the Issuer of Licences received the completed application for inspections, the application for inspections shall expire. In that case, the Applicant shall be required to submit a new application for inspections, including the fee, pursuant to Section 4(a) of this By-law.
  - (e) The Issuer of Licences will, as a courtesy, notify the Applicant in writing of the status of their application after 90 calendar days from the date on which the Issuer of Licences received the completed application for inspections.
  - (f) Each application for inspections includes up to three (3) Inspections per inspecting authority. If more than three (3) Inspections from any inspecting authority are required, the application for inspections shall become void and a new application for inspection, including the fee, must be submitted pursuant to Section 4(a) of this By-law.
  - (g) Notwithstanding section 4(c), the Issuer of Licences may, prior to the expiry of the ninety (90) calendar day period, upon request by the Applicant in writing:
    - (i) grant an extension of up to thirty (30) calendar days to the application for inspections, if the Applicant demonstrates to the satisfaction of the Issuer of Licences that completion of works required to pass the Inspection(s) is in progress; or
    - (ii) extend the ninety (90) calendar day period for such additional period of time as is determined by the Issuer of Licences to be appropriate, where due to extenuating circumstances, for reasons outside the control of the Applicant, the inspecting authorities have not carried out the Inspections required by Schedule "B" of this By-law.
  - (h) Notwithstanding Subsection 4(c), the Issuer of Licences may, at any time, extend the ninety (90) day calendar period for such additional period of time as is determined by the Issuer of Licences to be appropriate, to provide for a period of transition or an additional period of transition in the event of new or amended provisions of this By-law affecting the process or requirements for obtaining a new Business License."

#### **APPLICATION FOR BUSINESS LICENCE**

- 5. (a) Every application for a Business License must be submitted to and received by the Issuer of Licences no later than ninety (90) calendar days following the Inspection Completion Date. Any person who does not apply for the Business License within the said ninety (90) calendar day period must submit a new application for inspections, including payment of the fee, pursuant to Section 4(a) of this By-law.

- (b) Every application for a Business Licence under this By-law, shall be made in writing upon an application form, and shall include:
  - (i) the fully and correctly completed business licence application form;
  - (ii) the applicable application fee, as set out in Schedule "C" of this By-law;
  - (iii) proof of insurance in an amount not less than two million dollars as required by this By-law;
  - (iv) where registration of the name of the Business is required pursuant to the Business Names Act, R.S.O. 1990, c. B. 17, as amended from time to time, or any successor thereof, a copy of the current Master Business Licence registered with Service Ontario, and certified by the Ministry of Government Services, bearing the proposed name of the Business as shown on the application; and,
  - (v) any other information required pursuant to this By-law.

**APPLICATION FOR RENEWAL [Amended By By-Law (2010) 18949]**

- 6. (a) Every application for renewal of a Business Licence under this By-law, shall be made in a form satisfactory to the Issuer of Licences and shall include:
  - (i) the fully and correctly completed renewal application form, if applicable;
  - (ii) the applicable renewal fee, as set out in Schedule "C" of this By-law;
  - i. proof of valid insurance in an amount not less than two million dollars as required by this By-law; and
  - (iv) any other information required in the applicable schedule to this By-law.
- (b) (i) In addition, any Licensee who hold a Business Licence as at the effective date of this By-law, must include a Floor Plan as part of the first renewal application following the effective date of this By-law.
- (b) (ii) Notwithstanding section 6 (b)(i), the Issuer of Licences may defer the requirement to provide a Floor Plan until such time as the dates for renewals are staggered in accordance with Section 15(a) of this By-law.
- (c) (i) It is the responsibility of the Applicant to ensure that all Inspections required for renewal pursuant to Schedule "B" of this By-law are completed no later than expiry date of the current Business Licence.
- (c) (ii) If all Inspections required for renewal, as set out in Schedule "B" to this By-law, are not completed by expiry date of the current Business Licence, the application for renewal shall expire.
- (d) (i) 2 inspections per inspecting authority are included in an application for renewal.

- (ii) If more than 2 inspections from an inspecting authority are required, the application for renewal is no longer valid and a new application, including fee, for renewal is required.
- (e) (i) Notwithstanding section 6(c), the Issuer of Licences may, prior to the expiry of the Business Licence, upon request by the Applicant in writing:
  - (a) grant an extension of up to thirty (30) calendar days to the application for renewal, if the Applicant demonstrates to the satisfaction of the Issuer of Licences that completion of work required to pass the Inspection(s) is in progress; or
  - (b) grant an extension for such additional period of time as determined by the Issuer of Licences to be appropriate, where due to extenuating circumstances, for reasons outside the control of the Applicant, the inspecting authorities have not carried out the Inspections required by Schedule "B" of this By-law.
- (ii) Notwithstanding Subsection 6.(c) and 6.(g), the Issuer of Licences may, at any time, grant an extension to the time for the application for renewal and the expiry date of the current business licence for such additional period of time as is determined by the Issuer of Licences to be appropriate, to provide for a period of transition or an additional period of transition in the event of new or amended provisions of this By-law affecting the process or requirements for renewing a Business Licence.
- (f) In the case of an extension granted pursuant to Subsections 6(e)(i)(a), 6(e)(i)(b) or 6 (e)(ii), the expiry date of the current Business Licence will be extended accordingly.
- (g) A Business Licence that is not renewed by the expiry date or any extension of that date under this By-law is no longer valid.
- (h) The Issuer of Licences will, as a courtesy, notify the Applicant in writing of the status of their expired Business Licence after the date of expiry.

### **ADDITIONAL APPLICATION CRITERIA**

- 7. If an agent is applying on behalf of an Applicant a signed letter from the Applicant designated the agent to act on their behalf is required.

### **CARRYING ON A BUSINESS**

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

### **PARTNERSHIPS AND CORPORATIONS**

#### **Partnerships**



9. In addition to all other requirements of this by-law, if an application for inspections or application for business licence is made by a partnership, the application shall be accompanied by a written declaration, signed by all partners, stating:
- (a) the full name of every partner and the address of his or her ordinary residence;
  - (b) the name or names under which he or she intends to carry on the Business;
  - (c) that the Persons therein named are the only members of the partnership; and,
  - (d) the complete mailing address for the partnership, if applicable, and for each partner.

### **Corporations**

10. (a) In addition to the requirements of Sections, 3, 4, and 5, if an application for inspections or an application for business licence is made by a corporation, the application shall be accompanied by a valid Corporation Profile Report certified by the Ministry of Government Services, or a true copy of the current Articles of Incorporation for the corporation and any other incorporating documents or amendments, along with a written declaration signed by the authorized signing officers of the corporation stating:
- (i) the full name of every director and officer of the corporation and the address of his or her ordinary residence;
  - (ii) the name or names under which the corporation intends to carry on the Business;
  - (iii) that the Persons therein named are the only officers of the corporation; and
  - (iv) the complete mailing address for the corporation.
- (b) If any member of a partnership is a corporation, such corporation shall provide all of the information set out in section 10(a) of this By-law as part of the application for inspections and application for business licence by the partnership.
- (c) If any director or officer of a corporation is a corporate body, it shall also provide all of the information set out in section 10(a) of this bylaw as part of the application for inspections and application for business licence by the partnership.

### **ISSUE OF BUSINESS LICENCE [Amended By (2010)-18949]**

- 11.(a)
- (i) The Issuer of Licences is authorized to issue and renew Business Licences in accordance with this By-law.
  - (ii) Without limiting Subsection 11.(a)(i), the Issuer of Licences may: impose special conditions on a Business in a class that have not been imposed on all of the Businesses in that class in order to obtain, continue to hold or renew a Business Licence; and
  - (iii) impose conditions, including special conditions, as a requirement of continuing to hold a Business Licence at any time during the term of the licence, upon the grounds that the conduct of the

Applicant or Licensee, or any officer, director, employee or agent of the Applicant or Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the Business in accordance with the law or with honesty and integrity.

- (b) All Business Licences issued and renewed shall be signed by the Issuer of Licences.
- (c) All Business Licences will be issued to the Applicant and bear the name of the Applicant
- (d) Where two or more Persons carry on or engage in partnership in any Business set forth in Schedule "A" of this By-law, the required Business Licence(s) shall be issued to and bear the name of all partners, who will be jointly and severally responsible for complying with the requirements of this By-law, including, without limitation, complying with the conditions of any Business Licence issued hereunder.
- (e) The issuer of licences may revise the Business license where the license contains an error.

### **CHANGES IN INFORMATION**

- 12. (a) Where, at any time, there is any change in, or relating to, any of the information or documents required to be filed with the City under this By-law, the Applicant or Licensee, as the case may be, shall report the change in writing to the Issuer of Licences no later than fifteen (15) calendar days following the change.
- (b) Any changes to the Floor Plan shall require the prior written approval of the City. A copy of the approved Floor Plan shall be kept on file by the Issuer of Licences.

### **REQUESTS FROM APPLICANTS OR LICENCEES**

- 13. Where the applicant or licensee is more than one person, any requests regarding any application or licence shall be made by all such persons.

### **TERM OF BUSINESS LICENCE** [AMENDED BY (2010)-18949]

- 14. (a) Unless otherwise provided in accordance with Section 15(a), or revoked pursuant to Section 30, every Business Licence shall be in effect from the date of issue, as shown on the Business Licence:
  - (i) for the whole of the calendar year to which it applies, expiring on December 31<sup>st</sup> of said calendar year; or
  - (ii) where the application for a business licence is received after January 1 and prior to the 2<sup>nd</sup> Monday in November of any calendar year, for the remainder of such calendar year, expiring on December 31<sup>st</sup> of said calendar year; or
  - (iii) where the application for a business licence is received on or after the 2<sup>nd</sup> Monday in November but prior to December 31 in any calendar year, for the whole of the following calendar year, expiring on December 31<sup>st</sup> of that calendar year.
- (b) Except as otherwise indicated in this By-law, every application for business licence shall be subject to the full fee for such Licence.

- (c) Every Business Licence shall be renewed no later than its date of expiry. Any Business Licence which is not so renewed shall become null and void.
  - (d) Any Person who has not renewed their Business Licence prior to the date of its expiry will be required to apply for a new Inspection Application and Business Licence in accordance with Sections 3, 4, and 5 of this By-law, and the request shall be processed as a new application.
  - (e) Every Business Licence shall cease to be valid if the Business ceases to operate.
15. (a) Notwithstanding Section 14, the Issuer of Licences has the authority to stagger the renewal dates for Business Licences. In such cases, the said Business Licences shall be in effect from the date of issue to the date of expiry, as set out on the Business Licence.
- (b) Notwithstanding section 14(c), where the Issuer of Licences has exercised authority under Section 15(a) of this bylaw, the renewal fee may be prorated based on the number of months the Business Licence is valid.

#### **INSURANCE REQUIREMENTS**

16. (a) Every Licensee shall carry valid general liability insurance relating to the Business throughout the term of the Business Licence in an amount not less than two million dollars (\$2,000,000) per occurrence.
- (b) The insurance policy as set out in Section 16(a) must be valid at all times during the term of the Business Licence and the Licensee shall provide proof of current insurance at any time, upon demand of the Issuer of Licences, or an Officer.
- (c) Without limiting Section 16(a), where a Licensee's insurance policy, as required by this By-law, requires renewal during the term of the Business Licence, the Licensee shall provide proof of such renewal to the Issuer of Licences no later than the date of the current insurance policy expiry.
- (d) Without limiting Section 16(a), where there is a change in any information relating to the insurance required by this By-law, the Licensee shall notify the Issuer of Licences of the change, and provide written details of the change to the Issuer of Licences, no later than fifteen (15) calendar days following the date of the change.

#### **DUPLICATE BUSINESS LICENCE**

17. (a) In the event that a Business Licence issued in accordance with this By-law is lost or destroyed, the Issuer of Licences upon request by the Licensee and upon satisfactory proof of such loss or destruction, and payment of a replacement fee of \$25.00, shall issue a duplicate of the original Business Licence to the Licensee, upon which shall be stamped or marked "duplicate".
- (b) (i) If the ownership of a Business for which a Business Licence has been issued under this By-law has not changed, but the name of the Business changes, the Licensee shall:
- a. notify the Issuer of Licences of such change in accordance with Section 12; and,

- b. where registration of the name is required by the Business Names Act, provide a Master Business Licence certified by the Ministry of Government Services bearing the new name of the Business.
- (ii) Upon receiving these documents and upon payment of a replacement fee of \$25.00, the Issuer of Licences shall issue a duplicate Business Licence, bearing the new name of the Business. If the ownership of the Business has changed, a new Business Licence shall be required in accordance with Sections 3, 4, and 5 of this By-law.
- (c) Issuance of a duplicate Business Licence in accordance with this Section shall not affect the expiry date of the Business Licence.

**TRANSFERABILITY, CHANGE OF OWNERSHIP, CHANGE OF LOCATION**

- 18. (a) Every Business Licence issued under this By-law shall be personal to the Licensee(s) indicated on the Business Licence, and to the location as indicated on the Business Licence, and shall not be transferable from Person to Person or location to location.
- (b) A Business Licence shall be deemed to be void immediately upon change of ownership or location of the Business, or upon discontinuation of the business.

**DISPLAY OF BUSINESS LICENCE**

- 19. (a) Every Licensee shall ensure that the Business Licence, or duplicate Business Licence issued by the City, is posted within the Premises from which the Business to which the Business Licence applies is operated, in a conspicuous place, clearly visible to persons entering the Premises, at all times during the Hours of Operation of the Business.
- (b) Notwithstanding Section 19(a) of this By-law, every Licensee shall ensure that the Business Licence is displayed in accordance with the provisions of the schedule governing the Business in question, in all cases where such provisions differ from Section 19(a) of this By-law.
- (c) (i) Notwithstanding Section 19(a), every Licensee shall ensure that, where the Business Licence does not apply to a Premises, that the Business Licence is in the Licensee's possession at all times while engaged in the Business for which the Business Licence was issued.
- (ii) Such Person referred to in (i) above, shall produce such Business Licence immediately to the Issuer of Licences or an Officer, upon request.
- (d) No Person, other than the Licensee, shall carry a Business Licence issued by the City, while engaging in the Business for which the Business Licence was issued.
- (e) Without limiting any other provision of this By-law, every Person who is in possession of a Business Licence as described in Section 19(d), while engaged in the Business for which this Business Licence was issued, shall produce, upon request by an Officer, Identification for the purpose of confirming that the carrier of the Business Licence is the Licensee.
- (f) Without limiting any other provision of this By-law, and in addition to

any other remedy available to the City, the carrier of the Business Licence shall, upon request by the Officer, surrender said Licence to an Officer until such time as Identification is produced, in which case the Business Licence shall be deemed to be suspended until Identification has been produced.

- (g) If the bearer of the Business Licence is not the Licensee, the Officer may seize the Business Licence and, in such case, the Officer or the Issuer of Licences shall notify the Licensee and hold the Business Licence for safekeeping until it can be returned to the Licensee.
- (h) Every Licensee shall ensure that the Business Licence is not posted or displayed, or held out as valid, when the Business Licence has expired, or has been revoked or suspended pursuant to this By-law.
- (i) Every Licensee shall ensure that the Business to which the Business Licence applies is not, at any time during the term of the Business Licence, advertised or promoted or carried on under any name other than the name endorsed upon the Business Licence issued to the Licensee;

### **ALTERATIONS PROHIBITED**

- 20. (a) No Person shall alter or deface a Business Licence in any way.
- (b) Every Licensee shall ensure that the Business Licence is not altered or defaced in any way.

### **ADDITIONAL CONDITIONS**

#### 21. **Signage**

- (a) (i) Every Licensee shall ensure that the Hours of Operation of the Business, as set out on the Business Licence issued in relation to the Business, are posted on a sign at every entrance to the Premises from which the Business is operated, in such a manner that they are visible from the exterior of the Premises at each entrance.
- (ii) Notwithstanding (i), where the Business has an entrance in common with other establishments to which the Business Licence does not apply, the requirements of (a) may be met by posting the signage at all entrances into the Premises from which the Business operates, and not at the common entrances.

#### **Doors Unlocked**

- (b) Every Licensee shall ensure that, during the Hours of Operation, every Principal Entrance is unlocked and accessible so that anyone may enter therein without hindrance or delay.

