

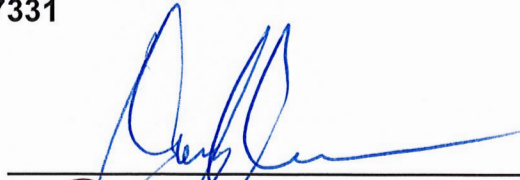
Corporation of The Town of Parry Sound

10.4.1.

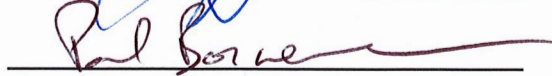
Passing of By-law No: 2023 – 7331

18<sup>th</sup> Day of April 2023

Moved by Councillor



Seconded by Councillor



That By-law No: 2023 – 7331

Being a By-law to adopt Business and Taxi Licensing Regulations

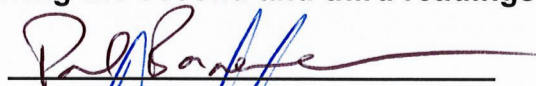
Be considered as read a first time.

- Carried -



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

Moved by Councillor



Seconded by Councillor




That the By-law Above Mentioned Be Considered as Read A Second, And Third Time, Passed, Signed and Sealed.

- Carried -



Entered as Part of The Minutes of the Meeting Held this 18<sup>th</sup> day of April 2023.

  
Deputy Mayor Joe Beleskey

  
Clerk Rebecca Johnson

- Postponed to: \_\_\_\_\_
- Amends By-law: \_\_\_\_\_
- Repeals By-law: \_\_\_\_\_
- By-law Amended: \_\_\_\_\_
- By-law Repealed: \_\_\_\_\_

## The Corporation of the Town of Parry Sound

### By-law 2023 – 7331

#### Being a By-law to adopt Business and Taxi Licensing Regulations

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

**Whereas** pursuant to *section 156 of the Municipal Act, S.O. 2001*, Council may pass bylaws for regulating and governing owners and drivers of taxicabs; and

**Whereas** pursuant to *section 151 of the Municipal Act, S.O., 2001*, the Council on exercising its licensing powers under this section, may impose conditions for the following reasons: Health and Safety; and/or Nuisance Control; and/or Consumer Protection; 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 and 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 that a 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; 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; ensure taxicab drivers are currently licenced by the province to drive; and protect the consumer from unfair or potentially unfair business practices.

**Now therefore the Council of the Corporation of the Town of Parry Sound enacts as follows:**

#### PART 1 – SHORT TITLE CITATION AND DEFINITIONS

1. This By-law may be cited as the “Business & Taxi Licence Regs By-law”.
2. **Definitions**
  - a) “**Accessible Taxicab**” means a van that is designed and intended to be used for the purpose of transporting persons who are physically disabled in wheelchairs and persons who are not physically disabled.
  - b) “**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.

## The Corporation of the Town of Parry Sound

### By-law 2023 – 7331

- c) **“Appeal Committee”** means the Council of the Corporation of the Town of Parry Sound.
- d) **“Business”** includes:
  - i. trades and occupations;
  - ii. exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
  - iii. the sale or hire of goods or services on an intermittent or one-time basis;
  - iv. the display of samples, patterns or specimens of goods for the purpose of sale or hire.

But does not include:

- 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;
- 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.

- e) **“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.
- f) **“Council”** means the Municipal Council of the Corporation of the Town of Parry Sound
- g) **“Issuer of Licences”** means the Director of Finance of the Town of Parry Sound or the Municipal Law Enforcement Officer and/or his/her designate.
- h) **“Licensee”** means a person who has been issued a licence pursuant to this by-law.
- i) **“Municipal Law Enforcement Officer”** any person who has been designated by Council to administer and enforce this by-law and includes a Peace Officer.
- j) **“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.
- k) **“Owner - trade, business, occupation”** means the person, company or partnership that carries on the trade, business or occupation and whose name appears on the licence issued by the Issuer of Licences for such trade, business, or occupation pursuant to this by-law.
- l) **“Person”** includes a corporation and its directors and officers, and the heirs, executors, assignees and administrators or other legal representative of an

## The Corporation of the Town of Parry Sound

### By-law 2023 – 7331

individual and their respective successors and assignees.

- m) **“Premise”** means a parcel of real property under registered ownership and includes all buildings or other structures thereon and any vehicle or conveyance used in the operation of the business.
- n) **“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.
- o) **“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.
- p) **“Taxicab Plate”** being the licence issued to each vehicle by the Issuer of Licences.
- q) **“Taxi Driver”** means a person licensed and subject to this by-law to drive or act as a driver of any taxicab.
- r) **“Town”** means the Corporation of the Town of Parry Sound.

## 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:
  - i. Fireworks - refer to Schedule “D”
  - ii. Businesses that operate on a Temporary Basis - refer to Schedule “E”
  - iii. Refreshment Vehicle - refer to Schedule “F”
  - iv. Taxicab and Taxi Driver- refer to attached Schedule “G”
- 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 Corporation of the Town of Parry Sound**

### **By-law 2023 – 7331**

the Applicant prior to the issuance of any such licence.

