

CORPORATION OF THE TOWN OF PARRY SOUND

PASSING OF BY-LAW NO: 2006-4937

DATE: 4<sup>th</sup> Day of April, 2006

MOVED BY COUNCILLOR

Jan McCawley

SECONDED BY COUNCILLOR

Red Knight

THAT BY-LAW NO: 2006-4937

BEING A BY-LAW to licence, regulate and govern businesses in the Town of Parry Sound.

be considered as read a first time.

- CARRIED

Red Knight

Are all members in favour of having the second and third readings?

MOVED BY COUNCILLOR

Red Knight

SECONDED BY COUNCILLOR

Jan McCawleyTHAT THE BY-LAW ABOVE MENTIONED BE CONSIDERED AS READ A SECOND,  
AND THIRD TIME, PASSED, SIGNED AND SEALED.

- CARRIED

Red Knight

ENTERED AS PART OF THE MINUTES OF MEETING HELD THIS:

4<sup>th</sup> Day of April, 2006Red Knight  
MAYOR[Signature]  
CLERK

Amends:

Amended by: Schedule Jamongled by 2012-6072.  
Revokes: Sch Jamongled by 2014-6441

Revoked By:

THE CORPORATION OF THE TOWN OF PARRY SOUND

BY-LAW NO: 2006-4937

Being a By-law to licence, regulate and govern businesses  
in the Town of Parry Sound

WHEREAS, pursuant to the authority under the *Municipal Act, S.O. 2001 Part IV*, as amended, Council may pass by-laws for licensing, regulating and governing businesses;

AND WHEREAS, *section 150 of the Municipal Act, S.O., 2001* allows a municipality to license, regulate, and govern wholly or partially, business carried on within the municipality, even if the business is being carried on from a location outside the municipality;

AND WHEREAS, pursuant to *section 155 of the Municipal Act, S.O. 2001, c.25*, Council may pass bylaws for regulating and governing owners and drivers of taxicabs.

AND WHEREAS, *sections 390 - 400 of the Municipal Act, S.O., 2001* as amended enable municipalities to pass by-laws for imposing fees or charges for permits and services provided or done by them;

AND WHEREAS, in accordance with *section 150(4)(a) and (b) of the Municipal Act, S.O., 2001*, proper notice of a public meeting was given and a public meeting was held at which any persons who attended has an opportunity to make representation with respect to this by-law;

AND WHEREAS, pursuant to Section 150 of the Municipal Act, S.O., 2001, the Council on exercising its licensing powers under this section, including imposing conditions, for the following reasons:

- i) Health and Safety; and/or
- ii) Nuisance Control; and/or
- iii) Consumer Protection.

AND WHEREAS, Council wishes to enact the measures herein in order to provide a mechanism to ensure ownership of **second hand goods** provided to retailers of such goods in the Town for the protection of consumers;

AND WHEREAS, Council wishes to enact the measures herein in order to provide a mechanism to ensure the safe storage and sale of **fireworks** in the Town for the protection & safety of the consumers;

AND WHEREAS, Council wishes to enact the measures herein in order to provide a mechanism to protect the consumer by regulating the goods, wares or merchandise sold by a **Business Operated on a Temporary Basis** and the manner in which those items are sold and the location from which they are sold. And further ensure that the business is not a nuisance by hindering vehicles or pedestrian traffic and/or causing a hazard in any way.

AND WHEREAS, Council wishes to enact the measures herein in order to ensure fair business practices that could result in losses on the part of the consumer by an **Auctioneer** and to protect the safety of the public attending an **auction** and to ensure the business is not a nuisance to the surrounding properties and neighbourhood.

AND WHEREAS, Council wishes to enact the measures herein in order to ensure that a **Refreshment Vehicle** Vendor is following all required health regulations, and to ensure that the consumer does not become ill and to ensure that the vendors are not hindering vehicle or pedestrian traffic and/or causing a hazard in anyway and/or having a negative aesthetic impact on the municipality.

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**AND WHEREAS**, Council wishes to enact the measures herein in order to provide a mechanism to ensure the health and safety of the consumer by ensuring that **taxicabs** are in good mechanical condition and protect the consumer from unfair or potentially unfair business practices.

**AND WHEREAS**, Council wishes to enact the measures herein in order to provide a mechanism to ensure the health and safety of the consumer by ensuring all **taxicab drivers** are currently licenced to drive by the province and protect the consumers from known criminals.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PARRY SOUND ENACTS AS FOLLOWS:**

**SHORT TITLE**  
**Business Licencing By-law**

**PART 1**

1. This By-law may be cited as the “ Business Licensing By-law”.

**2. Definitions**

**“Accessible Taxicab”** means a van that is designed and intended to be used for the purpose of transporting persons who are physically disabled in wheel chairs and persons who are not physically disabled.

**“Accessible Taxicab Driver”** means a person licenced and subject to this by-law to drive or act as a driver of any accessible Taxicab.

**“Applicant”** means a person who is required to be licensed pursuant to this by-law or who has made application for licence to the Issuer of Licences and shall include a licensee who has been issued a licence.

**“Appeal Committee”** means the Council of the Corporation of the Town of Parry Sound

**“Auction”** means a public sale to persons in which bids on goods, wares, merchandise and effects are received by an auctioneer and where each bid offers more than the last previous bid, the article being put up for sale to the highest bidder. Shall not include a silent auction.

**“Auctioneer”** means a person selling, or putting up for sale, goods, wares, merchandise or effects or livestock by public auction.

**“Business”** includes:

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

But does not include:

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

For the purpose of this by-law, a business shall be deemed to be carried on within the municipality if any part of the business is carried on within the municipality even if the business is being carried on from a location outside the municipality.

**“ Business operated on a temporary basis”** shall include:

- (i) any person who goes from place to place, or to a particular place, with goods, wares, merchandise or food for sale or who carries and displays samples, patterns or specimens of any goods, wares or merchandise which may be delivered at the time of sale or afterwards;
- (ii) any corporation which has an employee or agent who goes from place to place, or to a particular place, with goods, wares, merchandise or food for sale, or who carries and displays samples, patterns, or specimens of any goods, wares or merchandise which may be delivered at the time of sale or afterwards;

**“By-law Enforcement Officer”** any person who has been designated by Council to administer and enforce this by-law and includes a Peace Officer.

**“Council”** means the Municipal Council of the Corporation of the Town of Parry Sound

**“Garage Sale”** means a sale of goods from a residential premise where the sale lasts no longer than two (2) days, the sale from that premise occurs no more than two (2) times per year and the Second Hand Vendor is the user of the goods sold.

**“Issuer of Licences “** means the Director of Finance of the Town of Parry Sound and/ or his designate.

**“Licensee”** means a person who has been issued a licence pursuant to this by-law.

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

**“Owner - trade, business, occupation”** means the person, company or partnership that carries on the trade, business or occupation and whose name appears on the license issued by the Issuer of Licences for such trade, business or occupation pursuant to this by-law.

**“Pawn Broker”** means a person who carried on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon and “pawnbroker” includes a person who offers a buy-back service in relation to such articles.