### **EXCEPTION**

- 22. Where a Business is operated as a home occupation as defined in the Zoning By-law, subsections 21(a), and 21(b) of this By-law do not apply.

### **PROVISION OF GOODS AND SERVICES**

23. Every Licensee shall ensure that no Goods or Services are Provided in any room, cubicle, enclosure, partitioned area, or any other space on or in the Premises, that is not designated as a room for such use on the Floor Plan.

### **COMPLIANCE WITH OTHER LAWS REQUIRED**

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

### **INSPECTIONS**

25. (a) Subject to the provisions of the Act, an Officer, accompanied by any person under his or her direction, may, at any reasonable time, enter onto or into any Premises for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (i) any provision of this By-law;
  - (ii) a direction or order of an Officer or of the municipality made under this By-law or made under the Act in relation to the subject-matter of this By-law;
  - (iii) a condition of a Business Licence issued under this By-law; and
  - (iv) an order made under Section 431 of the Act in relation to the subject-matter of this By-law.
- (b) For purposes of an inspection under Section 25(a), an Officer 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 test, samples or photographs necessary for the purposes of the inspection.
- (c) Notwithstanding any other provision of this By-law, an Officer may exercise his or her power of entry under Section 25(a) to enter an adult entertainment establishment at any time of the day or night. For purposes of this clause, "adult entertainment establishment" includes any Premises or part of a Premises wherein is provided, in the pursuance of a Business, any Good(s) or Service(s) that are designed to appeal to erotic or sexual appetites or inclinations.
- (d) (i) In addition to and without limiting Section 25(a), it shall be a condition of every Business Licence issued under this By-law that the Licensee shall allow an Officer, and any person under his or her direction, to carry out such inspections as are authorized pursuant to this By-law, including without limitation any inspection pursuant to an order made under Section 438 of the Act, as described in Section 25(g) of this By-law, an inspection to determine compliance with this By-law, or with a direction or order of an Officer or of the municipality made under this By-law or made under the Act in relation to the subject-matter of this By-law, an inspection to determine compliance with a condition of a Business Licence issued under this By-law, or an inspection to determine compliance with an order under Section 431 of the Act.
- (ii) Further, it shall be a condition of every Business Licence issued under this By-law that the Licensee shall provide to the Officer

such information, documents or things relevant to the inspection as may be requested by the Officer pursuant to Section 25(b) of this By-law, and permit any examinations, tests, samples or photographs determined by the Officer to be necessary for the purposes of the inspection.

- (e) No Person shall Obstruct or attempt to Obstruct any person, including an Officer, having authority for the enforcement or administration of this By-law.

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

- (i) providing false or misleading information;
  - (ii) failing to identify oneself in accordance with Sections 19(e) or 25(f);
  - (iii) preventing, barring or delaying or attempting to prevent, bar or delay entry or inspection by an Officer, or any person under his or her direction, as provided for by this By-law, including but not limited to the removal of documents or things relevant to the inspection, or the taking of any tests, samples or photographs necessary for the purposes of the inspection;
  - (iv) preventing, barring or delaying or attempting to prevent, bar or delay any person, including an Officer, from carrying out his or her duties or exercising his or her powers under this By-law;
  - (v) preventing, barring or delaying or attempting to prevent, bar or delay an Officer, or any person under his or her direction, from exercising his or her authority pursuant to an order issued by a provincial judge or justice of the peace under Section 438 of the Act, as described in Section 25(g) of this By-law;
  - (vi) failing to provide, upon request by an Officer, any information, documents or things relevant to an inspection, including without limitation, any documents specifically required to be kept or provided by this By-law; and
  - (vii) failing to surrender a Business Licence, upon request by an Officer, as required by Section 19(e).
- (f) Every Person who,
- (i) is required to obtain a Business Licence under this By-law;
  - (ii) is a Licensee under this By-law; or
  - (iii) is in possession of a Business Licence issued under this By-law,

shall identify themselves verbally by giving their correct name and address, or with Identification as defined in this By-law, to an Officer upon request, while such Officer is executing his or her duties in relation to this By-law.

- (g) In addition to any other provision of this By-law, and subject to the provisions of the Act, a provincial judge or justice of the peace may issue an order made under Section 438 of the Act, authorizing an Officer and any person under his or her direction, to enter onto or into any Premises, including a room or Premises actually being used as a dwelling, for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (i) any provision of this By-law;
  - (ii) a direction or order of an Officer or of the municipality made under this By-law or made under the Act in relation to the subject-matter of this By-law;
  - (iii) a condition of a Business Licence issued under this By-law; and
  - (iv) an order made under Section 431 of the Act in relation to the subject-matter of this By-law,

and to exercise powers described in Section 25(b) of this By-law, where the provincial judge or justice of the peace is satisfied by evidence under oath that the inspection is reasonably necessary and the Officer has been prevented or is likely to be prevented from doing anything set out in Section 25(a), (b) or (c) of this By-law.

- (h) An Officer named in an order described in Section 25(g), and any person under his or her direction named therein, may, in accordance with the order, enter onto or into the Premises described therein, including any room or Premises actually being used as a dwelling, which is described therein, to undertake the said inspection, and may, for that purpose, exercise any power set out in the order.

### **ORDERS AND REMEDIAL ACTIONS**

- 26. (a) If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the person who contravened the By-law to discontinue the contravening activity.
- (b) An order under subsection (a) shall set out,
  - (i) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
  - (ii) the date by which there must be compliance with the order.
- (c) No Person shall fail to comply, in whole or in part, with an order issued under subsection 26(a).
- 27. (a) If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Person who contravened the By-law to do work to correct the contravention.
- (b) An order under subsection (a) shall set out,
  - (i) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
  - (ii) the work to be done and the date by which the work must be done.
- (c) An order under subsection (a) may require work to be done even though the facts which constitute the contravention of the By-law were present before this By-law making them a contravention came into force.
- (d) No Person shall fail to comply, in whole or in part, with an order issued under subsection 27(a).

### **REFUSAL TO ISSUE OR RENEW A BUSINESS LICENCE [Amended By (2012)-19396]**

- 28. The Issuer of Licences may refuse to issue or renew a Business Licence:
  - (a) if all Inspections required pursuant to this By-law have not been completed and passed;
  - (b) where the conduct of the Applicant or Licensee, including the conduct of any officer, director, employee or agent of a Applicant or Licensee affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the Business in accordance with the law or with honesty and integrity;



- (c) where the issuance of the Business Licence, or renewal of the Business Licence, would be contrary to the health, safety or wellbeing of people in the City of Guelph;
- (d) where the Applicant or Licensee has past convictions under this By-law, or any other By-law, statute or regulation relating to the Business;
- (e) where the Applicant or Licensee is carrying on an activity in relation to the Business that is, or will be, if the Applicant is licensed, in contravention of this By-law or any other By-law, statute or regulation;
- (f) where it is determined that the Business does not comply with applicable legislation such as but not limited to the Building Code, and Building Code Act, Fire Protection and Prevention Act, Health Protection and Promotion Act, and the Property Standards By-law;
- (g) where there is a Court order, or any federal or provincial order ceasing the activity of the Business;
- (h) where a Business has ceased to operate or,
- (i) upon such other grounds as are set out in this By-law.

**REFUND OF FEE ON REFUSAL TO ISSUE OR RENEW A BUSINESS LICENCE**  
**[Amended By (2012)-19396]**

29. Where the Issuer of Licences decision to refuse to issue or renew a Business Licence is not appealed in accordance with this By-law, or is confirmed by Council, a portion of the fee paid in relation to the application for Business Licence or application for renewal, as the case may be, equivalent to the enforcement portion of the fee as set out in Schedule "C" to this By-law, shall be refunded to the Applicant. No portion of the inspection fee is refundable.

**REVOKING OR SUSPENDING A BUSINESS LICENCE** **[Amended By (2010)-18949; (2012)-19396]**

30. (a) The Issuer of Licences may recommend that a Business Licence be suspended or revoked:
- (i) where the conduct of the Licensee, including the conduct of any officer, director, employee or agent of a Licensee affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the Business in accordance with the law or with honesty and integrity;
  - (ii) where the continuation of the Business Licence would be contrary to the health, safety or wellbeing of people in the City of Guelph; where the Licensee is convicted of an offence or has convictions under any provision of this By-law, or any other By-law, statute or regulation relating to the business;
  - (iii) where the Licensee is carrying on an activity in relation to the Business that is in contravention of this By-law, or any other By-law, statute or regulation;
  - (v) where it is determined that the Business does not comply with applicable legislation such as but not limited to the Zoning By-law, Building Code and Building Code Act, Fire Protection and Prevention Act, Health Protection and Promotion Act, and the Property standards By-law;
  - (vi) where the Business Licence was issued in error based on incorrect or incomplete information provided by the Applicant; or
  - (vii) where the Licensee would be disentitled to a Business Licence for any other reason set out in this By-law.

- (b) A Business Licence issued under this By-law shall remain in effect until a decision to revoke or suspend the Business Licence has been made by Council.

### **REFUND OF FEE ON REVOCATION OF BUSINESS LICENCE**

- 31. When Council's decision is to revoke or suspend a Business Licence, no portion of the inspection fee or licence application fee is refundable.

### **APPEALS PROCEDURE [Amended By (2012)-19396]**

- 32. (a) Where the Issuer of Licences refuses to issue or renew a Business Licence, or recommends the suspension or revocation of a Business Licence:
  - (i) the Issuer of Licences shall send written notice advising the Applicant or Licensee of the refusal, or of the recommendation to suspend or revoke the Business Licence;
  - (ii) the written notice of the Issuer of Licences shall be sent to the Applicant or Licensee at the address of the Applicant or Licensee provided on the Application, or where a change of information has been provided by the Applicant or Licensee regarding address, at the address reflecting that change of information;
  - (iii) the written notice shall:
    - a. set out the grounds for the refusal or recommendation;
    - b. give reasonable particulars of the grounds;
    - c. be signed by the Issuer of Licences; and
    - d. indicate the final date and time by which the Applicant or Licensee may appeal the decision to refuse to issue or renew the Business Licence, or request a hearing before the Appeals Committee regarding the recommendation for suspension or revocation, and the method for doing so, as set out in subsection 32(a)(iv);and,
  - (iv) the Applicant or Licensee may appeal the decision to refuse to issue or renew a Business Licence, or request a hearing before the Appeals Committee regarding the recommendation of the Clerk to suspend or revoke a Business Licence, by filing a written request with the Secretary of the Appeals Committee at the Office of the City Clerk, which request must set out the grounds or basis for the request, and must be received in the Office of the City Clerk no later than 4:00 p.m. on the twentieth (20<sup>th</sup>) calendar day from the date on the notice described in 32(a)(i).
- (b) If no written request for an appeal or hearing is received from the Applicant(s) or Licensee(s) before the deadline as set out in Section 32(a)(iv) regarding the Issuer of Licences decision to refuse or recommend to suspend or revoke a Business Licence:
  - (i) no extension of the time to request an appeal or hearing will be granted;
  - (ii) in the case of a refusal, the decision of the Issuer of Licences will be final; and
  - (iii) in the case of a recommendation to suspend or revoke a Business Licence, the Issuer of Licences recommendation that a Business Licence be suspended or revoked will be forwarded to Council with notice to the Applicant or Licensee.

### **HEARING OF APPEALS [Amended By (2012)-19396]**

33. Upon receipt of a written request for a hearing from the Applicant or Licensee, in accordance with section 32(a)(iv) the Secretary to the Appeals Committee shall:
- (a) fix a date and time for such matter to be heard by the Appeals Committee within 30 days of receipt of the appeal; and,
  - (b) send by registered mail or hand delivery the notice of hearing, which shall include the date, time and location of the hearing, at least fifteen (15) days prior to the date and time fixed for such hearing, to the Applicant or Licensee, the Issuer of Licences, as determined by the Secretary of the Appeals Committee, or any other Person who has requested such notification in writing from the Secretary of the Appeals Committee.

### **SERVICE OF WRITTEN NOTICE [Amended By (2012)-19396]**

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

### **HEARING PROCEDURE [Amended By (2012)-19396]**

35. (a) The following procedure shall be followed for hearings relating to the refusing, suspending or revoking of any Business Licence under this By-law:
- (i) the Secretary of the Appeals Committee shall circulate copies of all reports from the Issuer of Licences and any officers, inspectors, investigators, employees of the corporation or other municipal, provincial, or federal agencies, police officers or Medical Officers of Health, who may be involved in the matter, to the Applicant, Licensee or any other Person to whom notice of the hearing has been given;
  - (ii) the Applicant or Licensee, either personally or through an agent or solicitor, shall be afforded an opportunity to present such material and evidence relevant to the issue before the Appeals Committee, and may ask questions of any person presenting evidence, relating to the evidence presented, or of any author of a report to Council relevant to the said issue;
  - (iii) the Appeals Committee may afford any other Person who appears to have an interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before the Appeals Committee;
  - (iv) the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, except sections 17.1, 18 and 19, as amended from time to time, or any successor thereof, shall apply to all hearings conducted by the Appeals Committee under this By-law; and,

- (v) Any person presenting evidence relevant to the hearing must be present to answer questions in relation to that evidence.
- (b) If the Applicant or Licensee who has been sent notice of the hearing does not appear at the appointed time and place of the hearing, the Appeals Committee may proceed with the hearing in the absence of the Applicant or Licensee and if so, the Applicant or Licensee shall not be entitled to any further proceeding or any further notice of the proceedings; but shall be sent a copy of the Appeals Committee's recommendation.
- (c) The Appeals Committee shall, after having heard all of the evidence and submissions made at the hearing, make a recommendation to Council, in writing, as soon as practicable;
  - (i) that a Business Licence be granted, refused, suspended or revoked with or without conditions, relevant to the subject of the hearing, or as agreed to by the Applicant; and
  - (ii) in the case of a recommendation to suspend a Business Licence, that the suspension of a Business Licence be for such length of time as deemed appropriate by the Appeals Committee.
- (d) "The Recommendation" of the Appeals Committee shall be determined by a vote of the Appeals Committee, and shall be forwarded to Council in the form of a report as provided for in the City of Guelph's Procedural By-law.
- (e) The Secretary to the Appeals Committee shall:
  - (i) within five (5) days of the hearing of the Appeals Committee, send a copy of the recommendation by the Appeals Committee to be made to Council to the Applicant or Licensee, Issuer of Licences and any other persons affected by the Appeals Committee's recommendation, at least fifteen (15) days prior to the date and time fixed for Council's consideration of the recommendation; and
  - (ii) where the Appeals Committee has received a request from any Person who appeared before the Appeals Committee send a copy of the recommendation to such Person, at least fifteen (15) days prior to the date and time fixed for Council's consideration of the recommendation.
- (f) "The Recommendation" shall;
  - (i) include the date, time and location of the Council meeting at which the recommendation of the Appeals Committee will be considered by Council;
  - (ii) summarize the evidence and the arguments presented at the hearing;
  - (iii) set out the Appeal Committee's findings of fact;
  - (iv) set out the recommendation(s) of the Appeals Committee; and
  - (v) state the grounds or basis for the Appeal Committee's recommendation(s).

### **COUNCIL AFTER THE HEARING**

- 36. (a) Council may grant, refuse, suspend or revoke the Business Licence with or without conditions, and may impose conditions recommended by the Appeals Committee or any other conditions relevant to the subject of the hearing, or as agreed to by the Applicant; or do any act,

or make any decision that it might have done had it conducted the hearing itself.