- 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 is deemed 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 "A", "B" and "C".
- 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 the Town of Parry Sound Fees By-law;
  - ii. A Police Record Check (if required);
  - iii. All necessary documents, 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 for each class of business as set out in Schedule "E"

#### **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. The Police Record Check, where required, reveals a conviction which is cause for refusal to licence or renew based on the policy in Schedule "H";
  - ii. The Driver's Abstract, where required, reveals a conviction which is cause to suspend or for refusal to licence or renew based on the policy in Schedule "H";
  - iii. 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;
  - iv. 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;
  - v. The financial position of the Applicant affords reasonable grounds to believe that the business will not be carried on in a financially responsible manner;
  - vi. 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

## The Corporation of the Town of Parry Sound

### By-law 2023 – 7331

issuing of a licence in respect of the business is not permitted by this by-law; or

- vii. 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
  - viii. There are reasonable grounds to believe that the building, premise 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
  - ix. 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.
  - e) 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.

#### 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

- a) 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,

## The Corporation of the Town of Parry Sound

### By-law 2023 – 7331

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.

- b) At the hearing, the Appeal Committee:
  - i. 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;
  - ii. 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;
  - iii. Shall give due consideration to the submissions made to it;
  - iv. Shall take such action to refuse, suspend or revoke the application or licence, or not to refuse, suspend or revoke the application or licence, as the Committee considers proper in the circumstances;
  - v. 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.
- c) 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.
- d) At the hearing, the onus shall be upon the Applicant or licensee to show cause why:
  - i. The licence applied for should be granted;
  - ii. The licence should not be suspended or revoked;
  - iii. Conditions should not be imposed on the licence.
- e) The decision of the Appeal Committee is final and takes effect upon the rendering of such decision.

### 9. Issuance and Terms of Licences

- a) Taxi licences are issued for a period from March 1 to the last day in February of the following year.
- b) Any other 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.
- c) A licence issued under this by-law is personal to the licensee and cannot be transferred.
- d) 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.
- e) The rights granted by a licence issued under this by-law apply only to the location for which the licence is issued.
- f) 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

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

### **By-law 2023 – 7331**

be required to submit a new application, together with the application fee.

- g) 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.
- h) 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.
- i) 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 premise at all times and shall produce the licence upon request by the Issuer of Licences, Municipal Law Enforcement Officer or an inspector.
- b) Where the licensee does not have a licensed premise, 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 Licences, Municipal 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 Municipal 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.
- b) Upon an inspection under section 11(a), the Municipal 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 Municipal 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.



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

**By-law 2023 – 7331**

from time to time, as may be deemed necessary, to obtain required information substantially as identified in the relevant Schedules as attached.

- c) 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 Schedules to this by-law which relate to such person.

**16. Validity**

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 2006-4937, 2006-5021, 2007-5101, 2010-5484, 2011-5565, 2012-6072, 2012-6164, 2014-6441, 2016-6675, 2020-7039 and any By-law or Resolution deemed to be in contravention of this By-law are hereby revoked.

**18. Effective Date**


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

**READ** a **FIRST** time this 18th day of April, 2023.

  
Deputy Mayor Joe Beleskey

  
Clerk Rebecca Johnson

**READ** a **SECOND** and **THIRD** time, **PASSED, SIGNED** and **SEALED** this 18<sup>th</sup> day of April, 2023.

  
Deputy Mayor Joe Beleskey

  
Clerk Rebecca Johnson

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

**BY-LAW NO: 2023 - 7331**

**Schedule "A"**



**Town of Parry Sound Application for a Business Licence**

Type of Licence (please check)

- Business Operated on a Temporary Basis, Class ( \_\_\_\_\_ ) \_\_\_\_\_
- Refreshment Stand/Vehicle       Mobile       Stationary
- Fireworks Vendor

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

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

Phone #: \_\_\_\_\_ Business Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

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

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

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

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

Date(s) Proposed for Current Year:

\_\_\_\_\_  
\_\_\_\_\_



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

**BY-LAW NO: 2023 - 7331**

**Schedule "A"**

The above information shall be confirmed by photo identification included with a Police Record Check for: Refreshment Vehicles, Owners/agents of Businesses that operate on a Temporary Basis Class 4.