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- “Person”** includes a corporation and its directors and officers, and the heirs, executors, assignees and administrators or other legal representative of an individual and their respective successors and assignees.
- “Premise”** means land including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business and premise shall have the same meaning.
- “Refreshment Vehicle”** means any vehicle from which refreshments are offered for sale, or sold for consumption by the public and includes, without limiting the generality of the foregoing, carts, wagons, trailers, and trucks, irrespective of the type of motive power employed to move the refreshment vehicle from one point to another.
- “Second Hand Goods”** includes but is not limited to bicycles, collector cards, coins, compact discs, computers, computer accessories including monitors, printers and fax modems, computer games, computer software including cartridges and discs, computer hardware, electronic equipment, glass, ceramic, china, stone or metal figurines, jewellery, metals and other precious metals for purpose of smelting, leather jackets, sport equipment, stereos, telephone, television sets, tools, video games, video game systems, video cassette recorders, watches and other scrap materials and salvage.
- “Second Hand Vendor”** means a person who carries on the business of selling goods by way of retail that have previously been used for which such goods were designed *but does not include a business whose principal business is the sale of new goods or merchandise whose transactions on an annual basis for second hand goods is less than 10%.* “Second Hand Vendor” includes the operator of a salvage yard and any person who travels from place to place to sell second hand goods.
- “Seller”** means a person who sells or who offers to sell any Second Hand Good to a Pawnbroker or a Second Hand Vendor.
- “Taxicab”** means a motor vehicle, other than a limousine, that is kept or used for hire and for the conveyance of passengers, having a manufacturer’s rated seating capacity of not less than five (5) and not more than nine (9) adult persons.
- “Taxicab Plate”** being the licence issued to each vehicle by the **Issuer of Licences.**
- “Taxi Driver”** means a person licenced and subject to this by-law to drive or act as a driver of any taxicab.
- “Town”** means the Corporation of the Town of Parry Sound.

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**PART 2**

**GENERAL PROVISIONS AND ADMINISTRATION**

**3. Licences Required**

- (a) No person shall carry on, conduct, operate, maintain, keep or engage in any **business** set forth in this by-law, without first having obtained a licence from the **Issuer of Licences** of the **Town** to do so.
- (b) Licences are required for the following **businesses**:
  - Fireworks - refer to Schedule "E"
  - Secondhand Goods - refer to Schedule "F"
  - Businesses that operate on a Temporary Basis - refer to Schedule "G"
  - Auctioneer - refer to Schedule "H"
  - Refreshment Vehicle - refer to Schedule "I"
  - Taxi Cab - refer to attached Schedule "J"
- (c) A person shall carry on **business** only in the name in which the **business** is licensed.
- (d) No person shall publish or cause to be published any representation that the person is licensed under this By-law if the person is not so licensed.

**4. Administration**

- (a) The **Issuer of Licences** shall:
  - (i) Receive and process all applications for licences required under this By-law;
  - (ii) Administer the issuance of licences in accordance with the provisions of this by-law;
  - (iii) Maintain and keep records of all applications received and licences issued;
  - (iv) Generally perform administrative functions incidental and necessary to the due administration and enforcement of this by-law.
  - (v) ensure that all other provisions of this by-law have been complied with by the **Applicant** prior to the issuance of any such licence.

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- (b) The **Issuer of Licences** shall not issue a licence until the appropriate licence fee is paid.
- (c) Upon receipt of an application, the **Issuer of Licences** shall make or cause to be made, any investigation which he deems advisable relative to the application, and any costs incurred in such inspection shall be at the **Applicant's** expense.

**5. Application for a licence and for renewal of a licence**

- (a) An application for a licence and an application for the renewal of a licence shall be completed on the forms provided by the **Issuer of Licences**, as set out in Schedules "B", "C" and "D".
- (b) Each executed application shall be submitted to the **Issuer of Licences** and be accompanied by:
  - (i) The fee in the appropriate amount as set out in Schedule "A" to this By-law;
  - (ii) A Criminal Reference check provided by a Police Enforcement Agency ( if required);
  - (iii) All necessary inspections and approvals as set out in this by-law.
- (c) An **Applicant** must make a separate application for a licence for each of the **premises** at which the **Applicant** carries on **business**, and/or any class of business as set out in Schedule "G"

**6. Grounds for refusal to licence or renew or for suspension or revocation**

- (a) An **Applicant** whose application meets all the requirements of this by-law and its schedules is entitled to a licence or the renewal of a licence except where:
  - (i) There are reasonable grounds to believe that any application or other document provided to the **Issuer of Licences** by or on behalf of the **Applicant** contains a false statement or provides false information; or
  - (ii) The past or present conduct of the **Applicant**, or of any partner, in the case of an **Applicant** which is a partnership, or of any director or officer of the corporation, if the **Applicant** is a corporation, affords reasonable grounds for the belief that the **business** in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty; or

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- (iii) The financial position of the **Applicant** affords reasonable grounds to believe that the **business** will not be carried on in a financially responsible manner; or
  - (iv) There are reasonable grounds to believe that the **Applicant** does not meet all the requirements of this by-law or any other municipal by-law, or that the **business** is carried on or intended to be carried on in an area of the municipality where such **business** is prohibited by this by-law or by any other municipal by-law from being carried on, or in respect of which the issuing of a licence in respect of the **business** is not permitted by this by-law; or
  - (v) The **Applicant** has failed to pay the fine or fines imposed by a court as sentence arising from convictions for breach of a by-law enacted by the **Town**; or
  - (vi) There are reasonable grounds to believe that the building, **premises** or place or part thereof in which the **business** is carried on or intended to be carried on does not comply with the provisions of this by-law, or with any other law or by-law, including any applicable zoning and building requirements, or is dangerous or unsafe; or
  - (vii) There are reasonable grounds to believe that the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of or engaging in the **business** licensed hereunder is dangerous or unsafe.
- (b) The **Issuer of Licences** may refuse to issue a licence or refuse to renew a licence where the **Applicant** is not entitled to a licence under section 6 or on such grounds as are in the discretion of **Issuer of Licences**.
- (c) The **Issuer of Licences** may temporarily suspend a licence until the next meeting of **Council** and shall notify the **Appeal Committee** in writing of same.
- (d) Before the **Issuer of Licences** refuses to issue or to renew a licence or suspends a licence, written notice shall be given to the **Applicant** or **licensee** advising the **Applicant** or **licensee** that a recommendation is to be made to the **Appeal Committee** with respect to the licence application.
- (i) The notice shall inform the **Applicant** or **licensee** that the **Applicant** or **licensee** is entitled to a hearing by the **Appeal Committee** if the **Applicant** or **licensee** delivers to the Clerk of the municipality, within seven (7) days after the notice has been served, a written request requesting a hearing by the **Appeal Committee**.

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#### 7. Power of the Appeal Committee

- (a) Where the **Issuer of Licences** has referred a licence to the **Appeal Committee** for a hearing pursuant to section 6 of this by-law, the **Appeal Committee** may, after a hearing, or after an opportunity for a hearing has been given to the **Applicant**:
- (i) grant the licence in whole or in part and direct that the licence be issued, subject to compliance with this by-law;
  - (ii) grant the licence subject to such conditions it considers just and equitable in attaining the purposes of this by-law, and direct that the licence be issued subject to such conditions and to compliance with this by-law;
  - (iii) Refuse, revoke or suspend the licence upon grounds contained in this by-law;
  - (iv) issue a licence for any period up to a full licence period, on probation, or without a term of probation, subject to such conditions as the **Appeal Committee** may impose and are in accordance with law.

#### 8. Appeal Committee Hearing

In accordance with Section 239(2) of the Municipal act, S.O. 2001, c.25, meetings may be closed to the public where the subject matter under consideration involves personal matters about an identifiable individual, including municipal or local board employees. As a hearing of this nature would deal exclusively with the personal information of individuals involved in the hearing, all Committee Hearings shall be held in closed session.