- (b) The Applicant or Licensee may request to appear before Council as a delegation in accordance with City of Guelph's Procedural By-law, but shall not be entitled to any further formal hearing conducted at the Council meeting.
- (c) The decision of Council to grant, refuse, suspend or revoke a Business Licence shall be final.
- (d) Notwithstanding any other provision of this By-law, the Council may, if satisfied that the continuation of a business poses an immediate danger to the health or safety of any person or to any property, for the time and on such conditions as it considers appropriate, without a hearing, suspend a Business Licence for a period not to exceed 14 days.
- (e) Notwithstanding any other provision of this By-law, the Council may, on such conditions as it considers appropriate, without a hearing, suspend a Business Licence authorizing a business to operate on a highway or other property of the municipality or its local boards for a period not exceeding 28 days for the following reasons:
  - (i) the holding of a special event;
  - (ii) the construction, maintenance or repair of the property;
  - (iii) the installation, maintenance or repair of a public utility or service; or
  - (iv) pedestrian, vehicular or public safety or public health.
- (f) Before Council considers suspending a Business Licence under clause 36(a), the Clerk shall provide the Licensee with the recommended reasons for the suspension, in writing, and an opportunity to respond to them in writing prior to the Council meeting, and orally at the Council meeting. The notice shall be hand delivered, or confirmed faxed or received by courier at least 48 hours prior to Council's consideration of the suspension.

### **RETURNING BUSINESS LICENCES [Amended By (2012)-19396]**

- 37. (a) The Clerk shall send written notice to the Applicant or Licensee or any other person requesting to be notified of the decision of Council respecting the hearing and such notice shall be sent within three days of the decision of Council.
- (b) When a Business Licence has been revoked or suspended; the holder of the licence shall return the licence to the Issuer of Licences within two business days of service of the written notice of the decision of Council.

### **OFFENCES**

- 38. (a) Every Person who contravenes any provision of this By-law, including any Schedule hereto, is guilty of an offence.
- (b) Every director or officer of a corporation who knowingly concurs in the contravention by the corporation of any provision of this By-law, including any Schedule hereto, is guilty of an offence.
- (c) Every offence under this By-law is designated as a continuing offence.

## **PENALTIES**

39. (a) Except as otherwise provided in this By-law, every Person who is convicted of an offence under any provision of this By-law shall be liable to a fine not to exceed \$10,000 per day or each part of a day, that the offence continues.
- (b) In addition to Section 39(a), any Person, other than a corporation, who is convicted of an offence for a contravention of any provision of this By-law relating to:
- (i) an Adult Entertainment Establishment;
  - (ii) an Adult Entertainment Retail Establishment;
  - (iii) Goods designed to appeal to erotic or sexual appetites or inclinations; or
  - (iv) Services designed to appeal to erotic or sexual appetites or inclinations,
- may be liable to a term of imprisonment not exceeding one year, in addition to any other applicable penalties.
- (c) The penalties set out in this Section shall be in addition to any other penalties available at law.

## **SCHEDULES**

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

## **ULTRA VIRES**

41. (a) It is hereby declared that notwithstanding that any Section of this By law, or parts thereof, may be found by any Court of law to be invalid or beyond the power of the Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and that all other Sections or parts of this By-law are separate and independent therefrom and enacted as such;
- (b) When any requirement of this By-law is at variance with any other By-law in effect in the City of Guelph or with any applicable Provincial or Federal statute or regulation, the more restrictive requirement shall apply unless otherwise stated in such legislation.

## **PRIOR BY-LAWS REPEALED**

42. By-laws (2004) – 17551, (2005) – 17707, (2005) – 17907, (2006) – 18175, (2007) – 18254, (2007) – 18433, (2008) – 18638, and (2009) – 18728 are hereby repealed as of the date and time of this By-law coming into effect;
43. Chapter 176 “Business Licence” of the Corporation of the City of Guelph’s Municipal Code is hereby repealed and this By-law substituted therefore as the new Chapter 176 “Business Licences”;
44. This By-law is hereby adopted as Municipal Code Amendment #499.

**EFFECTIVE DATE**

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

**PASSED this TWENTY EIGHTH day of SEPTEMBER, 2009.**

Original Signed by:

**KAREN FARBRIDGE - MAYOR**

Original Signed by:

**LOIS A. GILES - CITY CLERK**

**SCHEDULE "A"**  
**to City of Guelph By-law Number (2009)-18855**

**[amended by By-law (2013)-19613; (2015)-19904]**

<b>SCHEDULE</b>	<b>BUSINESS</b>
1	Adult Entertainment Establishment Adult Entertainment Retail Establishment
2	Amusement Establishment
3	Bed and Breakfast
4	Catering Company
5	Food Premise
6	Food Vehicle
7	Holistic Services: Owner, Operator or Practitioner
8	Hotel Establishments
9	Pawnbroker
10	Personal Service Establishment
11	Private Parking Agent
12	Public Assembly Hall
13	Street Vendor (City Tendered)
14	Driving Instructor
15	Donation Bin, Publication Dispensing Box



**SCHEDULE "B"**  
**to City of Guelph By-law Number (2009)-18855**

**[Amended by By-laws (2010)-19079; (2013)-19618; (2015)-19904]**

**REQUIRED INSPECTIONS FOR BOTH INITIAL APPLICATIONS AND RENEWALS**

<b>SCHEDULE #</b>	<b>BUSINESS</b>	<b>APPLICATION</b>	<b>RENEWAL</b>
1	Adult Entertainment Establishment	Zoning, By-law, Fire, Building	By-law, Fire
	Adult Entertainment Retail Establishment	Zoning, By-law, Fire, Building	By-law, Fire
2	Amusement Establishment	Zoning, Fire, Building	Fire
3	Bed & Breakfast	Zoning, Fire, Building	Fire
4	Catering Company	Zoning, Fire, Health, Building	Fire, Health
5	Food Premises	Zoning, Fire, Health, Building	Fire, Health
6	Food Vehicle	Zoning, By-law, Health, Fire	By-law, Fire, Health
7	Holistic Services – Owner	Zoning, By-law, Building, Health, Fire	By-law, Fire, Health
	Practitioner/ Operator	n/a	By-law
8	Hotel Establishment	Zoning, By-law, Building, Fire	Fire
9	Pawnbroker	Zoning, Fire, Building	n/a
10	Personal Service Establishment	Zoning, By-law, Fire, Health, Building	By-law, Fire, Health
11	Private Parking Agent	By-law	n/a
12	Public Assembly Hall	Zoning, Fire, Health, Building	Fire, Health
13	Street Vendor (City Tendered)	Zoning, By-law, Fire, Health	By-law, Fire, Health
14	Driving Instructor	By-law	n/a
15	Donation Bin, Publication Dispensing Box	By-law	n/a

**SCHEDULE "C"**  
**to City of Guelph By-law Number (2009)-18855**

**[Repealed and Replaced by By-laws (2011)-19275; (2012)-19462  
Amended by By-law (2013)-19528; (2014)-19722; (2015)-19905;  
(2016)-20030]**

**SCHEDULE OF FEES**

<b>SCHEDULE #</b>	<b>BUSINESS</b>	<b>FEES</b>
		<b>Inspection/Application/Renewal</b>
1	Adult Entertainment Establishment	\$304.00/\$209.00/\$282.00
	Adult Entertainment Retail Establishment	\$264.00/\$209.00/\$282.00
2	Amusement Establishment	\$294.00/\$175.00/\$194.00
3	Bed & Breakfast	\$214.00/\$175.00/\$194.00
4	Catering Company	\$267.00/\$175.00/\$206.00
5	Food Premises	\$307.00/\$175.00/\$206.00
6	Food Vehicle	\$188.00/\$175.00/\$253.00
	Food Vehicle - Short Term	\$84.00/\$42.00/N/A
7	Holistic Services- Owner	\$346.00/\$175.00/\$313.00
	Practitioner/ Operator	N/A/\$261.00/\$226.00
8	Hotel Establishment	\$342.00/\$175.00/\$268.00
9	Pawnbroker	\$214.00/\$175.00/\$120.00
10	Personal Service Establishment	\$252.00/\$175.00/\$253.00
11	Private Parking Agent	\$63.00/\$175.00/\$0.00
12	Public Assembly Hall	\$307.00/\$175.00/\$206.00
13	Street Vendor (City Tendered)	\$188.00/\$209.00/\$286.00
14	Driving Instructor	N/A/\$209.00/\$120.00
15	Donation Bin	n/a / \$259.00 / \$159.00
	Publication Dispensing Box	n/a / \$181.00*/ \$120.00*

\*for each set of 1 to 50 boxes

**SCHEDULE "D"**  
**to City of Guelph By-law Number (2009)-18855**

**Repealed and Replaced by By-laws (2011)-19275; (2012)-19462;  
 Amended by By-law (2013)-19613; (2014)-19722; (2016)-20030]**

**ENFORCEMENT PORTION OF BUSINESS LICENCE/RENEWAL  
 APPLICATION FEE**

<b>APPLICATION FEE SCHEDULE #</b>	<b>BUSINESS</b>	<b>Enforcement Portion of Fees Application/Renewal</b>
1	Adult Entertainment Establishment	\$55.00/\$62.00
	Adult Entertainment Retail	\$55.00/\$62.00
2	Amusement Establishment	\$28.00/\$35.00
3	Bed & Breakfast	\$28.00/\$35.00
4	Catering Company	\$28.00/\$35.00
5	Food Premise	\$28.00/\$35.00
6	Food Vehicle	\$28.00/\$35.00
	Food Vehicle – Short Term	N/A
7	Holistic Services- Owner	\$28.00/\$62.00
	Practitioner/ Operator	\$55.00/\$62.00
8	Hotel Establishment	\$28.00/\$35.00
9	Pawnbroker	\$28.00/\$35.00
10	Personal Service Establishment	\$28.00/\$35.00
11	Private Parking Agent	\$28.00/\$35.00
12	Public Assembly Hall	\$28.00/\$35.00
13	Street Vendor	\$55.00/\$62.00
14	Driving Instructor	\$28.00/\$35.00
15	Donation Bin	\$95.00/\$66.00
	Publication Dispensing Box	\$28.00/\$35.00

**SCHEDULE 1**  
**To City of Guelph By-law Number (2009)-18855**

**ADULT ENTERTAINMENT ESTABLISHMENT**

The provisions of this Schedule shall apply in respect of Adult Entertainment Establishments and Adult Entertainment Retail Establishment.

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings;
  - (a) "Adult Entertainment Establishment" – means any Premises wherein is Provided, in pursuance of a Business, any Service designed to appeal to erotic or sexual appetites or inclinations;
  - (b) "Adult Entertainment Retail Establishment" – means any Premises wherein is Provided, in pursuance of a Business, any Good designed to appeal to erotic or sexual appetites or inclinations;
  - (c) "Designated Area" – means any part of a Premises or all of the Premises set aside exclusively for the display of Goods appealing to, or designed to appeal to erotic or sexual appetites, which are displayed or offered for sale to the public;
  - (d) "Partially Nude" – means clothed in a manner that leaves any portion of a female person's breasts or any person's pubic, genital, perineal, perianal areas or buttocks visible to any person through less than fully opaque clothing, and "Partial Nudity" shall have a corresponding meaning;
  - (e) "Performer" means any Person who through performing or through being the subject of exhibition, viewing or encounter provides Services designed to appeal to erotic or sexual appetites or inclinations, and "Perform" and "Performing" shall have corresponding meanings; and
  - (f) "Specified body areas" means any one or more of the following:
    - (i) in the case of a female person, her breasts; and
    - (ii) in the case of all persons, the genitals and the anus;
  - (g) "Specified sexual activities" means one or more of the following: actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, including bestiality, anal intercourse and oral sexual intercourse, direct physical stimulation of clothed or unclothed specified body areas and flagellation, mutilation, maiming, murder or torture in the context of a sexual relationship or activity;

**APPLICATION FOR BUSINESS LICENCE**

2.
  - (a) There shall be a maximum of two Adult Entertainment Establishment Business Licences issued by the City.
  - (b) Any Person who carries on the Business of an Adult Entertainment Establishment and an Adult Entertainment Retail Establishment, in the same Premises, shall be required to obtain both Business Licences, but shall pay only the greater of the fees as between the two categories of Businesses, with respect to both inspection fees and licence application fees.

## **CONDITIONS**

### **ADULT ENTERTAINMENT ESTABLISHMENT**

3. Every Adult Entertainment Establishment Licencee shall ensure that:
  - (a) no Person under the age of 18 years is permitted entry into the Adult Entertainment Establishment;
  - (b) no Person may view the inside of the Adult Entertainment Establishment from a position outside of the Establishment through any window or the like and, to that end, that opaque covering is affixed to all such windows and the like;
  - (c) regulatory signs are posted and maintained at every Principal Entrance to the establishment clearly visible and easily read indicating that no Person under the age of 18 years is permitted to enter the Adult Entertainment Establishment;
  - (d) every Performer in the Adult Entertainment Establishment is at least 18 years of age;
  - (e) every Person in the Adult Entertainment Establishment complies with the provisions of this Schedule and this By-law at all times while working in the Adult Entertainment Establishment;
  - (f) no Performer of an Adult Entertainment Establishment shall while providing Services as a Performer, touch or allow, permit or cause herself or himself to be touched, or have physical contact with any other person in any manner whatsoever involving any Specified body areas or Specified sexual activities;
  - (g) no Service is Provided by an Adult Entertainment Performer on the Premises which is not in full view of all customers and shall ensure that any Services Provided and are not blocked or obscured by walls, curtains, smoked or frosted glass, cubicles or other enclosures, devices, or barriers whatsoever; and
  - (h) a current Register is kept, containing a copy of Identification or a Canadian Visa of each Performer currently employed by or performing in the Adult Entertainment Establishment, for the purpose of ensuring compliance with this By-law.

### **ADULT ENTERTAINMENT RETAIL ESTABLISHMENT**

4. Every Adult Entertainment Retail Establishment Licensee shall ensure that:
  - (a) no Goods Designed to Appeal Erotic or Sexual Appetites or Inclinations which are offered for Sale or displayed to the public are displayed at a height of less than 1.5 meters above floor level unless such Goods are displayed in a Designated Area.
  - (b) in addition to Clause (a), Goods designed to appeal to erotic or sexual appetites or inclinations which are offered for Sale or displayed to the public and are not in a Designated Area, shall be placed behind an opaque barrier of a size and nature which shall ensure that the cover of the Goods, except for the name thereof, may not be seen by any member of the public.
5. An Adult Entertainment Retail Establishment Licensee may provide a Designated Area and where a Designated Area is provided, the said Licensee shall ensure:

- (a) no person under the age of 18 years is permitted entry into the Designated Area;
- (b) no person may view the inside of such Designated Area from a position outside the Designated Area, or through any window or the like and, to that end, that opaque covering is affixed to all such windows and the like; and
- (c) regulatory signs are posted and maintained at every entrance to the Designated Area, clearly indicating that no person under the age of 18 is permitted to enter such Designated Area.

**SCHEDULE 2**  
**to City of Guelph By-law Number (2009)-18855**

**AMUSEMENT ESTABLISHMENT**

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

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
  - (a) "Amusement Establishment" - means any indoor facility, designed for and equipped to provide Amusement activities, but does not include, Adult Entertainment Establishments, arcades, arenas, billiards, bowling alleys, carnivals, golf courses, internet gaming facilities and internet cafes, Theatres or physical fitness centres.
  - (b) "Amusement" - means of or pertaining to entertainment, amusement or pastime designed to provide a pleasant diversion or distraction, and shall include, but will not be limited to:

Batting Cages  
Driving Ranges  
Rock Climbing Facilities  
Go-Carts  
Laser Tag  
Mini-Golf  
Paint Ball  
Roller Skate, In-line Skate, or Skateboard facilities  
Waterslides

**CONDITIONS**

3. Every Amusement Establishment Licensee shall ensure that the adequate safety measures for the use and enjoyment of the establishment are posted in conspicuous locations visible to all persons using the establishment.
4. Every Amusement Establishment Licensee shall ensure that all customers are provided basic instruction on equipment used and rules of the establishment where there may be risk involved.

**SCHEDULE 3**  
**To City of Guelph By-law Number (2009)-18855**

**BED AND BREAKFAST**

The provisions of this Schedule shall apply in respect of Bed and Breakfast Establishments.

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following term shall have the corresponding meaning:
  - (a) "Bed and Breakfast" means any Premise in which the owner resides and where for gain, is provided 3 (three) or fewer rooms for overnight accommodation and breakfast for the traveling public, but does not include a Restaurant, Hotel, Tourist Home, Lodging House, Nursing Home or any other License approved or supervised under any general or special Act.

**APPLICATION FOR INSPECTIONS – ADDITIONAL CRITERIA**

2. In addition to Section 4(a)(iv) of this By-law, every Floor Plan for a Bed and Breakfast shall include all swimming pools on the Premises.