##### 8.1 At the hearing, the **Appeal Committee**:

- (a) Shall afford the affected **Applicant** or the **licensee** an opportunity, at the hearing, to present evidence and submit argument in respect of the matter that is subject of the Committee's proceeding and to question any witness adverse in interest to him/her;
- (b) Shall afford any person, at the discretion of the Committee, an opportunity to make submissions in respect of the matter that is subject of the Committee's proceedings;
- (c) Shall give due consideration to the submissions made to it;
- (d) Shall take such action to refuse, suspend or revoke the application or

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licence, or not to refuse, suspend or revoke the application or licence, as the Committee considers proper in the circumstances;

- (e) Shall give written notice of its decision to the **Issuer of Licences**, to the **Applicant** or to the licence holder, and to any person, department, board, commission, authority or agency in attendance at the hearing, together with the reasons for its decision.

**8.2** Where a licence has been referred to the **Appeal Committee** for a hearing and the **Applicant** does not attend before the **Appeal Committee** at the time and place of which notice has been served upon such **Applicant**, the **Appeal Committee** may hold a hearing in the absence of the **Applicant** or may decide to take no further action with respect to the licence and no further notice is required to be served upon the **Applicant**.

**8.3** At the hearing, the onus shall be upon the **Applicant** or **licensee** to show cause why:

- (a) The licence applied for should be granted;
- (b) The licence should not be suspended or revoked;
- (c) Conditions should not be imposed on the licence.

**8.4** The decision of the **Appeal Committee** is final and takes effect upon the rendering of such decision.

**9. Issuance and terms of licences**

- (a) Every licence issued under this by-law may be issued for any period up to one year, and shall expire on December 31 of the year in which it is issued.
- (b) A licence issued under this by-law is personal to the **licensee** and cannot be transferred.
  - (i) No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof the value of the licence shall be the property of the **Town**.
- (c) The rights granted by a licence issued under this by-law apply only to the location for which the licence is issued.
- (d) Where a completed application form for the renewal of a licence is not submitted to the **Issuer of Licences** before the expiry date, the **Applicant** shall be required to submit a new application, together with the application

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fee.

- (e) Where a licence is revoked, the **licensee** is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.
- (f) No person to whom a licence has been issued under this by-law shall alter, erase, modify or permit the alteration, erasure or modification of that licence, or any part thereof, unless approved by the **Issuer of Licences**.
- (g) Every **licensee** shall notify the **Issuer of Licences** in writing within seven (7) days after the event of:
  - (i) any changes in the **licensee's business** address;
  - (ii) any change in number or composition of officers, or directors, if a corporation, or in partners, of a partnership; or
  - (iii) any change in **business** name.

Where a change of **business** name or **business** address has occurred and notification has been made in accordance to this section, every **licensee** shall attend **Town** office within seven (7) days and produce the licence for amendment.

**10. Display of Licence**

- (a) Every **licensee** shall prominently display the licence at the licensed **premises** at all times and shall produce the licence upon request by the **Issuer of Licences, By-law Enforcement Officer** or an inspector.
- (b) Where the **licensee** does not have a licensed **premises**, the **licensee** shall carry the Licence at all times when the **licensee** is engaged in the activity for which the licence has been issued and shall produce the licence upon request by the Issuer of Licence, **By-law Enforcement Officer** or an inspector.

**11. Inspection**

- (a) On receipt of an application for a licence or for renewal of a licence or as a condition of the continuation of a licence, a **By-law Enforcement Officer** may, at any reasonable time, enter upon the **premises** of the **Applicant** or **licensee** to make an inspection to ensure that all the provisions of this by-law and the appropriate schedules have been satisfied.

## THE CORPORATION OF THE TOWN OF PARRY SOUND

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- (b) Upon an inspection under section 11(a), the **By-law Enforcement Officer** is entitled to inspect all books of account, vouchers, correspondence and the records of the person being inspected relevant to the inspection.
- (c) No person shall obstruct the person inspecting or withhold, destroy, conceal, or refuse to furnish any information or thing required by the **By-law Enforcement Officer**.

### PART 3

### ENFORCEMENT AND INTERPRETATION

#### 12. Enforcement

This by-law shall be enforced by Town of Parry Sound **By-law Enforcement Officers**.

#### 13. Continuing Offence

Each day that a breach of this by-law continues shall constitute a separate offence.

#### 14. Penalty

- (a) Every person who contravenes any provisions of this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.00, exclusive of cost, pursuant to the provisions under section 161(2) of the *Municipal Act, S.O, 2001*.
- (b) If a corporation is convicted under section 12, the maximum penalty, exclusive of costs, that may be imposed is \$50,000.00, pursuant to the provisions under section 161(3) of the *Municipal Act, S.O, 2001*

#### 15. Schedules

- (a) The schedules to this by-law shall be deemed to form part of this by-law.
- (b) Every person applying for or holding a licence under this by-law shall in such application or in carrying on or engaging in the **business** in respect of which the licence is issued observe, comply with and be governed by the regulations set out in the respective Schedule to this by-law which relate to such person.

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**16. Validity**

- (a) If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of this **Council** in enacting this by-law, that each and every other provision of this by-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

**17. Repeal**

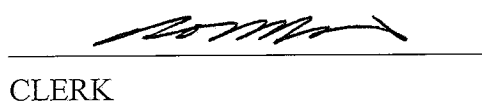
By-law numbers 2006-4921 is hereby repealed.

**18. Effective Date**

This by-law comes into force and effect upon passage thereof.

READ a **FIRST** time this 4<sup>th</sup> day of April, 2006.

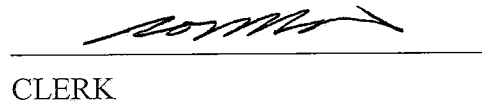
  
MAYOR

  
CLERK

READ a **SECOND** and **THIRD** time, **PASSED**, **SIGNED** and **SEALED**

this 4<sup>th</sup> day of April, 2006.

  
MAYOR

  
CLERK

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

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**Schedule “A”**

**Licence Fees**

	<u>Annual Fee</u>
Fire Works Vendor	\$ 95.00
Second Hand Goods Vendor	\$ 95.00
Temporary Business Vendor - Classes 1 & 2	\$ 75.00
- Classes 3 to 9	\$ 110.00
Auctioneer	\$ 95.00
Refreshment Vehicle - Mobile	\$ 95.00
- Stationary	\$ 110.00
Taxi Cab Owner	\$ 150.00
Taxi Transfer	\$ 50.00
Taxi Cab Driver	\$ 60.00

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**SCHEDULE B**

Town of Parry Sound  
Application for Business Licence

Type of Licence (Please check):

☐ Auctioneer - ☐ Business Operated on Temporary Basis, Class ( ) \_\_\_\_\_

☐ Refreshment Vehicle, mobile or stationary (*circle one*) -

☐ Second Hand Vendor - ☐ Fireworks Vendor

Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Business Name: \_\_\_\_\_  
\_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Business Location: \_\_\_\_\_

Business/Goods Description \_\_\_\_\_  
\_\_\_\_\_

Date(s) Proposed for  
Current Year: \_\_\_\_\_

Telephone: \_\_\_\_\_  
(Home) (Business) (Cellular/fax)

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THE ABOVE INFORMATION SHALL BE CONFIRMED BY PHOTO IDENTIFICATION INCLUDED WITH CRIMINAL REFERENCE CHECK for:  
Fireworks Vendors, Secondhand Goods Vendors, Refreshment Vehicles, Owners/agents of Businesses that operate on a Temporary Basis (classes 2 & 6) , and Auctioneers only.

I, \_\_\_\_\_  
Applicant (please print)  
**hereby agree to abide by the Business Licensing By-Law and will comply therewith. I understand that any non-compliance will result in the suspension or revocation of this licence.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

FOR OFFICE ONLY:	DATE	APPROVAL GIVEN	NOTES
Planning/Zoning Dept: _____			
Building Dept: _____			
Fire Dept: _____			
By-law Dept: _____			
Licence Amount: _____		Receipt # _____	
APPROVED FOR ISSUE BY: _____			
Issuer of Licences Town of Parry Sound			

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

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**Application for Business Licence**

**OWNERSHIP INFORMATION- TO BE COMPLETED IF OWNER IS**

**Partnership (complete part A)**

**Corporation (complete part B)**

**Part A- PARTNERSHIP INFORMATION**

Complete the following information for each Partner	
Name:	Name:
Address:	Address:
Postal Code:	Postal Code:
Phone-day:	Phone-day:
Phone-evening:	Phone-evening:
Name:	Name:
Address:	Address:
Postal Code:	Postal Code:
Phone-day:	Phone-day:
Phone-evening:	Phone-evening:

**Part B- CORPORATION INFORMATION**

List the Name, Address & Office of each of the Directors and Officers of the Corporation


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**Schedule "C"**

**The Corporation of the Town of Parry Sound**

**52 Seguin St., Parry Sound, Ontario P2A 1B4 TELEPHONE (705) 746-2101**

**APPLICATION FOR A TAXICAB OWNER'S LICENCE- PLEASE PRINT**

**Initial Application ☐ or Renewal ☐**

<b>To be completed by person making the application</b>	
<b>Name:</b>	<b>Address:</b>
<b>Title:</b>	
<b>Telephone: daytime</b>	<b>Postal Code:</b>

**Owner Information- Check one:**

**Sole Proprietorship: ☐ Partnership: ☐ Corporation: ☐**  
**Complete Part A attached    Complete Part B attached**

<b>Name of Company:</b>	
<b>Business Address:</b>	
	<b>Postal Code:</b>
<b>Telephone:</b>	<b>Fax No:</b>
<b>Location of off-street parking:</b>	

<b>Do you hold a current valid Parry Sound taxicab driver's Licence?</b>	<b>Yes <input type="checkbox"/></b>
<b>No <input type="checkbox"/></b>	
<b>If yes, Licence Number:</b>	

**Vehicle Information**

<b>Make:</b>	<b>Model:</b>	<b>Year:</b>
<b>Serial Number:</b>		<b>Colour:</b>
<b>Ont. Vehicle Plate No.</b>		<b>Parry Sound Licence No.</b>

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW NO: 2006-4937**

**Insurance Information**

<b>Name of Insurance Company</b>	
<b>Name of Insurance Broker</b>	
<b>Policy Number</b>	<b>Expiry Date:</b>

**Undertakings**

<p><b>Do you undertake to provide notice in writing of any changes to the information filed with the Licensing Officer pertaining to the particulars of the vehicle to be operated as a taxicab and the insurance coverage in effect for the taxicab pursuant to this by-law?</b></p> <p><b>Yes <input type="checkbox"/>                      No <input type="checkbox"/></b></p>
---

**Application for Taxicab Owner's Licence**

<p><b>Do you undertake to submit for inspection and approval of the vehicle for which a Licence is being requested under this application, when requested by the Licensing officer pursuant to this by-law?</b></p> <p><b>Yes <input type="checkbox"/>                      No <input type="checkbox"/></b></p>
---

<p><b>Do you undertake to file with the Licensing Officer such information relevant to this application as the Licensing Officer may request pursuant to this by-law?</b></p> <p><b>Yes <input type="checkbox"/>                      No <input type="checkbox"/></b></p>
---

<p><b>Do you acknowledge receipt of a copy of the business Licensing by-law?</b></p> <p><b>Yes <input type="checkbox"/>                      No <input type="checkbox"/></b></p> <p><b>Did you read this by-law?</b></p> <p><b>Yes <input type="checkbox"/>                      No <input type="checkbox"/></b></p>
--

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW NO: 2006-4937**

**Application for Taxicab Owner's Licence**

The following documents are to be attached:

**Taxicab Owner**

1. Copy of Business Name Registration
2. Completed application form
3. Application fee (cheques payable to the Town of Parry Sound)
4. Copy of vehicle registration
5. Valid safety standards certificate(s)
6. Valid certificate of insurance (1,000,000.00 liability)
7. Minimum age 18 years old
8. Valid taxicab driver's licence
9. Copy of police background check
10. Valid driver's licence

**I HEREBY DECLARE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**APPLICANT SIGNATURE**

**PERSONAL INFORMATION COLLECTED ON THIS FORM IS COLLECTED PURSUANT TO FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY LEGISLATION AND WILL BE USED FOR THE PURPOSE OF RESPONDING TO YOUR REQUEST. QUESTIONS ABOUT THIS COLLECTION SHOULD BE DIRECTED TO THE FREEDOM OF INFORMATION AND PRIVACY CO-ORDINATOR.**

**FOR OFFICE USE ONLY**

**DOCUMENTS RECEIVED: \_\_\_\_\_ INSPECTION  
ON: \_\_\_\_\_**

**FEE PAID: \_\_\_\_\_ INSPECTION  
BY: \_\_\_\_\_**

**COMMENTS: \_\_\_\_\_**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW NO: 2006-4937**

**Application for Taxicab Owner's Licence**

**OWNERSHIP INFORMATION - TO BE COMPLETED IF OWNER IS**

**Partnership (complete part A)**

**Corporation (complete part B)**

**Part A- PARTNERSHIP INFORMATION**

Complete the following information for each Partner	
Name	Name
Address	Address
Postal Code	Postal Code
Phone-day	Phone-day
Phone-evening	Phone-evening
Name	Name
Address	Address
Postal Code	Postal Code
Phone-day	Phone-day
Phone-evening	Phone-evening

**Part B- CORPORATION INFORMATION**

**List the Name, Address & Office of each of the Directors and Officers of the Corporation**


**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW NO: 2006 -4937**

**Schedule "D"**

The Corporation of the Town of Parry Sound  
52 Seguin St., Parry Sound, Ontario P2A 1B4    TELEPHONE (705)746-2101

**APPLICATION FOR A TAXICAB DRIVER'S LICENCE**  
**TO BE COMPLETED BY APPLICANT ONLY- PLEASE PRINT**

APPLICANT'S  
NAME: \_\_\_\_\_  
(LAST NAME) (FIRST) (MIDDLE)

APPLICANT'S ADDRESS: \_\_\_\_\_ APT.#  
\_\_\_\_\_

CITY: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_ PHONE  
# \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_  
(DAY) (MONTH) (YEAR)

ONTARIO DRIVER'S LICENCE NUMBER: ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐  
CLASS: \_\_\_\_\_

1. Provide name of the Company you will be driving for:

\_\_\_\_\_

2. Are you currently licensed as a taxicab driver in any other Ontario municipality?

Yes ☐ No ☐

If yes, give particulars \_\_\_\_\_

3. Have you previously been licensed as a taxicab driver in Parry Sound or any  
other Ontario municipality? Yes ☐ No ☐

If yes, give  
particulars \_\_\_\_\_

4. Have you ever had any licence or registration of any kind refused, suspended,  
revoked, or cancelled? Yes ☐ No ☐

If yes, give particulars  
\_\_\_\_\_

5. Have you ever been convicted of a Criminal Offence? Yes ☐ No ☐

**NOTE: YOU ARE NOT REQUIRED TO DISCLOSE ANY CONVICTION IN  
RESPECT OF WHICH A PARDON HAS BEEN GRANTED**

If yes, give particulars \_\_\_\_\_  
\_\_\_\_\_

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW NO: 2006 -4937**

6. (i) Is your Ontario driver's licence current and valid? Yes ☐ No ☐
- ii) Have you been convicted under the Highway Traffic Act in the past three years? Yes ☐ No ☐