**CONDITIONS**

3.
  - (a) Every Bed and Breakfast Licensee shall keep and maintain a Register of guests which may be used for notification purposes of health and/or public safety matters.
  - (b) Every Bed and Breakfast Licensee shall ensure that no meal is provided on the Premise, other than breakfast, and that no cooking is permitted in rented rooms.



**SCHEDULE 4**  
**to City of Guelph By-law Number (2009)-18855**

**CATERING COMPANY**

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

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following term shall have the corresponding meaning:
  - (a) "Catering Company" –means any Business in which food is prepared off site or at the caterer's regular Premises, by a Person or Persons and provided to the public for hire or gain at a personal or public event or function.

**SCHEDULE 5**  
**to City of Guelph By-law Number (2009)-18855**

**FOOD PREMISES**

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

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this by-law, the following terms shall have the corresponding meanings:

(a) "Food Premises" means any Premises where;

- i) food intended for human consumption is prepared; or
- ii) food that is not prepackaged, and that is intended for human consumption, is handled,

and Provided for Sale, and shall include Restaurants and Food Shops, but shall not include Caterers, Food Vehicles, or Street Vendors as defined in this By-law

(b) "Food Shop" means any Premise where food intended for human consumption is prepared and Provided for sale but shall not include Food Vehicles, Restaurants or Street Vendors as defined in this By-law;

(c) "Restaurant" means any Premises in which food is prepared and Provided for Sale for immediate consumption within the Building or Premises, and includes an accessory take-out service, an ice cream establishment, dairy bar, tea room, sandwich shop, lunch counter, peanut stand, fish and chip shop, refreshment booth, refreshment stand and a Premises where ice-cream or soft drinks are offered for sale, but excludes a Food Vehicle.

**TRANSITION**

2. (a) In the case of a Food Shop or Restaurant that meets the definition of a Food Premises under this By-law, a Licence that is valid as of the effective date of this By-law shall be transferred to a Food Premises Licence and the Licensee shall comply with all applicable provisions of this By-law.

(b) The Licensee in (a) shall be required to renew the Food Premises Licence prior to its expiry.

**SCHEDULE 6**  
**to City of Guelph By-law Number (2009)-18855**

**[Amended By (2010)-18949;]**

**FOOD VEHICLE**

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

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
  - (a) "Arterial Road" means any Highway with markings identifying more than two traffic lanes;
  - (b) "Chip Wagon" means an immobile vehicle, either mounted on blocks or supported by a conventional wheel, tire and axle system, from which food or beverages are Provided for Sale or sold, or prepared and Provided for Sale or sold;
  - (c) "Food Vehicle" means a Chip Wagon, Mobile Food Preparation Vehicle, or Refreshment Vehicle, and shall not include a Mobile Barbeque Facility or Refrigerated Bicycle Cart;
  - (d) "Ice Cream Truck" means a Vehicle from which food prepared therein and specially related to ice cream, frozen desserts or other frozen confections including beverages is Provided for Sale or Sold;
  - (e) "Land" means land other than a Highway;
  - (f) "Mixed Use Area" means the downtown parts of the City, as so indicated on Appendix 2 to this Schedule 6;
  - (g) "Mobile Barbeque Facility" means an open air barbeque which is capable of being moved from Premises to Premises by a person,;
  - (h) "Mobile Food Preparation Vehicle" means a vehicle or other itinerant Food Premises from which food prepared therein is Provided for Sale or sold and includes an Ice Cream Truck.
  - (i) "Mobile Food Preparation Vehicle Plate" means a metal number plate issued by the Issuer of Licences to a Licensee with a current and valid Business Licence for a Mobile Food Preparation Vehicle;
  - (j) "Other Area" means the parts of the City other than the Mixed Use Area and the Residential Area, as so indicated on Appendix 2 to this Schedule 6;
  - (k) "Private Event" means a private function on private Land;
  - (l) "Residential Area" means the residential parts of the City, as so indicated on Appendix 2 to this Schedule 6;
  - (m) "Refreshment Vehicle" means a vehicle or other itinerant Food Premises from which pre-packaged food items are Provided for sale or sold and in which no food is prepared except beverages;
  - (n) "Refrigerated Bicycle Cart" means a manually propelled itinerant tricycle vehicle from which ice-cream, ice-cream cones, ice milk and other iced confectionery food items are offered for sale or sold to the public;

- (o) "Roadway" has the same meaning as set out in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time, or any successor thereof, and, for greater certainty, does not include a sidewalk;
- (p) "Site Plan" means a drawing of a site which includes all applicable measurements of the Food Vehicle and the surrounding area within 100 metres of the site and on which all buildings and structures, streets or other landmarks are indicated;
- (q) "Short-term Licence" means a type of Business Licence for a Mobile Food Preparation Vehicle which is only valid for three consecutive days per period and may only be issued or renewed for up to four specified periods per year;
- (r) "Special Event" means a special event as defined in the City's Special Event Policy;
- (s) "Special/Private Event Food Vehicle Licence" means a Business Licence issued to an organizer of a Special Event or Private Event that applies to all Food Vehicles operating at the Special Event or Private Event;
- (t) "Travelled Portion of the Road Allowance" means the part of the Highway that is improved, designed or ordinarily used for vehicular traffic; and
- (u) "Vehicle" shall have the same meaning as set out in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time, or any successor thereof.

**OWNER OF FOOD VEHICLE**

- 2. (a) Without limiting any other provision of this By-law, a Person shall be deemed to be engaged in the Business of operating a Food Vehicle if he or she is the registered owner of a Food Vehicle used for such purpose.
- (d) Each Food Vehicle shall require a separate Business Licence.

**CONDITIONS - GENERAL [Amended By (2010)-18949]**

- 3. (a) Every Food Vehicle Licensee shall:
  - (i) ensure that a refuse container is supplied for his or her Food Vehicle, and that such container is made available to the customers of the Food Vehicle;
  - (ii) ensure that the Food Vehicle is maintained in good repair.
- (b) Notwithstanding Section 19(a) of the By-law, every Licensee holding a Business Licence for a Food Vehicle Business shall ensure that the Business Licence relating thereto is affixed to the vehicle, in a conspicuous place clearly visible to the public at all times during the Hours of Operation of the Business.

**CHIP WAGONS**

- 4. (a) In addition to all other requirements of this By-law, the following items shall be submitted with every application for inspections relating to a Food Vehicle that is a Chip Wagon:

- (i) a letter from the Owner of every property on which the Food Vehicle will be situated, authorizing the Applicant to conduct such Business from the property; and
  - (ii) a Site Plan to be approved by the City, indicating compliance with the criteria set out in Section 4(c) of this Schedule.
- (b) No Business Licence shall be issued for a Food Vehicle that is a Chip Wagon unless the Site Plan has been approved by the City.
- (c) Every Licensee of a Food Vehicle that is a Chip Wagon shall ensure that the Chip Wagon is not operated at any time:
- (i) on any Highway;
  - (ii) within 22.86 metres (75 feet) of any corner of any intersection (measured as indicated on the attached Appendix 1 of Schedule 6);
  - (iii) within 15.24 metres (50 feet) from the nearest edge of the Traveled Portion of the Road Allowance (measured as indicated on the attached Appendix 1 of Schedule 6); or
  - (iv) when such Chip Wagon occupies an area greater than 37.16 square metres (400 square feet).

**MOBILE FOOD PREPARATION VEHICLE – [Amended by By-law (2015)-19940]**

5. (a) In addition to all other requirements of this By-law, the following items shall be submitted with every Application for Inspection relating to a Mobile Food Preparation Vehicle:
- (i) A letter from all the owners of the Land on which the Mobile Food Preparation Vehicle will be situated, authorizing the Applicant to conduct such Business on the Land;
  - (ii) A Site Plan indicating compliance with the locational requirements set out in this Schedule;
  - (iii) A list of the types of food to be Provided for Sale or Sold, specifying the source of the food and identifying food that will be refrigerated or heated as part of the operation of the Mobile Food Preparation Vehicle;
  - (iv) A spill contaminant plan including a description of how and where grease and grey water will be disposed of;
  - (v) A photo of the Mobile Food Preparation Vehicle and a description of its type;
  - (vi) The location where the Mobile Food Preparation Vehicle will be parked or stored when not in use; and
  - (vii) For a Mobile Food Preparation Vehicle that is subject to Director's Order FS-056-06 (issued under the *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16 and its regulations), as amended or replaced from time to time, a completed inspection certificate and information fact sheet issued no more than 36 days before the application for a Business Licence or for a renewal is submitted; and
  - (viii) For an Ice Cream Truck, a criminal record check for every individual who will operate it.

- (b) No Business Licence shall be issued for a Mobile Food Preparation Vehicle unless the Site Plan has been approved by the City.
- (c) Notwithstanding the other provisions of this By-law, the Issuer of Licences may issue a Short-term Licence instead of the usual type of Business Licence in respect of a Mobile Food Preparation Vehicle. Except as resulting from its short-term nature, or as provided in this Schedule 6, a Short-term Licence shall, in all other respects, be the same, and shall be treated the same, as the usual type of Business Licence.
- (d) Every Licensee of a Mobile Food Preparation Vehicle shall ensure that:
  - (i) Only the specific Mobile Food Preparation Vehicle, for which the Business Licence has been issued, is used in association with that Business Licence;
  - (ii) The Mobile Food Preparation Vehicle is used in only the applicable area of the City and on only the applicable Highway or Land, if any, specified in the Business Licence; (for convenience, the applicable paragraphs of this Section 5 are listed in Appendix 2 to this Schedule 6);
  - (iii) The Mobile Food Preparation Vehicle is moved at the oral or written request of the Issuer of Licences or an Officer appointed or assigned to enforce this Schedule, if, in the opinion of the Issuer of Licences or Officer, the location:
    - a. is or may become undesirable for safety reasons, or
    - b. interferes with normal access to any Land;
  - (iv) Only the types of food on the list submitted under paragraph 5(a)(iii) are Provided for Sale or Sold;
  - (v) The idling of an internal combustion engine associated with the operation of the Mobile Food Preparation Vehicle complies with the City's Idling By-law Number (1998)-15945, as amended;
  - (vi) All statutes, regulations and by-laws governing driving, stopping or parking the Mobile Food Preparation Vehicle are complied with at all times;
  - (vii) There is no crying of wares, sounding of chimes or use of similar means to attract attention:
    - a. while the Mobile Food Preparation Vehicle is in motion, or
    - b. for more than 5 seconds at intervals of not less than 5 minutes;
  - (viii) No food is Provided for Sale or Sold to any customer who is standing on a Roadway;
  - (ix) All children and customers are safely away from the Mobile Food Preparation Vehicle before putting it in motion;
  - (x) The Mobile Food Preparation Vehicle is not washed or repaired while on a Highway except, in the case of repair, when repair is necessary to move the Mobile Food Preparation Vehicle off the Highway; and
  - (xi) The Mobile Food Preparation Vehicle is driven by a person holding a current, valid provincial driver's licence.
- (e) Every Licensee of a Mobile Food Preparation Vehicle shall ensure that the Mobile Food Preparation Vehicle:

- (i) Is equipped and maintained with:
  - a. a clean compartment for the storage of food, and, in the case of an Ice Cream Truck, such compartment is refrigerated, and
  - b. at least one suitable refuse container;
- (ii) Is kept in a clean and orderly condition and maintained in all respects in a condition suitable for the purpose for which it is used;
- (iii) Is adequately lighted and ventilated;
- (iv) Bears the Mobile Food Preparation Vehicle Plate or Short-term Licence, which is:
  - a. affixed to the rear exterior of the Mobile Food Preparation Vehicle or to another location on the Mobile Food Preparation Vehicle approved in advance by the Issuer of Licences, and
  - b. plainly visible in its entirety at all times;
- (v) Is in a safe mechanical condition before it is driven;
- (vi) Has no accessory generator associated with the operation of the Mobile Food Preparation Vehicle used outside of the Mobile Food Preparation Vehicle;
- (vii) Bears the business name of the Mobile Food Preparation Vehicle Licensee, which is displayed:
  - a. on both sides of the Mobile Food Preparation Vehicle or on another location as approved in advance by the Issuer of Licences,
  - b. in letters and numbers at least 18 centimetres in height,
  - c. in a colour that contrasts with the background colour, and
  - d. so as to be plainly visible in its entirety at all times; and
- (viii) In the case of an Ice Cream Truck, is equipped and maintained with:
  - a. a "WATCH FOR CHILDREN" warning sign in readily legible black letters at least 15 centimetres high on a yellow background that is affixed to the rear exterior of the Mobile Food Preparation Vehicle and plainly visible in its entirety at all times,
  - b. a minimum of two amber lights on top, placed as to be readily visible by a person 1.5 metres in height standing 1.2 metres in front of or behind the vehicle, that flash when the Ice Cream Truck stops to Provide for Sale or Sell,
  - c. a rear bumper having an angled cover on top designed and placed so as to prevent a child from standing or sitting on top, and
  - d. refuse containers that are available upon arrival when the Ice Cream Truck stops to Provide for Sale or Sell and removed together with all waste collected in the refuse containers or accumulated in the surrounding area upon leaving.
- (f) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Mixed Use Area on a Highway, then the Licensee shall ensure that the vehicle is parked on the Highway only:
  - (i) If permitted as part of a Special Event; and

- (ii) At such times and places as set out in the permit for the Special Event.
- (g) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Mixed Use Area on Land, then the Licensee shall ensure that the vehicle is parked on the Land only:
- (i) If permitted as part of a Special Event, at such times and places as set out in the permit for the Special Event; and
  - (ii) If not permitted as part of a Special Event, then only:
    - a. as authorized under the Zoning By-law,
    - b. more than 22.86 metres (75 feet) from any corner of any intersection (measured as indicated on the attached Appendix 1 of Schedule 6),
    - c. more than 15.24 metres (50 feet) from the nearest edge of the Roadway (measured as indicated on the attached Appendix 1 of Schedule 6),
    - d. not on any Land where, due to the area occupied by the vehicle, the minimum parking space requirement for said Land is not in compliance with the Zoning By-law,
    - e. with the written approval of the owner of the Land, and
    - f. for up to 8 hours per day.
- (h) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Residential Area on a Highway, then the Licensee shall ensure that:
- (i) The vehicle is parked on the Highway only:
    - a. if permitted under the City's Traffic By-law,
    - a. for a maximum of 8 hours from time of initial arrival,
    - b. to provide catering for a Private Event in which no public Sales are permitted, and
    - c. within the hours of 7:00 a.m. to 11:00 p.m.; and
  - (ii) The vehicle does not provide catering on the same Highway more than once per month.
- (i) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Residential Area on Land, then the Licensee shall ensure that, if so permitted as part of a Special Event, the vehicle is parked only at such times and places as set out in the permit for the Special Event.
- (j) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Other Area on a Highway, then the Licensee shall ensure that the vehicle is parked on the Highway only:
- (i) If the Highway is not an Arterial Road;
  - (ii) If permitted under the City's Traffic By-law;
  - (iii) For a maximum of 8 hours from time of initial arrival; and
  - (iv) Within the hours of 7:00 a.m. to 11:00 p.m.
- (k) If a Mobile Food Preparation Vehicle other than an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Other Area on Land, then the Licensee shall ensure that if not permitted as part of a Special Event, then the vehicle is parked on the Land only:
- (i) As authorized under the Zoning By-law;
  - (ii) More than 22.86 metres (75 feet) from any corner of any intersection (measured as indicated on the attached Appendix 1 of Schedule 6);



- (iii) More than 15.24 metres (50 feet) from the nearest edge of the Roadway (measured as indicated on the attached Appendix 1 of Schedule 6);
  - (iv) Not on any Land where, due to the area occupied by the vehicle, the minimum parking space requirement for said Land is not in compliance with the Zoning By-law;
  - (v) With the written approval of the owner of the Land; and
  - (vi) For up to 8 hours per day.
- (l) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Mixed Use Area on a Highway, then the Licensee shall ensure that the vehicle is parked on the Highway only:
- (i) If permitted as part of a Special Event; and
  - (ii) At such times and places as set out in the permit for the Special Event.
- (m) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Mixed Use Area on Land, then the Licensee shall ensure that the vehicle is parked only:
- (i) If permitted as part of a Special Event; and
  - (ii) At such times and places as set out in the permit for the Special Event.
- (n) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Residential Area on a Highway, then the Licensee shall ensure that:
- (i) If the vehicle is not providing catering as described below, the vehicle is parked on the Highway only:
    - a. if permitted under the City's Traffic By-law,
    - b. for a maximum of 15 minutes at any one location,
    - c. at least 6 metres from an intersection,
    - d. at least 100 metres from any park, school, place of worship or hospital measured along the most direct route from the nearest point of the park, school, place of worship or hospital boundary to the nearest point on the vehicle, unless the owner of the affected park, school, place of worship or hospital has given written permission for the vehicle to operate within 100 metres, and
    - e. at least 100 metres from the boundary of a Special Event or Private Event in respect of which a permit has been issued, measured along the most direct route from the nearest point of the Special Event or Private Event boundary to the nearest point on the vehicle, except when the Licensee holds the appropriate Special/Private Event Food Vehicle Licence; and
  - (ii) If the vehicle is providing catering for a Private Event in which no public Sales are permitted, the vehicle is parked on the Highway only:
    - a. for a maximum of 8 hours from time of initial arrival,
    - b. within the hours of 9:00 a.m. to 8:00 p.m., and
    - c. not more than once per month on the same Highway.
- (o) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Residential Area on Land, then the Licensee shall ensure that the vehicle is parked on the Land only:
- (iii) If permitted as part of a Special Event; and
  - (iv) At such times and places as set out in the permit for the Special Event.
- (p) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Other Area on a Highway, then the Licensee shall ensure that the vehicle is parked on the Highway only:
- (i) If permitted under the City's Traffic By-law;

- (ii) For a maximum of 8 hours from time of initial arrival; and
  - (iii) Within the hours of 9:00 a.m. to 8:00 p.m.
- (q) If an Ice Cream Truck is permitted to Provide for Sale or Sell food within the Other Area on Land, then the Licensee shall ensure that the vehicle is parked only:
- (i) If permitted as part of a Special Event, at such times and places as set out in the permit for the Special Event; and
  - (ii) If not permitted as part of a Special Event, then only:
    - a. as authorized under the Zoning By-law,
    - b. more than 22.86 metres (75 feet) from any corner of any intersection (measured as indicated on the attached Appendix 1 of Schedule 6),
    - c. more than 15.24 metres (50 feet) from the nearest edge of the Roadway (measured as indicated on the attached Appendix 1 of Schedule 6),
    - d. not on any Land where, due to the area occupied by the vehicle, the minimum parking space requirement for said Land is not in compliance with the Zoning By-law,
    - e. with the written approval of the owner of the Land, and
    - f. for up to 8 hours per day.
- IV. Section 8 of Schedule 6 of the by-law is amended by changing "Sections 4(c) and 5(c) of this Schedule" to "the provisions of this Schedule prohibiting operation in the Central Business District" in the third line.
- V. Appendix 2 of Schedule 6, as attached hereto, is added to the by-law.

### **REFRESHMENT VEHICLE**

6. Every Licensee of a Food Vehicle that is a Refreshment Vehicle shall ensure that the Refreshment Vehicle does not provide Goods or Services while such Vehicle is on any Highway.
7. Every Licensee of a Food Vehicle that is a Refreshment Vehicle shall ensure that:
- (a) only pre-packaged food items are Provided for sale or sold from the Refreshment Vehicle and that no food is prepared therein except hot beverages and that no food item is Provided for sale or sold from the Refreshment Vehicle;
    - (i) at any location other than industrial or commercial establishments or to workers on a construction site;
    - (ii) to the general public; and
    - (iii) unless such food is pre-packaged in individual servings and the date of preparation of said food item is clearly displayed on the package of the food item; and,
  - (b) the said Refreshment Vehicle does not remain in any particular location, providing Service to customers, for more than 30 minutes.

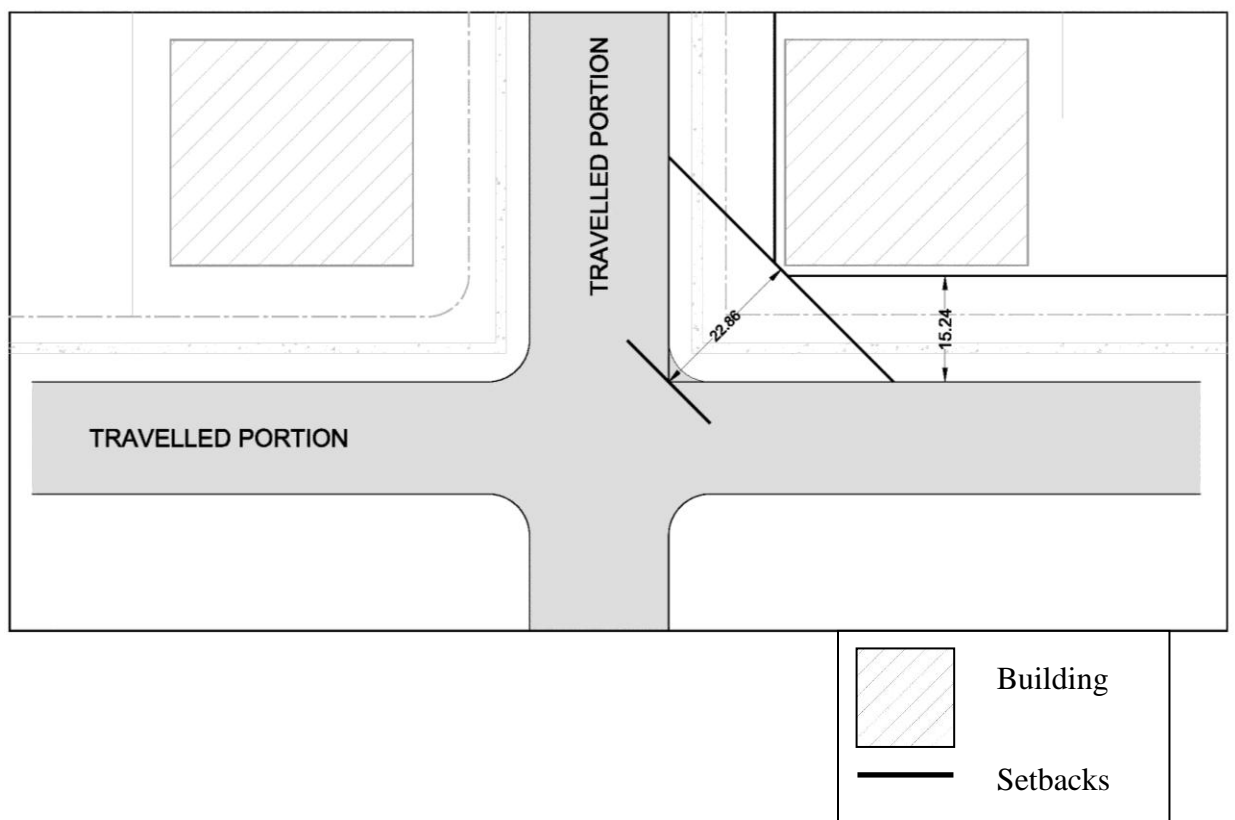
### **EXEMPTIONS**

8. A Licensee of a Food Vehicle who has been authorized by Council to operate in the Central Business District in conjunction with a special event shall be exempt from the requirements of Sections 4(c) and 5(c) of this Schedule for the period of time that Council has authorized such Licensee to operate in

the Central Business District, but shall be required to comply with all other requirements of this By-law.

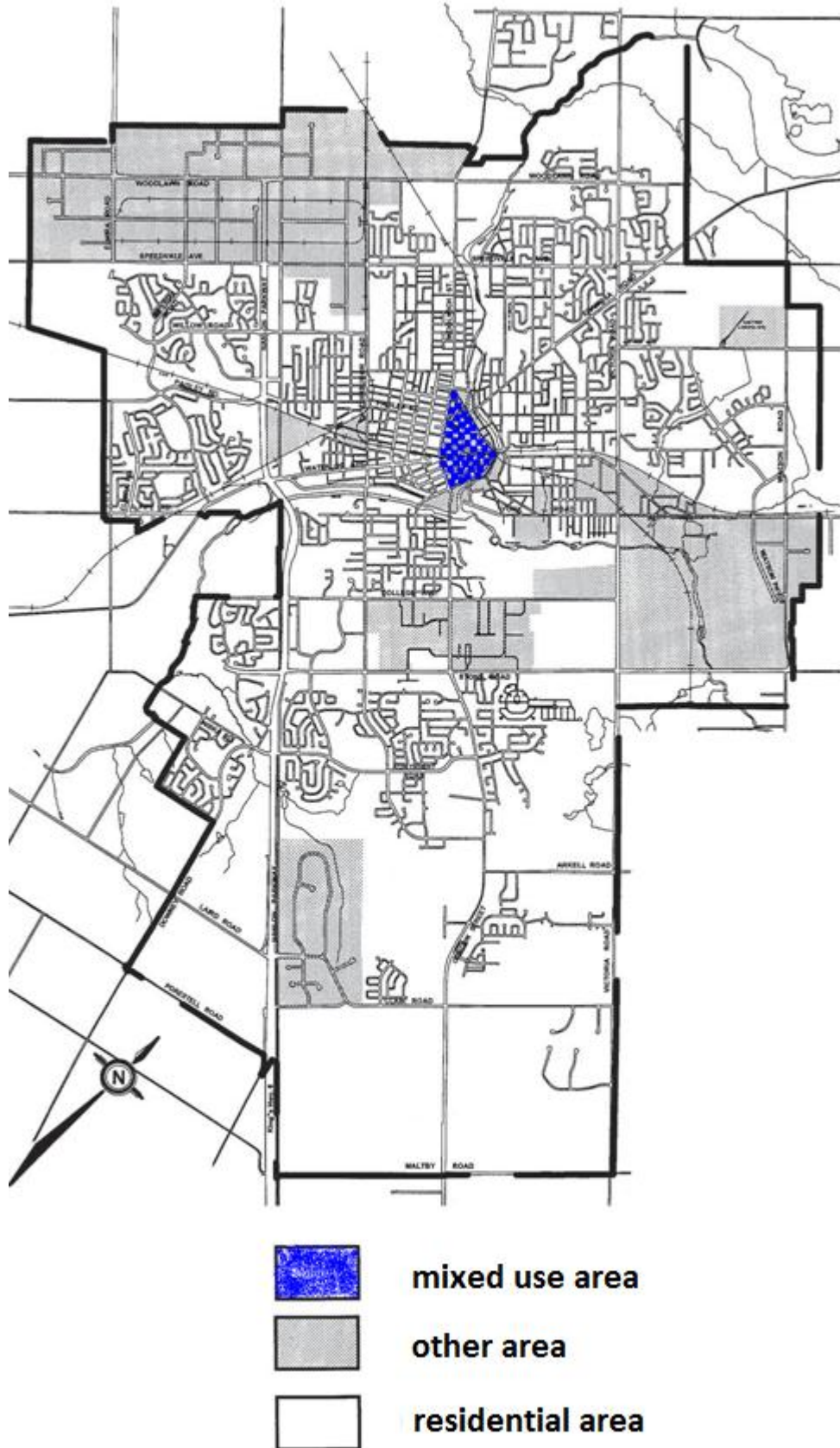
**Appendix 1 of Schedule 6  
to City of Guelph By-law Number (2009)-18855**

**MEASUREMENT OF DISTANCE FROM TRAVELLED  
PORTION OF ROADWAY ALLOWANCE**



**Appendix 2 of Schedule 6  
to City of Guelph By-law Number (2009)-18855 -  
[Amended by By-law (2015)-19940]**

**Areas within the City**



**[Amended by By-law (2015)-19940]**

Paragraph in the Schedule	Type of vehicle	Area of the City	Parking Spot (Highway vs. Land)
5(f)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Mixed Use Area	Highway
(g)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Mixed Use Area	Land
(h)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Residential Area	Highway
(i)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Residential Area	Land
(j)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Other Area	Highway
(k)	Mobile Food Preparation Vehicle other than an Ice Cream Truck	Other Area	Land
(l)	Ice Cream Truck	Mixed Use Area	Highway
(m)	Ice Cream Truck	Mixed Use Area	Land
(n)	Ice Cream Truck	Residential Area	Highway
(o)	Ice Cream Truck	Residential Area	Land
(p)	Ice Cream Truck	Other Area	Highway
(q)	Ice Cream Truck	Other Area	Land

**SCHEDULE 7**  
**to City of Guelph By-law Number (2009)-18855**

**[Amended By (2010)-18949; (2012)-19396]**

**HOLISTIC SERVICES**

The provisions of this Schedule shall apply in respect of Holistic Services.

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings;
  - (a) "Energy or Life-Force Therapies" include but are not limited to the laying on of hands, and therapeutic non-touch;
  - (b) "Establishment" means any Premise in which any Holistic Service is Provided, and includes all of the Premise in which an Owner has an interest;
  - (c) "Herbal or botanical therapies" means an attempt to improve health through the use of herbs or plants;
  - (d) "Holistic Service" means any Service that is a complementary or alternative healing modality including, but not limited to:
    - Energy or Life-Force Therapies;
    - Herbal/Botanical Therapies; and,
    - Physical Therapies;but does not include:
    - Psychological Therapies;
    - Services which are only mobile in nature and Provided on a voluntary, without fee, basis; or
    - Medical or therapeutic treatment performed, offered or solicited and performed or offered by persons duly qualified, licensed or registered to do so under a statute of Ontario;
  - (e) "Hours of Operation" when used in this By-law in relation to a Holistic Services Establishment, means the hours of operation as set out on the Business Licence issued to the Owner for the Holistic Services Establishment;
  - (f) "Massage" includes the kneading, manipulating, rubbing, massaging, touching, or stimulating by any means, of a person's body or part thereof;
  - (g) "Operator" means a Person who, alone or with others, manages, supervises, runs or directs the operation of a Holistic Services Establishment, or who directs the activities of a Practitioner, and "Operate" and "Operating" shall have corresponding meanings;
  - (h) "Owner" means a Person who, alone or with others, owns or controls a Holistic Services Establishment or who directs the activities of an Operator, and "Own" and "Owning" shall have corresponding meanings;
  - (i) "Operator Licensee" means any Person who holds a Business Licence as an Operator of a Holistic Services Establishment;
  - (k) "Owner Licensee" means any Person who holds a Business Licence as an Owner of a Holistic Services Establishment;

- (l) "Photo Identification Tag" means the card issued by the City as part of the Business Licence with the photo of the Licensee made from passport size photos provided by the Applicant;
- (m) "Physical Therapies" means therapies designed to improve health or relieve stress and which involve the manipulation, or touch of the body and include, but are not limited to, aromatherapy, colonic irrigation, hydrotherapy, lymphatic drainage, Massage, reflexology, and shiatsu;
- (n) "Practitioner" means a person who Provides or offers to Provide any Holistic Service;
- (o) "Practitioner Licensee" means any Person who holds a Business Licence as a Practitioner in relation to any Holistic Services Establishment; and,
- (p) "Psychological therapies" means any Service that is a complementary or alternative healing modality, primarily dealing with behaviour modification and treated through mental and/ or mind-body control.