If yes, give particulars \_\_\_\_\_

\_\_\_\_\_

**Application for a Taxicab Driver's Licence**

**The following documents are to be attached:**

**Taxicab Driver**

- (a) Minimum age 18 years old
- (b) Copy of valid Ontario driver's licence
- (c) Copy of Ministry of Transportation driver's licence abstract
- (d) Copy of police background check
- (e) Two photographs of likeness
- (f) Name of Taxi Company employing his service
- (g) Completed application form
- (h) Application fee

**I AM THE APPLICANT AND AM AWARE THAT A SEARCH WILL BE MADE TO PROCESS MY APPLICATION FOR A LICENCE AND I CONSENT TO THE TOWN OF PARRY SOUND MAKING INQUIRES TO ALL APPROPRIATE AUTHORITIES REGARDING MY DRIVING AND CRIMINAL RECORD**

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

**Personal information collected on this form is collected pursuant to the Freedom of information and Protection of Privacy legislation and will be used for the purpose of responding to your request. Question about this collection should be directed to the freedom of information and privacy coordinator.**

**THE FOLLOWING SECTION IS TO BE COMPLETED IN THE PRESENCE OF A JUSTICE OF THE PEACE, COMMISSIONER OF OATHS, LAWYER, AND ETC.**

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW NO: 2006 -4937**

# AFFIDAVIT

Province of Ontario ) I \_\_\_\_\_  
 ) (Name)  
 )  
 ) of the \_\_\_\_\_ of \_\_\_\_\_  
 ) (Town/City) (Name of  
 ) Town/City  
 of )  
 ) in the \_\_\_\_\_ of \_\_\_\_\_  
 ) (Region or Country) (Name of  
 ) Region/Country  
 )  
 )

To Wit: ) make oath and say:

- (i) I am the applicant for a Licence and I signed the application.
- (ii) The information given by me in this application is true. The name set out in the application is my true name, and I will not hold myself out in any other manner.
- (iii) I will not commence to drive until I receive my taxi Licence.

**SWORN BEFORE ME AT THE:** Town

Of Parry Sound in the District )  
 Of Parry Sound )  
 This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ ) \_\_\_\_\_  
 ) (Signature)

(A Commissioner, etc.)

**FOR OFFICE USE ONLY**

**FEE PAID:** **PHOTOS:** \_\_\_\_\_ **POLICE CERTIFICATE:**

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW NO: 2006 -4937**

**Schedule "E"**

**Relating to the issuance of Licences for the sale of Fireworks on private property other than in a building or structure or part thereof.**

**General Regulations**

- 1. Every application for a licence made under this By-law and this Schedule shall be accompanied by a description of the Fireworks to be sold.**
- 2. Where the Fireworks Portable Display Unit is a trailer, a current provincial permit for the trailer issued and in good standing from the Ministry of Transportation of Ontario shall be supplied.**
- 3. Every Owner or Operator licenced under this By-law and this Schedule shall not:**
  - (a) Display or sell fireworks other than fireworks displayed behind or under glass that is exposed to direct sunlight;**
  - (b) Store fireworks in amounts exceeding 1,000 kilograms unless the wholesaler or retailer is licenced by the Explosive Division, Department of Energy, Mines and Resources;**
  - (c) Have in his possession within 6 metres of any fireworks kept or displayed for sale, any lighted: i) match, ii) lighter, iii) pipe, iv) cigar, or cigarette;**
  - (d) Have in his possession within a trailer or within six (6) metres of a trailer in which any fireworks are kept or displayed for sale, any lighted: i) match, ii) lighter, iii) pipe, iv) cigar, or cigarette;**
  - (e) Permit access to fireworks stored within any trailer, unless the trailer has two separate operative doors and signs stating that the items listed in subsection (c) and (d) are prohibited within six (6) metres of the trailer and are posted at every point of access to the trailer;**
  - (f) Locate any trailer less than twenty (20) metres from any municipal road or municipal parking space and not less than forty (40) metres from occupied buildings, dwellings and gas stations;**
  - (g) Permit more than fifteen (15) customers in the trailer at any one time;**
  - (h) Locate any portable electrical power supply and fuel supply less than twelve (12) metres, from the trailer.**

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

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4. Every person shall in any trailer erect pylons or snow fence to form and maintain a 20 metre “No Encroachment Zone” around the trailer by the general public.
5. The seller shall have obtained and filed with the Town a letter of permission from the owner of lands on which the trailer/roadside stand or vehicle will be parked.
6. A site plan must be provided to the Town prior to the placing of the trailer on a property showing the location of the trailer from public roadways, buildings on the property and parking areas.
7. The sale of family fireworks is prohibited except on the following days:
  - i) Victoria Day and Dominion Day
  - ii) each of the six business days immediately preceding Victoria Day and Dominion Day.
8. At least one 2A 10BC fire extinguisher shall be provided for each employee to combat possible fires that are NOT part of the fireworks themselves.
9. There shall be a list of emergency telephone numbers and “No Smoking” signs posted at each operative door to the trailer.

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

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**Schedule "F"**

**Relating to persons who for hire or gain deal in Second Hand Goods**

**Exemptions:**

1. The provisions of this by-law are not applicable to Second Hand Vendors:
  - (i) who are engaged in the sale of goods for charitable purposes;
  - (ii) who are engaged in a sale, defined as a Garage Sale;
  - (iii) whose second hand goods consist primarily of used books, maternity wear or infant's accessories;
  - (iv) Whose second hand goods consist of used automobiles;
  - (v) Whose second hand goods consist of articles purchased new and rented out in the normal course of business by the Second Hand Vendor
2. The provisions of this by-law are not applicable to Second Hand Vendors whose sale of goods is conducted by auction, provided such persons are licensed pursuant to the applicable auctioneer's licensing by-law of the Town

**General Regulations**

3. No person may be a Pawn Broker or a Second Hand Vendor or operate a Premise except in accordance with the following regulations:
  - (a) No person may receive second hand goods from any person who is under the age of eighteen (18) years or from any person who appears to be under the influence of alcohol or illegal drugs;
  - (b) No person may receive second hand goods from any person on a "holiday" which includes New Years Day, Good Friday, Easter Monday, Christmas Day, Victoria Day, Dominion Day, Labour Day, Remembrance Day, and any day appointed by proclamation of the Governor General or Lieutenant Governor as a public holiday or for a general fast or thanksgiving, and when any holiday, falls on a Sunday, the day next following is in lieu thereof a holiday or between the hours of 9:00 p.m. on one evening and 9:00 a.m. on the following day. For purposes of this subsection, "holiday" shall not include a Sunday.
  - (c) No Pawnbroker or Second Hand Dealer shall permit any employee to work at a premise without first instructing such employee in the regulation of this by-law and ensuring that such employee complies with these regulations. Every Pawnbroker and Second Hand Vendor shall be responsible for the acts or omissions of its employees in the carrying on of the sale of second hand goods and the business conducted from the premise in the same manner and to the same extent as though such acts or omissions were the acts or omissions of the pawnbroker or Second Hand Vendor

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

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- (d) No Pawnbroker or Second Hand Vendor may engage any employee for the purpose of acquiring or selling second hand goods without first providing the Issuer of Licence with a police clearance letter relating to that employee and every pawnbroker and Second Hand Vendor shall keep a record of all persons employed by them for the purpose of acquiring or selling second hand goods;
- (e) In circumstances where a Seller refuses to provide identification as required in this by-law, or where identifying features of the Second Hand Goods presented by a Seller have been removed or obliterated, or in other circumstances which might lead to the inference that the Second Hand Goods have been stolen, the Pawnbroker or Second Hand Vendor shall not purchase such goods, shall attempt to ascertain the identity of the Seller and shall contact the Ontario Provincial Police as soon as is practicable to report such circumstances.
- (f) No Pawnbroker or Second Hand Vendor shall alter, repair, dispose of, or in any way part with any goods or articles within the earlier of thirty (30) days from the date of obtaining possession thereof and during this period, such goods shall be kept in the premise used by the Pawnbroker or Second Hand Vendor for the sale of Second Hand Goods and shall be separate from and not commingled with other Second Hand Goods in the same premises.