**BUSINESS LICENCES REQUIRED [Amended By (2012)-19396]**

- 2. (a) All Owners, Operators and Practitioners are to be individually licensed, except where the Owner and Operator is one in the same and they may apply for a combined license as an Owner and Operator, and except where the Owner, and Practitioner is one in the same and they may apply for a combined license as an Owner and Practitioner; and except where the Operator, and Practitioner is one in the same and they may apply for a combined license as an Operator and Practitioner; and except where the Owner, Operator and Practitioner is one in the same and they may apply for a combined license as an Owner, Operator and Practitioner.
- (b) Without limiting any other provision of this Schedule or the By-law,, every Business Licence issued for an Owner, Operator or Practitioner of a Holistic Services Establishment is only valid for a single Holistic Services Establishment at a single location and, as such, each Business Licence shall indicate the location of the Holistic Services Establishment for which the Business Licence is valid.
- (c) All Business Licences issued to an Operator or Practitioner of a Holistic Services Establishment are valid only for the time during which the Business Licence issued to the Owner of the Holistic Services Establishment is valid. If the Business Licence issued to the Owner ceases to be valid at any time, the Business Licence(s) issued to the Operator(s) and Practitioner(s) shall also cease to be valid.
- (d) No Business Licence issued to an Owner, Operator or Practitioner of a Holistic Services Establishment is transferable or assignable and if any Licensee ceases to maintain an interest or employment in the Holistic Services Establishment to which his or her Business Licence applies, then, notwithstanding any other provision of this By-law, such Business Licence shall be deemed to be revoked.
- (e) Every Operator Licensee or Practitioner Licensee of a Holistic Services Establishment shall inform the Issuer of Licences within fifteen (15) days of terminating their employment with any Owner Licensee or Holistic Services Establishment.
- (f) Where a Holistic Services Establishment and a Personal Service Establishment occupy the same premises, and are under the same ownership, and are operated as one business, both licenses are required



and all the conditions in both schedules shall apply. However, only the greater of the two inspection fees and licence application fees shall be required to be submitted to the City.

**APPLICATION REQUIREMENTS [Amended by By-law (2011)-19262]**

3. Except in the case where the Owner and Operator is one and the same, or where an Owner and Practitioner are one and the same, no application for a Business Licence for an Operator or Practitioner of a Holistic Services Establishment shall be accepted until a Business Licence has been issued to the Owner of the said Holistic Services Establishment.
4. (a) In addition to all other requirements of this By-law, every Owner and Operator of a Holistic Services Establishment, and every Practitioner in a Holistic Services Establishment, shall submit as part of their application for a Business Licence or for renewal thereof, one (1) valid piece of Identification of the Applicant.  
  
(b) Where the applicant is a partnership or corporation, Identification shall be provided by the person attending on behalf of the partnership or corporation to submit the application.
5. In addition to all other requirements of this By-law:
  - (a) every Practitioner in any Holistic Services Establishment shall submit the following as part of their application for a Business License or for renewal thereof:
    - (i) 2 passport issued photographs to be used by the City in providing the Applicant with a City issued photo identification tag, upon issuance of the Business Licence;
    - (ii) evidence satisfactory to the Issuer of Licences that:
      - a. the Practitioner is a member in good standing in a Holistic Services association or regulatory body relevant to the Holistic Service they intend to provide, as listed on Appendix "A" to this Schedule, or an equivalent association or regulatory body that has been approved by the Issues of Licences, including contact information for such association or regulatory body; or
      - b. the Practitioner holds a diploma relating to a program which:
        - i. includes as part of the curriculum the Holistic Service(s) they intend to provide; and
        - ii. if required by law, is a program approved by the Ontario Ministry of Training, Colleges and Universities
    - (iii) copy of professional liability insurance related to the Holistic Service(s) for which they are permitted to practice; and,
    - (iv) written authorization from the Owner stating that they will be employed as a Practitioner in the Owner's licensed Holistic Services Establishment.
  - (b) every Operator of any Holistic Services Establishment shall submit the following as part of their application for a Business License or for renewal thereof:
    - (i) 2 passport issued photographs to be used by the City in providing the Applicant with a city issued photo identification tag, upon issuance of the Business Licence; and

- (ii) written authorization from the Owner stating that they will be employed as an Operator in the Owner's licensed Holistic Services Establishment.
- 6. Every Applicant for a Business Licence for an Owner, Operator or Practitioner of a Holistic Services Establishment shall appear in person at the Office of the Issuer of Licences to submit the application, provided that:
  - (a) in the case of a Holistic Services Establishment Owned by a partnership such appearance shall be made by one of the partners, provided that the application for a Business Licence has been signed by all of the partners; and,
  - (b) in the case of a Holistic Services Establishment Owned by a corporation, such appearance shall be made by an officer of the corporation, provided that the application for a Business Licence has been signed by the authorized signing officers of the corporation.
- 7. Without limiting any other provision of this Schedule or the By-law, no Business Licence shall be issued to the Owner of a Holistic Services Establishment until the Floor Plan is approved by the Issuer of Licences

#### **APPLICATION RESTRICTIONS**

- 8. An application for a Business Licence for a Practitioner or Operator of a Holistic Services Establishment may not be made by a partnership or corporation.

#### **HOURS OF OPERATION**

- 9. (a) Holistic Services Establishments may only be open for business between the hours of 8:00 a.m. and 10:00 p.m.
- (b) Notwithstanding sub-section 9(a) of this Schedule, every Owner Licensee and Operator Licensee shall ensure that the Holistic Services Establishment that they Own or Operate is not open for business, and that no Goods or Services are Provided in such Establishment, outside of the Hours of Operation.
- (c) Notwithstanding sub-section 9(a) of this Schedule, no Practitioner Licensee shall Provide any Goods or Services in a Holistic Services Establishment, outside of the Hours of Operation.

#### **REQUIRED SIGNAGE**

- 10. Every Owner Licensee and Operator Licensee shall ensure that:
  - (a) a list of all Services Provided by the Holistic Services Establishment and a fees list for those Services, are posted in a conspicuous location within the Establishment and clearly visible to all persons entering any Principal Entrance of the Holistic Services Establishment as identified in the Floor Plan; and,
  - (b) only those Services set out in the posted list of Services required in sub-section 10(a) of this Schedule, are Provided in the Holistic Services Establishment, and only the fees set out on the fees list, required in sub-section 10(a) of this Schedule, are charged for the respective Services.

## **PHOTO IDENTIFICATION**

11. Every Operator Licensee and Practitioner Licensee shall make available for inspection, upon request by any person, his or her photo identification tag.

## **OPERATIONAL REQUIREMENTS**

12. Every Owner Licensee and Operator Licensee shall ensure that:
  - (a) no Adult Entertainment Goods or Adult Entertainment Services are Provided in the Holistic Services Establishment;
  - (b) every Practitioner operating in the Holistic Services Establishment is Licensed;
  - (c) no Practitioner or other person within the Holistic Services Establishment is Nude in any portion of the Establishment except for in the washrooms, showers, shower washrooms and sauna baths as identified on the Floor Plan;
  - (d) every Practitioner remains a member in good standing of a Holistic Services association or regulatory body as listed on Appendix "A" to this Schedule, or of an equivalent association or regulatory body that has been approved by the Issuer of Licences;
  - (e) the Holistic Services Establishment is at all times in compliance with the Health Protection and Promotion Act, R.S.O.1990, c. H.7, and regulations thereto, as amended from time to time, and any successor thereof;
  - (f) no Practitioner Provides Goods or Services in any room, cubicle, enclosure, partitioned area or other space within the Holistic Services Establishment that is not designated as a room for such use on the Floor Plan; and,
  - (g) no persons other than staff enter the Holistic Services Establishment except through a Principal Entrance as identified in the Floor Plan.
13. Every Owner Licensee shall ensure that:
  - (a) every Operator acting in the Holistic Services Establishment is licensed; and,
  - (b) a list of all operators and practitioners acting in the Holistic Services Establishment is provided to the Issuer of Licences within 7 days of the issuance of the Business Licence to the Owner.
14. Every Practitioner Licensee shall:
  - (a) maintain at all times, a membership in good standing in a Holistic Services association or regulatory body listed in Appendix "A" hereto, or in an equivalent association or regulatory body that has been approved by the Issuer of Licences;
  - (b) maintain in effect professional liability insurance to cover their provision of Holistic Services as a Practitioner; and
  - (c) only Provide the Services that are posted in the Holistic Services Establishment pursuant to sub-section 10(a) of this Schedule and shall only charge the fees for such Services that are indicated on the fees list posted in the Holistic Services Establishment as required by sub-section 10(a).

15. No Practitioner Licensee shall:

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

### **DESIGN OF PREMISES**

16. Every Owner Licensee of a Holistic Services Establishment shall ensure that:

- (a) the Holistic Services Establishment is designed in accordance with the licence application documents, and the provisions of this Schedule, and in accordance with all other applicable legislation, including City By-laws, in effect from time to time; and
- (b) all washrooms, showers, shower-washrooms, and sauna baths identified on the Floor Plan, are separate and apart from, and not contained within the rooms in which Services are Provided.

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

- (a) all doors or other means of access to every room cubicle, enclosure, partitioned area or other space within the Holistic Services Establishment, other than washrooms and shower-washrooms, are unobstructed and that such doors or other means of access do not contain any lock or device of any kind that could delay or hinder anyone from entering or obtaining access to such area;
- (b) during the Hours of Operation of the Holistic Services Establishment, every Principal Entrance as identified in the Floor Plan is unlocked and accessible so that anyone may enter therein without hindrance or delay; and,
- (c) no part of the Holistic Services Establishment contains any furniture which is commonly used for sleeping purposes, except that Service area(s) as designated on the Floor Plan, may be provided with a treatment table, examination table, or seating as required for consultation or treatment purposes only.

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

- (a) every contact surface, equipment, fixture, table, mat and any other surface upon which any person lies, sits or otherwise contacts while being Provided any Service in the Holistic Services Establishment is in good repair and is constructed of impervious material that is able to be readily cleaned and sanitized after each customer's use;

- (b) every contact surface, equipment, fixture, table, mat and any other surface upon which a Person lies, sits or otherwise contacts while being Provided any Services in the Holistic Services Establishment is cleaned in accordance with Provincial Infectious Diseases Advisory Committee "Best Practices for Cleaning, Disinfection and Sterilization" dated March 2006 and amended from time to time;
- (c) every contact surface as set out in sub-section 18(a) of this Schedule is covered with a clean individual paper or cloth sheet that is replaced after each customer;
- (d) all linens are laundered after each use;
- (e) clean and used or soiled linens are kept separate at all times;
- (f) the Holistic Services Establishment is equipped with adequate toilet and washroom accommodations pursuant to the Ontario Building Code Act, 1992, S.O. 1992, c. 23, and regulations thereto, as amended from time to time, and any successor thereof, and that those facilities are available and accessible to staff and clients at all times;
- (g) the facilities set out in sub-section 18(f) of this schedule are equipped at all times with:
  - (i) a hand washing basin that has a supply of hot and cold water;
  - (ii) liquid soap in a dispenser;
  - (iii) hot air dryers or clean single service towels or disposable paper towels; and
  - (iv) and a receptacle for used towels and waste material;
- (h) in all shower-bathrooms and all sauna-bath rooms within the Holistic Services Establishment:
  - (i) the floors are disinfected at least once a day with a disinfecting solution in accordance with the Provincial Infectious Diseases Advisory Committee "Best Practices for Cleaning, Disinfection and Sterilization" dated March 2006 and amended from time to time;
  - (ii) the showers and sauna baths have removable cleanable drain covers; and
  - (iii) all floor surfaces both inside and outside of such enclosures are of a non absorbent and non-slip type;
- (i) the Holistic Services Establishment is equipped with a first-aid kit with all items set out in Appendix "B" to this Schedule and that such kit is readily accessible by all staff of the Holistic Services Establishment at all times;
- (j) except for Service areas and washrooms, shower rooms and sauna baths as designated on the Floor Plan, all window openings in the Holistic Services Establishment shall be uncovered, transparent clear glass only and the view through the windows to the interior of the Establishment shall remain unobstructed; and
- (k) no Service is visible from outside the Holistic Services Establishment.

### **HOME OCCUPATIONS - EXCEPTIONS**

19. Where a Holistic Services Establishment is operated as a home occupation as defined in the Zoning By-law, subsection 18(j) of this Schedule does not apply.

## **APPENDIX "A"**

### **to Schedule 7 – HOLISTIC SERVICES of City of Guelph By-law Number (2009)-18855**

#### **LIST OF PROFESSIONAL HOLISTIC ASSOCIATIONS AND BODIES**

1. The Therapeutic Touch Network of Ontario
2. Shiatsu Therapy Association of Ontario
3. Healing Touch Association of Canada, Inc.
4. Canadian Federation of Aromatherapists
5. Association of Massage Therapist and Wholistic Practitioners (AMTWP)
6. The Ontario Herbalist Association
7. Ontario Polarity Therapy Association
8. Trager Canada
9. Reflexology Registration Council of Ontario (RRCO)
10. Canadian Reiki Association
11. International Association of Rubenfield Synergists
12. Examining Board of Natural Medicine Practitioners
13. Shiatsu Diffusion Society
14. Canadian Examining Board of Health Care Practitioners Inc.
15. Shiatsu Society of Ontario
16. World Peace and Natural Health Association
17. Feldenkrais Guild of North America
18. The Iridologists Association of Canada
19. International Organization of Nutritional Consultants
20. Canadian Hand Reflexology and Holistic Association
21. Health and Healing Holistic Association
22. The Japanese Shiatsu & Holistic Medicine Society of Canada
23. Shiatsu Therapists Alliance (Toronto)
24. International Aromatherapists and Tutors Association Canada Inc.
25. International Council of Ayurvedic Physicians Inc.
26. Preventative Health Services Group
27. National Association of Holistic Health Practitioners

**APPENDIX "B"**

**to Schedule 7– HOLISTIC SERVICES  
of City of Guelph By-law Number (2009)-18855**

First Aid Kit Requirements

- A current copy of St Johns Ambulance or the Canadian Red Cross Society First Aid Manual
- One dozen safety pins
- Twenty four adhesive dressings individually wrapped
- Twelve sterile gauze pads - each seventy five millimeters square
- Four rolls of 50mm gauze bandage
- Four rolls of 100mm gauze bandage
- Four sterile surgical pads suitable for pressure dressings individually wrapped
- Six triangular bandages

**SCHEDULE 8**  
**to City of Guelph By-law Number (2009)-18855**

**HOTEL ESTABLISHMENTS**

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

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following term shall have the corresponding meaning:
  - (a) "Hotel" includes a motel and means any Premises in which is provided four (4) or more rooms for overnight accommodation of the travelling public.

**APPLICATION FOR BUSINESS LICENCE**

2. In addition to Section 4(a)(iv) of this By-law, every Floor Plan for a Hotel shall include all swimming pools on the Premises.

**CONDITIONS**

3. Every Hotel Establishment Licensee shall keep and maintain a Register of guests which may be used for notification purposes of health and/or public safety matters



**SCHEDULE 9**  
**to City of Guelph By-law Number (2009)-18855**

**PAWNBROKERS**

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

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
  - (a) "Pawnbroker" means any Person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon.

**CONDITIONS**

2.
  - (a) Every Licensee shall comply will all the provisions of the Pawnbrokers Act R.S.O. 1990, C. P.6, as amended from time to time or any successor thereof (the "Pawnbrokers Act").
  - (b) Pursuant to the Pawnbrokers Act, every Pawnbroker Licensee shall give to the City, security to the satisfaction of the Director of Finance in the sum of two thousand dollars (\$2,000.00), for the due observance by the Pawnbroker of The Pawnbrokers Act;
  - (c) No Pawnbroker Licensee shall purchase or acquire, from any Person, any article or object on which the serial number has been obliterated or mutilated, without first having given the Chief of Police 24 hours prior notice of such intended purchases or acquisitions;
  - (d) Every Pawnbroker Licensee who has reasonable cause to suspect that an article offered to the Pawnbroker has been stolen or otherwise unlawfully obtained, shall forthwith report the matter to a member of the Guelph Police Service, or the Chief of Police.
  - (e) Notwithstanding any other provision of this By-law, in accordance with the Pawnbrokers Act, no application for a Business Licence or renewal of a Business Licence for a Pawnbroker shall be refused by the Issuer of Licences until after the Applicant has been afforded a hearing by the Appeals Committee, and Sections 34 to 37 of this By-law shall apply to any such hearings.

**SCHEDULE 10  
to City of Guelph By-law Number (2009)-18855**

**PERSONAL SERVICE ESTABLISHMENT**

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

**INTERPRETATION**

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

## **CONDITIONS**

2. Where a Holistic Services Establishment and a Personal Service Establishment occupy the same Premises, and are under the same ownership, and are operated as one Business, both licenses are required and all the conditions in both schedules shall apply. However, only the greater of the two Business Licence fees shall be required to be submitted to the City.