**Seller Identification Requirements**

- 4. No Pawnbroker or Second Hand Vendor may receive any Second Hand Good without first obtaining identification as required in this By-law. This includes goods obtained from an Estate sale or acquired through bartering or trading activity.
- 5. For the purpose of identifying the Seller, the Pawnbroker or Second Hand Vendor must be presented by the Seller with at least two (2) pieces of identification and at least one piece of identification must be listed below and must be integrated with a photograph of the Seller:
  - a) a valid's driver's licence;
  - b) a passport issued by the government of origin;
  - c) a "Bring Your Identification Card" issued by the Alcohol and Gaming Control Commission;
  - d) a Certificate of Native Status issued by the Government of Canada;
  - e) a Certificate of Canadian Citizenship issued by the Government of Canada; or
- 6. Where Second Hand Goods are obtained by a Pawnbroker or a Second Hand Vendor from a garage sale, the recipient shall record the address of the garage sale.
- 7. Where Second Hand Goods are obtained by a Pawnbroker or a Second Hand Vendor from an auction, the recipient shall record the name and address of the auctioneer and, where such information is available, the name and address of the former owner of the goods being auctioned.

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

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**Transaction Record**

8. No Pawnbroker or Second Hand Vendor may receive any Second Hand Goods, including goods obtained from an Estate sale or acquired through bartering or trading activity without first maintaining a legible record of the following information:
- a) the day, month, year and time of the transaction;
  - b) the full name, sex, date of birth, address and approximate height and weight of the Seller;
  - c) the full particulars of both pieces of the Seller's identification required to be presented pursuant to this by-law.
  - d) a detailed description of each Second Hand Good that is reasonably sufficient to identify it, including make, model, serial numbers, markings or other identifying features as applicable;
  - e) the price paid by the Pawnbroker or Second Hand Vendor or the value of goods exchanged for the Second Hand Good; and
  - f) the name of the employee who conducted the transaction

**Premises**

9. No Pawnbroker or Second Hand Vendor shall fail to keep and to maintain the premises in respect of which he is so licensed in a manner and condition as shall not violate any provisions of any municipal by-law , or any law.

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

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**Schedule “ G ”**

**Relating to businesses that operate on a temporary basis**

1. The classes of “Business Operated on a Temporary Basis” shall include the following:
  1. Class 1  
“ Door to Door Sales” shall include any business or organization which conducts sales or has sales conducted on their behalf by door to door solicitation. Note, each salesperson is also required to obtain a licence under Class 2.
  - ii) Class 2  
“ Door to Door Sales Person” shall include any person engaged in the sale of goods on a door to door sales basis including sales persons or agents.
  - iii) Class 3  
“ Day Sales” shall include the sale of goods, wares, merchandise and food for a maximum period of one day in each calendar year from one specific location such as, but not limited to, a parking lot or vacant commercial facility where such use is permitted under the Zoning By-law.
  - iv) Class 4  
“ Craft Show” shall include the exhibiting or offering for sale on a temporary basis at one location by crafts people, goods, wares, food or merchandise which they themselves have produced where such use is permitted under the Zoning By-law.
  - v) Class 5  
“ Trade Show” shall include the exhibiting or offering for sale on a temporary basis at one location by several manufacturers or distributors, goods, wares, food or merchandise which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer; but excludes a consumer show or trade show operating as an integral part of a convention or conference, where such use is permitted under the Zoning By-law.
  - vi) Class 6  
“ Antique/Collectible Show” shall include the exhibiting or offering for sale on a temporary basis at one location, antique or collectible goods, wares or merchandise where such is permitted under the Zoning By-law.
  - vii) Class 7  
“ Event Sales” shall include the exhibiting or offering for sale on a temporary basis at one location by several manufacturers or distributors, goods, wares, food or merchandise which are associated with the event being conducted where such use is permitted under the Zoning By-law.

## **THE CORPORATION OF THE TOWN OF PARRY SOUND**

### **BY-LAW NO: 2006 -4937**

**viii) Class 8**

“Seasonal Sales” shall include temporary businesses such as, but not limited to, gardening product sales and Christmas tree sales for one period of up to three months from one specific location such as, but not limited to, a parking lot or a vacant commercial lot and may include the use of a temporary structure such as a greenhouse or sales office where the use is permitted in the Zoning By-Law.

**xi) Class 9**

“General” shall include the exhibiting or offering for sale, on a temporary basis, at one location by two or more vendors, a variety of goods, wares, food or merchandise, but does not include a sale that consists of one type of goods, wares or merchandise; and also does not include a Flea Market that is in business on a permanent basis and for which property taxes are being paid for the current year.

#### **General Regulation:**

- 2. A business operated on a temporary basis licence shall not be issued unless:**
  - (a) The Town Zoning Bylaw permits the sale of goods, wares or merchandise from the location;**
  - (b) The Applicant shall provide, as part of the application for such licence:**
    - 1. a description of the goods, wares , food or merchandise being sold;**
    - 2. identification satisfactory to the Issuer of Licences;**
    - 3. written permission of the property owner from which the vendor intends to sell his goods, wares, food or merchandise;**
    - 4. A drawing (site plan) of the property clearly identifying the exact location on which the vendor will set up;**
    - 5. A criminal reference check ( required for Classes 2 & 6)**
  - (c) The Applicant shall clearly indicate in the application whether they intend to sell from place to place or from one location only and the licence issued shall clearly reflect same;**
  - (d) The Applicant has complied in all respects with any standards or regulations under the jurisdiction of the Town of Parry Sound Fire Department, Building Department and the North Bay Parry Sound District Health Unit and any other applicable laws or regulations, and provides confirmation of same to the Issuer of Licences.**
- 3. In the event where sales occur as part of a festival, event or trade show ( Class 5 or 7), it is the responsibility of the event/festival/trade show organizer to obtain the required business licence. The business licence obtained under these conditions licences all vendors participating in the festival, event, or trade show provided the vendor has complied with all of the requirements of the event, festival or trade show organizer.**

#### **Location**

- 4. Every Applicant shall ensure that the proposed locations meet the following criteria:**
  - i) no portion of the location shall form part of a highway; unless approval is given by the public authority having jurisdiction over the**

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW NO: 2006 -4937**

- highway;
- ii) no portion of the location shall be directly in front of a building entrance or exit;
- iii) the location provides for adequate parking for customers;
- iv) no location shall be within the sight triangle of a signalized intersection;
- v) every location shall be set back at least one (1) metre from any adjacent public highway.

**Prohibition**

5. Businesses Operated On a Temporary Basis shall not sell their goods, wares, food or merchandise in any public park within the municipality unless written permission from the municipality or its authorized agent has been given.
6. Businesses Operated on a Temporary Basis shall not sell their goods, wares , food or merchandise within 30 metres of any school grounds unless written acknowledgment from the School has been obtained and a copy of said acknowledgment filed with the Issuer of Licences.

**Special Exemptions**

7. The sale of goods, wares, merchandise or food , the proceeds of which are for charitable purposes related to education or youth activities or that is being done by a registered charity which is registered under the laws of the Province of Ontario or Canada, shall be exempt from the requirement of a business licence under this by-law.
8. The sale of farmers produce, when sold from a location adjacent to the farm property shall be exempt from the requirement of obtaining a business licence under this by-law.

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**Schedule "H"**

**Relating to the sale of goods, wares and merchandise disposed of by an auctioneer**

**General**

- 1. No licence shall be issued to an auctioneer unless:**
  - a) the Applicant is at least eighteen (18) years of age; and**
  - b) the premises from which it is proposed to carry on business of any auction house comply with the zoning, building and property standards requirements of the Town.**
- 2. No auctioneer shall:**
  - a) make or permit to be made any misrepresentation as to the quality or value of any goods, wares, merchandise or effects which may be offered for sale by him;**
  - b) do any act that would have the effect of confusing the purchaser as to the amount he pays for any article or articles;**
  - c) avail himself of the services of or consort with persons known in the trade as "beaters", "boosters" or "shills" for the purpose of raising or stimulating bids; and**
  - d) advertise for sale prior to the action any goods or merchandise which are not available for sale at the time, date and place of the auction.**
  - e) sell or put up for sale by auction any goods, wares, merchandise or effects on a reserve-bid basis without first having announced clearly to those in attendance at the auction the fact of such reserve bid.**

**Transaction Record**

- 3. The auctioneer shall keep proper books of accounts of the business transacted by him as an auctioneer and which books shall give the following:**
  - a) names and addresses of persons depositing goods with him for sale;**
  - b) the description of such goods;**
  - c) the names and addresses of persons buying goods from him; and**
  - d) price of each item sold.**
- 4. The auctioneer shall forthwith, after the sale of such goods, account for the proceeds and pay the same to the persons entitled to such proceeds less his proper and legal commission and charges.**

**Exemptions:**

- 5. Nothing in this by-law shall apply to a Sheriff or Bailiff offering for sale goods or chattels seized under an execution or distrained for rent.**

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW NO: 2006 -4937**

**Schedule "I"**

**Relating to the issuance of Licences for the sale of refreshments from a refreshment vehicle.**

**Licencing Requirements**

- 1. No licence shall be issued to the owner of a Refreshment Vehicle unless:**
  - 1. The Town zoning bylaws permits the sale of refreshments from that location;**
  - 2. The Applicant shall, as part of the application for such licence provide:**
    - a) a description of the goods, wares, food or merchandise being sold;**
    - b) identification satisfactory to the Issuer of Licences;**
    - c) Certificate of Insurance, in the amount of \$1,000,000.00 public liability coverage with respect to the Refreshment vehicle operation;**
    - d) written permission of the property owner from which the vendor intends to sell his goods, wares, food or merchandise;**
    - e) A drawing (site plan) of the property clearly identifying the exact location on which the vendor will set up;**
    - f) A criminal reference check.**
  - 3. the Medical Officer of Health or his designate has reported in writing that the refreshment vehicle and equipment is suitable for the purpose of the licence application and is in a sanitary condition;**
  - 4. the Fire Chief or his designate has reported in writing that, where applicable, the refreshment vehicle and equipment is suitable for the purpose of the licence application and is in a fire safe condition;**
  - 5. the Applicant provides an annual safety certificate of such propane components of the vehicle by a certified and registered gas fitter.**
  - 6. the Applicant provides an annual safety certificate, when vehicle is equipped with a deep fryer or similar equipment, for the automatic fire suppression system by a certified inspector.**
  - 7. the Applicant, of a motorized unit, shall provide:**
    - i) annually copy a Ministry of Transportation Safety Standards Certificate for said vehicle;**
    - ii) copy of a current motor vehicle permit issued pursuant to the Highway Traffic Act that permits it to be driven on any highway;**
    - iii) copy of driver's of said Refreshment Vehicle valid Provincial driver's licence issued pursuant to the Highway Traffic Act**

**Location Regulations**

- 2. No person shall operate or maintain a Refreshment Vehicle on any municipal property, a Town highway, and Town park unless Council has granted permission.**

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

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3. No person shall operate a Refreshment Vehicle at a distance of 23 meters (75 feet) or less from the front entrance of an eating establishment or a place where foodstuffs are offered for sale, if the refreshment vehicle offers for sale similar food products as does the eating establishment or the place where foodstuff are offered for sale.
4. No person shall operate a Refreshment Vehicle within 30 metres of any school grounds unless written acknowledgment from the School has been obtained and a copy of said permission filed with the Issuer of Licences.

**General Regulations**

5. No person shall operate a Refreshment Vehicle equipped with a deep fryer or similar equipment unless such refreshment vehicle equipped with an approved hood and fire suppression system.
6. No person shall operate a Refreshment Vehicle without a fully charged alkali base dry chemical portable fire extinguisher having a minimum size rating of 6 pounds 40 BC and mounted no higher than five feet above the floor near the exit door.
7. No person shall operate a Refreshment Vehicle without a fire safety plan approved by the Fire Chief or his designate and posted in the vehicle.
8. Every licensee shall ensure that every Refreshment Vehicle is equipped with a metal refuse container with a self closing lid, and such container shall be kept in a clean and sanitary condition and emptied at least once daily; or a disposable litter container which shall be replaced at least once daily; and such containers shall be used for the disposal of all refuse.

**Schedule "A" - 2014 -  
Amending Schedule "J"  
By-law 2006-4937**

**Licensing requirements**

1. A Taxicab Licence shall not be issued unless:
  - a) The owner is at least eighteen (18) years of age;
  - b) The applicant provides, as part of the application for such licence:
    - i) Proof of liability insurance in the minimum of \$1,000,000.00 for each vehicle
    - ii) A valid Safety Standards Certificate issued pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8 for each vehicle to be licenced as a taxicab
    - iii) A copy of a current motor vehicle permit issued pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8, for the motor vehicle for which the licence is applied. Said permit must in the applicant's name as an owner or leasee.
2. A Taxicab Driver's Licence shall not be issued unless:
  - a) The owner is at least eighteen (18) years of age;
  - b) The applicant provides, as part of the application for such licence:
    - i) A copy of a valid, Full Class "G" provincial Driver's Licence issued pursuant to the Highway Traffic Act, R.S.O 1990, c.H.8;
    - ii) A copy of a current, within 30 days, Ministry of Transportation Driver's License Abstract reporting a respectable record;
    - iii) A copy of a current, within 180 days, Criminal Record Check obtained from a police enforcement agency. The Criminal Record Check will also include a vulnerable screening check for all initial (new) applicants. Further, the vulnerable screening check will be completed every 5 years thereafter.
    - iv) Two (2) pieces of identification, one of which shall be photographic identification detailing the applicant's birth date, legal name and current residential address;
    - v) Two (2) passport photos
    - vi) The name and address of the taxicab owner he will be driving for.
  - c) Notwithstanding above section 2 (b)(iii), the Issuer of Licences may issue a Temporary Taxicab Driver's Licence for a period of not more than 60 days to allow the applicant to provide the Issuer of Licence a Criminal Record Check. The applicant must provide the Issuer of Licence either a prior Criminal Record Check no more than one year old or a Taxicab Driver's Licence from another municipality no more

than one year old and/or a letter from a Police Agency advising that the Police Agency is in the process of completing a Police Records check and a Vulnerable Screening check on the applicant. The Issuer of Licences will complete an investigation to confirm the information/documentation provided.

- d) Complete the Province of Ontario online e-training pertaining to Accessible Customer Service or similar/equivalent training acceptable to the issuer of Licences.