## **REQUIRED SIGNAGE**

3. Every Personal Services Establishment Licensee shall ensure that:
  - (a) a list of all Services Provided by the Personal Services Establishment and a fees list for those Services, are posted in a conspicuous location within the Personal Services Establishment and clearly visible to all persons entering any Principal Entrance of the Establishment as identified in the Floor Plan; and,
  - (b) only those Services set out in the posted list of Services required in sub-section 3(a) of this Schedule, are Provided in the personal Services Establishment, and only the fees set out on the fees list, required in sub-section 3(a) of this Schedule, are charged for the respective Services.

## **DESIGN OF PREMISES**

4. Every Owner Licensee and Operator Licensee shall ensure that:
  - (a) every contact surface, equipment, fixture, table, mat and any other surface upon which any person lies, sits or otherwise contacts while being Provided any Service in the Personal Services Establishment is in good repair and is constructed of impervious material that is able to be readily cleaned and sanitized after each customer's use;
  - (b) every contact surface, equipment, fixture, table, mat and any other surface upon which a Person lies, sits or otherwise contacts while being Provided any Services in the Personal Services Establishment is cleaned in accordance with Provincial Infectious Diseases Advisory Committee "Best Practices for Cleaning, Disinfection and Sterilization" dated March 2006 and amended from time to time;
  - (c) all linens are laundered after each use;
  - (d) clean and used or soiled linens are kept separate at all times;
  - (e) the Personal Services Establishment is equipped with adequate toilet and washroom accommodations pursuant to the Ontario Building Code Act, 1992, S.O. 1992, c. 23, and regulations thereto, as amended from time to time, and any successor thereof, and that those facilities are available and accessible to staff and clients at all times;
  - (f) the facilities set out in sub-section 4(e) of this schedule are equipped at all times with:
    - (i) a hand washing basin that has a supply of hot and cold water;
    - (ii) liquid soap in a dispenser;
    - (iii) hot air dryers or clean single service towels or disposable paper towels; and
    - (iv) and a receptacle for used towels and waste material; and,
  - (g) the Personal Services Establishment is equipped with a first-aid kit with all items set out in Appendix "A" to this Schedule and that such kit is

readily accessible by all staff of the Personal Services Establishment at all times.

### **HAIR SALON**

5. (a) no Hair Salon Licensee shall act as a Hairstylist unless he or she is the holder of a current certificate of qualification as a barber or hairdresser; and
- (b) every Hair Salon Licensee shall ensure that every Hairstylist operating in the Hair Salon is the holder of a current certificate of qualification as a barber or hairdresser;

### **TRANSITION**

6. (a) A Hair Salon Licence that is valid as of the effective date of this By-law shall be transferred to a Personal Services Establishment Licence and the Licensee shall comply with all applicable provisions of this By-law.
- (b) Notwithstanding (a), the Licensee set out in (a) shall have until January 1, 2010 to comply with Subsections 4(e) and 4(f) of this schedule,
- (c) The Licensee in (a) shall be required to renew the Personal Services Establishment Business Licence prior to its expiry.

## **APPENDIX "A"**

### **to Schedule 10– PERSONAL SERVICE ESTABLISHMENT of City of Guelph By-law Number (2009)-18855**

#### First Aid Kit Requirements

- A current copy of St Johns Ambulance or the Canadian Red Cross Society First Aid Manual
- One dozen safety pins
- Twenty four adhesive dressings individually wrapped
- Twelve sterile gauze pads - each seventy five millimeters square
- Four rolls of 50mm gauze bandage
- Four rolls of 100mm gauze bandage
- Four sterile surgical pads suitable for pressure dressings individually wrapped
- Six triangular bandages

**SCHEDULE 11**  
**to City of Guelph By-law Number (2009)-18855**  
[AMENDED BY (2012)-19396; (2012)-19515]

**PRIVATE PARKING AGENT**

The provisions of this Schedule shall apply in respect of Private Parking Agents.

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings for the purposes of this Schedule:
  - (a) "Private Parking Agent – means any individual who issues any notice or any correspondence to a Vehicle, driver, or registered owner of a Vehicle regarding the parking of the Vehicle on private property, that indicates that payment should or must be made in respect of a parking infraction to either the City of Guelph or to any other person(s) or organization;
  - (b) "Parking Infraction Notice" – means a parking infraction notice as prescribed in the Provincial Offences Act, R.S.O. 1990, c. P. 33, and any regulations thereto, as may be amended from time to time or any successor thereof;
  - (c) "Private Property" – means any property which is owned by a private Person and not a public body;
  - (d) "Provincial Offences Act" – means the Provincial Offences Act, R.S.O. 1990, c. P. 33, and any regulations thereto, as may be amended from time to time or any successor thereof;
  - (e) "Vehicle" – means a vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time, or any successor thereof.

**LICENCE RESTRICTIONS AND EXEMPTIONS**

2. (a) An application for a Private Parking Agent Licence under this By-law may not be made by a partnership or corporation, except as provided for in this schedule.
- (b) Notwithstanding any other provision of this By-law, the following persons shall not require a Private Parking Agent Licence:
  - (i) City of Guelph By-law Enforcement Officers;
  - (ii) Police Officers of the Guelph Police Service;
  - (iii) University of Guelph officials enforcing the University's parking regulations on lands owned by the University of Guelph;
  - (iv) the Fire Chief of the City of Guelph Fire Department or a Fire Prevention Officer of the City of Guelph Fire Department; and,
  - (v) any person demanding or obtaining parking fees from customers for the consensual purchase of a permit or the like for parking on Private Property, where the parking rates are posted in clear view of all drivers upon entering the Private Property.

- (c) A Business Licence issued for a Private Parking Agent shall apply only to the property or properties identified in the application and set out in the Licence.

**ADDITIONAL BUSINESS LICENCE APPLICATION REQUIREMENTS**  
**[Amended By By-Law (2012)-19515]**

- 3. (a) If a corporation or partnership employing a Private Parking Agent applies on behalf of an such Private Parking Agent, then in addition to all other requirements of this By-law:
  - (i) the individual Private Parking Agent must sign the application for Business Licence;
  - (ii) the insurance required under Section 16 of this By-law must cover the activities of the individual for which the Business Licence is sought; and
  - (iii) the corporation or partnership must provide all documents required as part of the application(s).
- (b) If approved the Business Licence will be issued to the individual Private Parking Agent.
- 4. In addition to all other requirements of this By-law, every Private Parking Agent seeking to obtain or holding a valid Business Licence must:
  - (a) write a written examination for training as a Private Parking Agent, as determined by the City, and submit to the Issuer of Licences with the application for Business Licence, proof that such examination has been written and passed; and
  - (b) Have written authorization from the property owner for each property in which the Private Parking Agent will issue Parking Infraction Notices unless a signed agreement approved by the City of Guelph dated prior to December 17, 2012 exists.
  - (c) Ensure that the private property is signed to indicate the parking regulations to the satisfaction of the City of Guelph prior to the issuance of Parking Infraction Notices.
  - (d) Direct all requests for the towing of a vehicle parked illegally on private property to the City of Guelph Bylaw Compliance and Security Department for their consideration.
  - (e) Ensure that parking enforcement conducted by the Private Parking Agent of the said property is only conducted under the provisions of City of Guelph By-laws regulating parking.
  - 4(f). Provide to the City and any other inquiring parties a contact person's name and telephone number to whom complaints regarding any Parking Infraction Notice issued by the Private Parking Agent may be forwarded.
  - 4(g). Ensure that the City is not responsible in any way for injury to or loss suffered by any person or for any loss of, or damage to, any property belonging to the Owner, Agent or any person using the property, and the Owner and Agent waive any claim for such injury, loss or damage against the City.

- 4(h). Indemnify and save the City harmless from and against, any and all actions and claims including, without limitation, all claims for personal injury, death, property damage or nuisance arising from the enforcement of the City of Guelph parking by-laws on the property, or any act, deed or omission of the Agent or the Owner, or any assignee, agent, contractor, servant, employee, invitee, member, guest or licensee of the Agent or Owner, and against and from all costs, reasonable counsel fees, expenses and liabilities incurred in or about any such claim or any action or proceeding brought thereon.

## **CONDITIONS**

5. No Private Parking Agent Licensee shall:
- (a) enforce parking regulations on Private Property except in accordance with City of Guelph By-law Numbers (1997)-15402, (2003)-17082 and (1984)-11440 respectively, as amended from time to time, or any successors thereof;
  - (b) enforce parking regulations on any property except the Private Property(ies) for which he or she is licensed by the City under this By-law and for which he or she is duly appointed by City by-law at the time;
  - (c) issue any notice or correspondence to a Vehicle, driver, or registered Owner of a Vehicle regarding the parking of the Vehicle on Private Property, that indicates that payment should or must be made in respect of a parking infraction to either the City of Guelph or to any other person(s) or organization, except a Parking Infraction Notice as approved by the City and issued in accordance with the Provincial Offences Act;
  - (d) alter any Parking Infraction Notice at any time, except as may be specifically authorized and directed by the City; or
  - (e) represent himself or herself at any time as an employee of the City of Guelph or a City of Guelph By-law Enforcement Officer.
6. (a) Every Private Parking Agent Licensee shall inform the Issuer of Licences within fifteen (15) days of terminating their employment with any employer responsible for enforcement of parking regulations on Private Property.
- (b) Upon termination of employment as in 6(a) the Private Parking Agent Licence is deemed terminated and no longer valid.



**SCHEDULE 12  
to City of Guelph By-law Number (2009)-18855**

**[Amended By (2010)-18949]**

**PUBLIC ASSEMBLY HALL**

The provisions of this Schedule shall apply in respect of Public Assembly Halls.

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
  - (a) "Public Assembly Hall" means a Building, or portable structure, with a seating capacity for over 100 Persons that is offered for use or used as a place of public assembly, and includes a Flea Market and a Theatre but does not include a tent or place of worship being used for the purposes of holding a service.
  - (b) "Theatre" means a Theatre as defined in The Theatres Act, R.S.O. 1990, c. T.6, as amended from time to time, or any successor thereof, and any other Building used primarily for dramatic, theatrical, musical, moving pictures or like entertainment, but does not include an Adult Entertainment Establishment.
  - (c) "Flea Market" means an indoor Premises where Goods or Services are Provided by individual vendors from individual stalls or stands;

**ADDITIONAL APPLICATION REQUIREMENTS – FLEA MARKET**

2. In addition to all other requirements of this By-law, every Applicant for a Business Licence relating to a Public Assembly Hall that is a Flea Market shall identify each individual vendor stall by stall number and location, on the Floor Plan submitted with the application for inspections.

**CONDITIONS – GENERAL**

3. Every Public Assembly Hall Licensee shall ensure that:
  - a) no exit or corridor is blocked, impeded or otherwise obstructed at any time, or in any way;
  - b) the maximum occupant load, as established by the City, is displayed in a prominent place at the entrance inside the Premises;
  - c) the Premises does not at any time contain more than the number of persons authorized by the maximum occupant load; and,
  - d) the forming of any queue for the purpose of gaining entrance to the Public Assembly Hall does not obstruct any sidewalk or Highway.

**ADDITIONAL CONDITIONS – FLEA MARKET**

4. In addition to the requirements in Section 3 of this Schedule, and all other requirements of this By-law, every Licensee of a Public Assembly Hall which is a Flea Market shall:
  - (a) keep and maintain a current Register of vendors which shall include

the stall number, name of the vendor, his/her most recent address, the registered name of the Business the vendor is operating, the operating name of the Business the vendor is operating, and the Provincial Vendor's Permit Number of such Business, which may be used for notification purposes of health and/or public safety matters and which shall be provided to any Officer at any reasonable time for inspection.

- (b) ensure that every vendor stall is numbered in such a manner as to display the number to the general public.

### **TRANSITION**

- 5. (a) In the case of a Flea Market or Theatre that meets the definition of a Public Assembly Hall under this By-law, a Licence that is valid as of the effective date of this By-law shall be transferred to a Public Assembly Hall Licence and the licensee shall comply with all applicable provisions of this By-law.
- (b) The Licensee in (a) shall be required to renew the Public Assembly Hall Business Licence prior to its expiry.

**SCHEDULE 13**  
**to City of Guelph By-law Number (2009)-18855**

**[Amended By (2010)-18949; (2012)-19396]**

**STREET VENDOR (CITY TENDERED)**

The provisions of this Schedule shall apply in respect of Street Vendors.

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings for the purposes of this Schedule:
  - (a) "Cart" means a vehicle which is on wheels and is capable of being moved from Premises to Premises on a daily basis, but does not include a motor vehicle or a Refrigerated Bicycle Cart;
  - (b) "Permitted Parksite" means a City-owned park set out in Section 10 of this Schedule;
  - (c) "Stand" means a frame, base or display structure upon which items or goods are displayed for sale and which is capable of being removed on a daily basis;
  - (d) "Street Site" means a location in the Central Business District as determined by the City;
  - (e) "Street Vendor" means any Person who Provides Goods for Sale from a Cart or Stand.

**ADDITIONAL LICENCE REQUIREMENTS**

2.
  - (a) A separate Licence shall be required for each Cart or Stand used in Street Vending operations.
  - (b) Notwithstanding Section 18(a) of the By-law, every Licensee holding a Business Licence for a Street Vendor Business shall ensure that the Business Licence relating thereto is affixed to the, cart or stand, as the case may be, in a conspicuous place clearly visible to the public at all times during the Hours of Operation of the Business

**ADDITIONAL APPLICATION REQUIREMENTS**

3. In addition to all other requirements of this By-law, every Applicant for Inspections, a Business Licence and a Business Licence renewal to operate as a Street Vendor shall provide to the Issuer of Licences:
  - (a) the serial number of the Cart or Stand which is to be used by the applicant in the Street Vendor operation;
  - (b) an up-to-date list of the name and address of every employee who will be operating the Street Vendor's Cart or Stand which may be used for notification purposes of health and/or public safety matters; and,
  - (c) two passport-sized photographs of every employee who will be operating the Street Vendor's Cart or Stand. One photograph will be attached to the photo identification tag of the employee issued by the Issuer of Licences and the other will remain filed with the Issuer of Licences.

## **NUMERICAL LIMITATIONS**

4. (a) A maximum of four Street Vendor Licences shall be permitted to operate in the Central Business District as defined in the City's Official Plan, 2001, and of those four, a maximum of three shall be permitted to Provide for Sale non-food items; and
- (b) A maximum of one Street Vendor Licence shall be issued per park location.

## **TENDER CALL FOR CENTRAL BUSINESS DISTRICT LICENCES AND LICENCES FOR OTHER SITES**

5. (a) The City shall issue a tender call to allocate the locations available for street vending in the Central Business District, to persons who meet the requirements of this Schedule and By-law, and the conditions identified in the tender call, and the City shall award tenders in accordance with its tendering procedures; and
- (b) The City shall issue a tender call to allocate the locations identified in the Permitted Parksites as identified in Section 10 of this Schedule, who meet the requirements of Section 4 of this Schedule and the conditions identified in the tender call and the City shall award tenders in accordance with its tendering procedures.

## **CONDITIONS**

6. (a) Every Street Vendor Licensee shall ensure that only the Cart or Stand identified by serial number on his or her Licence is operated; and
- (b) Every Street Vendor Licensee shall ensure that the Cart or Stand is not operated in any location other than the park site or street site identified on the Business Licence;
7. Notwithstanding any other restrictions in this Schedule, a Street Vendor may be permitted to operate in any other City-owned park provided permission to do so has been given by the City as per the terms of the applicable tender call.
8. (a) Every Street Vendor Licensee selling food items shall ensure that a metal or non-absorbent sheet is under the Cart or Stand at all times and such sheet is of sufficient size and properly positioned so that no fluids or food items from the Cart or Stand make contact with the sidewalk or any other City-owned property and such sheet shall be of size and material to the satisfaction of the City;
- (b) Every Street Vendor Licensee shall ensure that:
  - (i) the maximum area occupied by his or her Cart or Stand is 2.3 square metres (25 square feet);
  - (ii) he or she maintains his or her Cart or Stand in good repair to the satisfaction of the City; and
  - (iii) his or her Cart or Stand is not located in such a manner that it unreasonably confines, impedes or presents a hazard to pedestrians or other users of a sidewalk, an untravelled portion of a municipal road allowance or any area of a park;

- (iv) any propane tank used in the Street Vendor's operation is affixed to the cart or stand and is covered to ensure no one can touch the valves;
  - (v) the cart or stand used for the selling of food items contains a sink which has hot and cold running water;
  - (vi) every Sale Sign associated with his or her cart or stand is affixed to such cart or stand; and
  - (vii) the City is notified, immediately of any changes to the name and/or address of every employee operating the Street Vendor Cart or Stand;
- (c) Every Street Vendor Licensee shall maintain, at his or her own expense, any sidewalk, or untravelled portion of the municipal road allowance, or area of a park, in which his or her Cart or Stand is being operated, in a clean, sanitary, neat and undisturbed condition;
  - (d) Every Licensee shall supply a refuse container to be made available to its customers, to the satisfaction of the City;
  - (e) Every Street Vendor Licensee shall ensure that he or she vacates and removes his or her Cart or Stand from any portion of a sidewalk, road allowance or park at the request of the City at any time when the City requires said area for the purposes of a parade, special event, pedestrian or vehicular traffic, or public safety or any other municipal purpose; and
  - (f) [deleted by By-law (2010)-18949]

**DISPLAY OF PHOTO IDENTIFICATION**

- 9. In addition to all other requirements of this By-law, every Street Vendor Licensee shall ensure that any person operating their licensed Street Vendor Cart or Stand wears current photo identification as issued by the City at all times while operating the Cart of Stand and that it is worn in a conspicuous manner visible to the customers.

**PERMITTED PARKSITES**

- 10. Permitted Park sites

Bailey Park  
 Bristol Street Park  
 Dovercliffe Park  
 Eramosa River Park  
 Goldie Mill Park  
 Green Meadows Park  
 Hugh Guthrie Park  
 W.E. Hamilton Park  
 Hanlon Creek Park  
 Howitt Park  
 Lyon Park  
 Margaret Greene Park  
 Peter Misersky Park  
 Royal City Park  
 Silvercreek Park  
 South End Community Park  
 Willowdale Park  
 York Road Park

**SCHEDULE 14**  
**to City of Guelph By-law Number (2009)-18855**

**[amended by By-law (2013)-19613; By-law (2013-19639)]**

**DRIVING INSTRUCTOR**

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

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
  - (a) "Driving Instructor" means an individual who accepts remuneration to provide instruction in the operation of motor vehicles but does not include an individual who provides in-class instruction only;
  - (b) "Driving Instructor Business Licence" means a Business Licence issued to a Driving Instructor by the City pursuant to this By-law;
  - (c) "Driving School" means a driving school which holds a driving school licence issued by the Ontario Ministry of Transportation;
  - (d) "Ministry of Transportation Driving Instructor's Licence" means a licence issued to a Driving Instructor by the Ontario Ministry of Transportation; and
  - (e) "Retainer Contract" means a written contract between a Driving Instructor and a Driving School for the employment or services of the Driving Instructor to provide instruction in the operation of motor vehicles.

**CONDITIONS**

2. No person shall engage in or carry on the business of a Driving Instructor within the City without a Driving Instructor Business Licence to do so.
3. No person shall engage in or carry on the business of a Driving Instructor within the City without a valid Retainer Contract, even if the Driving School and the Driving Instructor are the same person.
4. No person except an individual may hold a Driving Instructor Business Licence.
5. No individual's Driving Instructor Business Licence is valid unless he/she holds a valid Ministry of Transportation Driving Instructor's Licence.
6. An individual's Driving Instructor Business Licence ceases to be valid at any time that the individual's Ministry of Transportation Driving Instructor's Licence ceases to be valid.

**APPLICATION REQUIREMENTS**

7. Every individual applying for a Driving Instructor Business Licence or renewal thereof shall submit an application signed by the individual himself/herself.
8. Every individual applying for a Driving Instructor Business Licence or renewal thereof shall submit the application by appearing in person at the office of the Issuer of Licences.

9. Every individual applying for a Driving Instructor Business Licence or renewal thereof shall submit one (1) valid piece of Identification when he/she appears at the office of the Issuer of Licences to submit the application.
10. Every individual applying for a Driving Instructor Business Licence or renewal thereof shall submit as part of the application:
  - (a) Without restricting the generality of the provisions in this By-law related to insurance, proof, satisfactory to the City, that the individual has the following automobile liability insurance coverage, taken out with an insurer licensed to transact insurance business in Ontario and satisfactory to the City's Procurement and Risk Manager:
    - i. In respect of licensed vehicles used in the Business in respect of which the Business Licence is applied for;
    - ii. Endorsed to include Ontario Policy Change Form (OPCF) 6D for "Driver Training" operations;
    - iii. To a limit of not less than two million dollars (\$2,000,000) inclusive per occurrence;
    - iv. Including bodily injury, death, damage to property and accident benefits; and
    - v. In the following forms: standard owner's form automobile policy providing third party liability and accident benefits insurance and covering licensed vehicles owned or operated by the Driving Instructor, and standard non-owned automobile form policy including standard contractual liability endorsement; and
  - (b) Proof that the individual has a valid Ministry of Transportation Driving Instructor's Licence.
  - (c) For those individuals permitted by the Ministry of Transportation to provide G1 instruction, a copy of their contract with a Driving School approved by the Ministry of Transportation.

### **OPERATIONAL REQUIREMENTS**

11. While in a motor vehicle and engaged in providing instruction in the operation of a motor vehicle, no holder of a Driving Instructor Business Licence shall:
  - (a) Provide such instruction on any Highway listed in Appendix "A" to this Schedule, unless authorized in writing by the Issuer of Licences;
  - (b) Fail to carry his/her valid Ministry of Transportation Driving Instructor's Licence;
  - (c) Fail to carry his/her valid Driving Instructor Business Licence;
  - (d) Fail to carry his/her valid Retainer Contract;
  - (e) Fail to produce his/her valid Ministry of Transportation Driving Instructor's Licence upon request of an Officer;
  - (f) Fail to produce his/her valid Driving Instructor Business Licence upon request of an Officer;
  - (g) Fail to produce his/her valid Retainer Contract upon request of an Officer;

- (h) Make use of a motor vehicle that does not display signs, clearly visible to other motorists from all angles, identifying the motor vehicle as a driver training vehicle;
- (i) Make use of a motor vehicle that does not display signs, clearly visible to other motorists from all angles, identifying the name and telephone number of the holder of the Driving Instructor Business Licence and/or the Driving School which is a party to the Retainer Contract under which the instruction is provided;
- (j) Make use of a motor vehicle that displays any sign identifying any holder of a Driving Instructor Business Licence other than the holder of the Driving Instructor Business Licence himself/herself; or
- (k) Make use of a motor vehicle that displays any sign identifying any Driving School other than the Driving School which is a party to the Retainer Contact under which the instruction is provided.



**APPENDIX "A"**  
**to Schedule 14 – Driving Instructor,**  
**of City of Guelph By-law Number (2009)-18855,**  
**Amended by [By-law Number (2013)-19639]**

Applewood Crescent  
\*Ajax Street  
Brentwood Drive  
\*Burns Drive  
Chad Place  
Drew Street  
Edgehill Drive  
Elmhurst Crescent  
Glenda Court  
Grandridge Crescent  
Greengate Road  
\*Guelph Street  
Highview Place  
Julia Drive  
June Avenue  
Lonsdale Drive  
Marksam Road  
Matthew Drive  
Meadow Crescent  
Nicklin Crescent  
Pauline Place  
Sanderson Drive  
\*Sleeman Avenue  
Stephen Drive  
Strathmere Place  
Sunset Road  
Thistle Road  
\*Western Avenue

\* indicates Highway added Sept. 30, 2013

**SCHEDULE 15**  
**to City of Guelph By-law Number (2009)-18855 as amended**

**[amended by By-law Number (2015)-19904]**

**DONATION BIN AND PUBLICATION DISPENSING BOX**

The provisions of this Schedule shall apply in respect of Donation Bins and Publication Dispensing Boxes.

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
  - (f) "Donation Bin" means a receptacle located outdoors, within the geographic area that is under the City's jurisdiction, and placed, installed, displayed, operated, used, altered or maintained for the purpose of collecting donated items from the public, including but not limited to appliances, clothing, household items, metal, paper, recyclables and toys, but does not include a receptacle located within a Building or a receptacle owned or operated by the City;
  - (g) "Operator" means the Licensee under this Schedule who operates a Donation Bin or Publication Dispensing Box, or an agent of such Licensee;
  - (h) "Permitted Hours" means the hours of 7:00 a.m. to 9:00 p.m. Monday to Friday and 9:00 a.m. to 9:00 p.m. on Saturdays, Sundays and Holidays.
  - (i) "Property Owner" means the owner of the property on which a Donation Bin or Publication Dispensing Box is located, or an agent of such owner;
  - (j) "Publication Dispensing Box" means a container located outdoors, within the geographic area that is under the City's jurisdiction, and placed, installed, displayed, operated, used, altered or maintained for the purpose of dispensing publications to the public, either for financial consideration or free of charge, but does not include a container located within a Building or a container owned or operated by the City; and
  - (k) "Special Event" means an event approved in writing by the City.

**CONDITIONS**

2.
  - (a) No person shall locate, or permit to be located, any Donation Bin or Publication Dispensing Box within the City of Guelph without a licence to do so.
  - (b) Section 2(a) does not apply to a Donation Bin or Publication Dispensing Box that is temporarily located at a Special Event in the location authorized in writing by the City and the Special Event organizer.
3. No Person shall interfere with, vandalize or, without the written consent of the Operator or the City, move any licensed Donation Bin or Publication Dispensing Box.
4. The City may:
  - (a) If it discovers that a licensed Donation Bin or Publication Dispensing Box appears to be in contravention of this Schedule:

- i. Give notice to the Operator requiring the Operator to bring the said Donation Bin or Publication Dispensing Box into compliance with this Schedule within three (3) business days, and
    - ii. If the Operator fails to bring the said Donation Bin or Publication Dispensing Box into compliance with this Schedule within the said three (3) business days, remove, impound and store it, and impose the costs of such removal, impounding and storage upon the Operator;
  - (b) If it discovers an unlicensed Donation Bin or Publication Dispensing Box, immediately remove, impound and store it, and impose the costs of such removal, impounding and storage upon the owner of the Donation Bin or Publication Dispensing Box and any Person who caused or permitted its placement; and
  - (c) If a Donation Bin or Publication Dispensing Box has been removed, impounded and stored by the City for a period of more than thirty (30) days, immediately, and without notice, dispose of such Donation Bin or Publication Dispensing Box and the contents thereof, in a manner as may be determined by the City.
5. In no event shall the City be liable, or in any way responsible, for any loss, damage or cost incurred by any Operator or any other Person due to the removal, impounding, storage or disposal of any Donation Bin or Publication Dispensing Box by the City under this Schedule.

**ADDITIONAL APPLICATION REQUIREMENTS**

- 6. No Inspection or Floor Plan is required as part of an application for a Business Licence or renewal of a Business Licence under this Schedule.
- 7. If the Applicant for a Business Licence or renewal of a Business Licence under this Schedule is an individual, then the individual shall:
  - (a) Sign the application himself/herself; and
  - (b) Satisfy the same requirements regarding insurance and proof thereof, as apply to partnerships and corporations.
- 8. Every Person applying for a Business Licence or renewal of a Business Licence in respect of a Donation Bin shall submit as part of such application:
  - (a) A letter of permission from the Property Owner of each property where the Person intends to locate each Donation Bin; and
  - (b) A site plan indicating the location where the Person intends to locate each Donation Bin, with relation to all property lines of each such property.
- 9. Every Person applying for a Business Licence or renewal of a Business Licence in respect of a Publication Dispensing Box shall submit as part of such application:
  - (a) A letter of permission from the Property Owner of each property where the Person intends to locate each Publication Dispensing Box; and
  - (b) A list containing every location where the Person intends to locate a Publication Dispensing Box.

## **OPERATIONAL REQUIREMENTS**

### **Physical Condition**

10. Every Operator shall ensure that:
  - (a) Every one of the Operator's Donation Bins and Publication Dispensing Boxes is clean, rust free, in good repair, and free of graffiti and any other form of vandalism;
  - (b) All areas immediately adjacent to every one of the Operator's Donation Bins and Publication Dispensing Boxes is clean and free of litter, refuse and debris at all times and in full compliance with the City's Property Standards, Lot Maintenance and Waste by-laws;
  - (c) Every one of the Operator's Donation Bins is of metal construction;
  - (d) Every one of the Operator's Donation Bins that is used for collecting clothing, household items, paper or toys has a self-closing deposit door/hatch, and, if it has any other point of entry, each such other point of entry is locked at all times when the Donation Bin is unattended; and
  - (e) Every one of the Operator's Publication Dispensing Boxes located on a Highway is not left un-stocked with current publications for a period greater than twenty-one (21) consecutive days.
11. No person shall pick up, drop off or remove a Donation Bin outside of Permitted Hours, unless authorized to do so in writing by the Issuer of Licences.
12. Every Operator shall ensure that the information that is required by this Bylaw to be affixed to the Operator's Donation Bin is in place at all times in the manner indicated.
13. The following information is required to be affixed to every Donation Bin in wording not less than 150 Font in size and in contrasting colour to the Bin:
  - (a) Name and address of the owner;
  - (b) Name, address and valid telephone number of the Operator;
  - (c) If the Operator is a registered charity, the Canada Revenue Agency registration number and the words "Not For Profit";
  - (d) If the Operator is a registered not-for-profit business, the business registration number and the words "Not For Profit"; and
  - (e) If the Operator is neither a registered charity nor a registered not-for-profit business, the business registration number and the words "For Profit".
14. Every Operator of a Public Dispensing Box shall ensure that a valid identification decal issued by the City is affixed to such Publication Dispensing Box in a conspicuous place clearly visible to the public.

### **Location**

15. Every Operator shall ensure that such Operator's Donation Bin is located:
  - (a) In the location designated on the Operator's approved site plan;
  - (b) In the location identified on the Operator's Business Licence; and
  - (c) In compliance with the provisions of this By-law.

16. Every Operator shall ensure that the location or placement of such Operator's Donation Bin does not create a visual obstruction for vehicular or pedestrian traffic.
17. Every Operator shall ensure that such Operator's Publication Dispensing Box is located or placed at a location that is:
  - (a) Designated in the Operator's approved list of locations;
  - (b) Identified on the Operator's Business Licence; and
  - (c) In compliance with the provisions of this By-law.
18. Every Operator shall ensure that such Operator's Publication Dispensing Box is not located or placed at a location:
  - (a) In such a manner as to obstruct or interfere with pedestrian traffic;
  - (b) On a sidewalk having a width of 2 metres or less;
  - (c) At a bus stop in such a manner as to obstruct or interfere with passenger movements;
  - (d) In such a manner as to interfere with vehicular traffic;
  - (e) In front of any single-family dwelling;
  - (f) Within 3 metres of a driveway;
  - (g) Within any curb radius;
  - (h) Partially or wholly in front of an accessibility ramp;
  - (i) In such a manner as to make entrance/exit from adjacently parked vehicles difficult;
  - (j) On top of or blocking access to a sewer, hydro, or other utility access cover or valve; or
  - (k) Within 3 metres of a fire hydrant.
19. Notwithstanding the foregoing, an Operator may temporarily locate a Publication Dispensing Box at a Special Event, provided that the Operator locates the Publication Dispensing Box at a location which the City and the Organizer of the Special Event have authorized in writing.
20. The City may:
  - (a) At any time require the temporary relocation or suspension of a Donation Bin or Publication Dispensing Box if such temporary relocation or suspension is necessary for:
    - i. Pedestrian, vehicular or public safety;
    - ii. Construction, maintenance or repair of a Highway, transit facility, public utility or public service;
    - iii. A Special Event, or
    - iv. A film shoot; and
  - (b) If an Operator fails to carry out such a temporary relocation or suspension of a Donation Bin or Publication Dispensing Box, as requested

by, and within the time specified by, the City, carry out such temporary relocation or suspension.

21. In no event shall the City be liable, or in any way responsible, for any loss, damage or cost incurred by any Operator or any other Person due to the temporary relocation or suspension of any Donation Bin or Publication Dispensing Box by the City under this Schedule.