### **Taxicab owner's regulations**

3. Every licensee (owner) of a taxicab for hire shall:

- a) Maintain the vehicle in good mechanical condition and submit on or before the first of June and on or before the thirty-first day of December of each year a copy of a current Ministry of Transportation Safety Standards Certificate.
- b) Immediately investigate and repair any mechanical defect in his vehicle reported by a driver and shall not in any case operate or permit to be operated any vehicle not in good mechanical condition.
- c) Provide a Certificate of Insurance certifying that the owner of each taxicab are insured for public liability property damage and passenger hazard, with a minimum of \$1,000,000.00 coverage per incident or occurrence and written confirmation from the insurer that the Issuer of Licences will receive at least fifteen (15) days written Notice prior to any cancellation, expiration or variation thereof. Appended to each certificate shall be a list of all drivers.
- d) Keep a record of all trips made by the vehicle, showing name of driver, the date, time and location of the commencement and termination of the fare.
  - (i) The trip records are to be completed by the dispatcher.
  - (ii) Said records shall be open to inspection at any reasonable time by the Issuer of Licences, a By-law Enforcement Officer or a police officer. The records are to be retained for a period of twelve (12) months.
- e) Notify the Issuer of Licences within seven (7) days of any changes to his application;
- f) Ensure that all persons employed by him as a taxicab driver are properly licensed under the provisions of this by-law and ensure they have a valid "G" Class provincial Driver's Licence issued pursuant to the Highway Traffic Act, R.S.O 1990, c.H.8;
- g) Provide telephone and radio dispatching equipment and facilities that are maintained in proper working condition.
  - (i) The dispatch equipment and facilities must be provided for the duration of the hours of operation of the taxicab.

- (ii) A cellular phone is permitted only in conjunction with a 10/4 type walkie talkie system or similar means of communication for dispatching calls. The cellular phone must be used in conjunction with a hands free device.
  - (iii) All 4 way radios and communications devices used in the taxicabs must be hands free by January 1, 2013 in accordance with Highway Traffic Act, Regulation 366/09 section 12(2)
- h) Upon disposing of a taxicab under this By-law surrender any Taxi Licence Plate issued under the provisions of this By-law to the Issuer of Licences.
- i) Prohibit any taxicab driver from being on duty more than twelve (12) hours in any twenty-four (24) consecutive hours and no owner shall be on duty as an operator or drive more than twelve (12) hours of any twenty-four (24) consecutive hours.
- j) Provide a separate office within the west side of the District of Parry Sound for the carrying on his business and keep same orderly, clean, neat and smoke-free.
- i) When requested by a persons with a disabilities provide vehicle registration and identification information in an accessible format in accordance with *Accessibility for Ontarians with a Disability Act, 2005, Integrated Accessibility Standard, Regulation 191/11, s 80(3)*.

### **Taxicab driver's regulations**

4. Every licensee, while in charge of a taxicab, for hire shall:
  - a) Produce trip records upon the request of the Issuer of Licences, Bylaw Enforcement Officer and a police officer;
  - b) Place his taxicab driver's photographic identification as issued by the Issuer of Licences in such a manner in the taxicab he is driving as to be conveniently seen and read by passengers;
  - c) Keep all appointments punctually;
  - d) Take the most direct route possible to the requested destination unless specifically requested by the passenger to take another route;
  - e) Upon request of any passenger, give in writing his name and number of the licence issued to him under the provision of this By-law;
  - f) Examine for mechanical defects any vehicle which he is to drive during their shift, and shall similarly examine the taxicab at the end of each shift, and if he is not the owner of the taxicab or limousine, shall report forthright to the owner any mechanical defects of which he is, or becomes aware.
  - g) Take due care of all property delivered or entrusted to him and accepted by him for conveyance or safe keeping and immediately upon termination of any hiring or engagement, shall search his taxicab for any property lost or left therein and all property or money

left in his taxicab shall be forthwith delivered over to the person owning the same or if the person cannot be found at once, then to the Ontario Provincial Police with all information in his possession regarding same;

- h) Upon changing his address, within seven (7) days, notify the Issuer of Licences of the change of address;
- i) Be neat and clean in his person and appearance;
- j) Be familiar with the provisions of this By-law, laws and regulations relating to traffic and the geography of the Town;
- k) Be "Civil and Well Behaved" - driver shall not use foul or profane language and must conform to society's norms of behaviour.

### **Accessible Taxicab Owner & Drivers Regulations**

- 5. Accessible Taxicab Owner in addition to the regulations set out in this bylaw must comply with the Highway Traffic Act, R.R.O., 1990, Regulation 629.
- 6. Accessible Taxicab Driver in addition to the regulations set out in this Bylaw must satisfy the Issuer of Licences of successful completion of a driver improvement and sensitivity training program acceptable to the Issuer of Licences

### **Prohibitions:**

- 7. No person, while in charge of a taxicab for hire, shall:
  - a) Solicit any person to take or use the taxicab he is driving by calling out or shouting. The person wishing to use or engage the taxicab shall be left to choose without interception or solicitation;
  - b) Take, consume or have in his possession any intoxicant;
  - c) Employ or allow any runner or other person to assist or act in concert with him in obtaining passengers.
  - d) Smoke while in taxicab or place of business
  - e) Allow any immoral, indecent or disorderly conduct in his taxicab.
  - f) Carry any passenger other than those employing his services, unless authorized by the registered owner of the taxicab he is driving.
  - g) Knowingly drive a person whom he suspects has committed an offence against the Criminal Code of Canada and/or Federal or Provincial Statute and is attempting to avoid capture.
  - h) Carry with him, or in the Taxicab any radio equipment, radio scanners or other equipment capable of monitoring radio calls other than the radio equipment used or required to transmit to or receive broadcasts or signals from the radio dispatcher employed by the taxicab owner whom the driver is working.

### Equipment and its uses:

8. No person licensed under this By-law shall carry in any cab a greater number of occupants or persons than the manufacturer's ratings or seating capacity of such cab, inclusive of the driver.
9. Every holder of a Taxicab Licence or a Taxicab Driver's Licence under this By-law shall keep the interior and exterior of the taxicab, which he owns or drives clean.
10. Every taxicab licensed under this By-law shall be equipped with a spare wheel and tire in an inflated condition.
11. All taxicabs shall be properly marked so as to be readily identifiable as a taxicab in accordance to the following:
  - i) Every taxicab shall have a roof sign powered by electricity. Such sign shall be illuminated when lights are required according to section 62 (1) of the Highway Traffic Act, R.S.O. 1990, c.H.8.
  - ii) Bear the name of the taxicab owner on the roof sign;
  - iii) On each side of the roof sign affix the number of the taxicab constructed of a reflective material so as to be clearly readable by any person entering or exiting the taxicab.
12. Prominently display on the rear bumper of each taxicab a Taxi License Plate issued by the Issuer of Licences pursuant to *Accessibility for Ontarians with a Disability Act, 2005, Integrated Accessibility Standard, Regulation 191/11, s 80(2)*.
13. **There shall be sixteen (16) Taxicab Licences issued by the Issuer of Licences -Two (2) of the 16 will be designated for accessible taxicabs.**
14. The licensed taxicab driver or the taxicab owner shall produce the taxicab for inspection at the time and place designated by the Issuer of Licences, Bylaw Enforcement Officer or a police officer, and if such taxicab is not produced at the time and place appointed for such inspection, the Issuer of Licences may suspend the licence in respect of such taxicab until such time as the taxicab has been tested, inspected and approved.

### Transfer of Taxicab

15. At such times as a taxicab owner licensed under this by-law changes the vehicle that he uses for a taxicab and uses another vehicle, he must notify and

obtain permission from the Issuer of Licences by supplying the necessary documents and inspections as required pursuant to this bylaw before the taxicab is changed by paying the appropriate fees.

### **Taxi trip fares**

16. The municipality does not regulate taxicab fares; however, the Taxicab owner or operator shall not charge
  - a) a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip; and
  - b) a fee for the storage of mobility aids or mobility assistive devices pursuant to *Accessibility for Ontarians with a Disability Act, 2005, Integrated Accessibility Standard, Regulation 191/11, s 80(2)*.

**Alternate format available upon request**