I, \_\_\_\_\_ hereby agree to  
Applicant (please print)

abide by the Business and Taxi Licensing Regs 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 Use Only**

Date: \_\_\_\_\_ Approval Given: \_\_\_\_\_

Notes: \_\_\_\_\_

Planning/Zoning Department: \_\_\_\_\_

Building Department: \_\_\_\_\_

Fire Department: \_\_\_\_\_

By-Law Department: \_\_\_\_\_

Licence Amount: \_\_\_\_\_ Receipt #: \_\_\_\_\_

Approved For Issue By: \_\_\_\_\_

Issuer of Licences Town of Parry Sound

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

**BY-LAW 2023 - 7331**

**Schedule "B"**



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

Initial Application

Renewal

To be completed by person making the application: *(please print)*

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

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

Postal Code: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Owner Information**

Please check one:

Sole Proprietorship:

Partnership:

Corporation

Name of Company: \_\_\_\_\_

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

Postal Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Location of off-street parking: \_\_\_\_\_

Do you hold a current valid Town of Parry Sound Taxicab Driver's Licence?

Yes

No

If yes, Licence Number: \_\_\_\_\_

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

**BY-LAW 2023 - 7331**

**Schedule "B"**

**Vehicle Information**

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_

VIN Number: \_\_\_\_\_ Colour: \_\_\_\_\_

Vehicle Plate Number: \_\_\_\_\_

Parry Sound Taxi Vehicle Licence Number: \_\_\_\_\_

**Insurance Information**

Name of Insurance Company: \_\_\_\_\_

Name of Insurance Broker: \_\_\_\_\_

Policy Number: \_\_\_\_\_ Expiry Date: \_\_\_\_\_

**Undertakings**

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?

Yes

No

**Application for the Taxicab Owner's Licence**

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?

Yes

No

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

**BY-LAW 2023 - 7331**

**Schedule "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?

Yes

No

Do you acknowledge receipt of a copy of the Business Licensing by-law?

Yes

No

Did you read this by-law?

Yes

No

**The following must be provided (Taxicab Owner):**

1. Business Name Registration
2. Vehicle Registration
3. Valid safety standards certificate(s)
4. Valid certificate of insurance (1,000,000.00 liability)
5. Application Fee

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.

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

**BY-LAW 2023 - 7331**

**Schedule "B"**

---

**For Office Use Only**

Documents Received: \_\_\_\_\_ Inspection on: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Inspection by: \_\_\_\_\_

Comments: \_\_\_\_\_

---

---

---



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

**BY-LAW 2023 - 7331**

**Schedule "C"**



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

*To be completed by applicant only - please print.*

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Apartment #: \_\_\_\_\_ City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Date of Birth (D/M/Y): \_\_\_\_\_ Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

Ontario Driver's Licence Number: \_\_\_\_\_

Class: \_\_\_\_\_

Name of the Taxi Company you will be driving for: \_\_\_\_\_

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

Yes                  No

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

Have you previously been licensed as a taxicab driver in Parry Sound or any other Ontario municipalities?                  Yes                  No

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

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

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

\_\_\_\_\_

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

**BY-LAW 2023 - 7331**

**Schedule "C"**

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

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

\_\_\_\_\_

Note: You are not required to disclose any conviction in respect of which a pardon has been granted.

Is your Ontario driver's licence current and valid?            Yes            No

Have you been convicted under the Highway Traffic Act in the past 3 years?

Yes            No

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

\_\_\_\_\_

**The following must be provided:**

1. Valid Ontario driver's licence (minimum age 18 years old)
2. Another form of ID with birthdate (Passport, Birth Certificate, Health Card, etc.)
3. Copy of police record check
4. Completed applicant letter from Taxi Company
5. 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 inquiries to all appropriate authorities regarding my driving and criminal record. The information given by me in this application is true.

\_\_\_\_\_

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. Questions about this collection should be directed to the Freedom of Information and Privacy Coordinator.

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

**BY-LAW 2023 - 7331**

**Schedule "D"**

**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. Store fireworks in amounts exceeding 1,000 kilograms unless the wholesaler or retailer is licensed by the appropriate provincial regulating authority.
  - b. Have in his/her possession within six (6) metres of any fireworks kept or displayed for sale, any lighted: match, lighter, pipe, cigar or cigarette.
  - c. Have in his/her possession within a trailer or within six (6) metres of a trailer in which any fireworks are kept or displayed for sale any lighted: match, lighter, pipe, cigar or cigarette.
  - d. 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 (b) and (c) are prohibited within six (6) metres of the trailer and are posted at every point of access to the trailer;
  - e. 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;
  - f. Permit more than fifteen (15) customers in the trailer at any one time;
  - g. 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**

**BY-LAW 2023 - 7331**

**Schedule "D"**

4. Every person shall in any trailer erect pylons or snow fence to form and maintain a twenty (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 the 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. 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.
8. 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**

**BY-LAW 2023 - 7331**

**Schedule "E"**

**Relating to Businesses that Operate on a Temporary Basis.**

**1. The classes of "Business Operated on a Temporary Basis" shall include the following:**

- i. Class 1 "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.
- ii. Class 2 "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.
- iii. Class 3 "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.
- iv. Class 4 "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.
- v. Class 5 "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.
- vi. Class 6 "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.

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

**BY-LAW 2023 - 7331**

**Schedule "E"**

- vii. Class 7 "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 only be issued under the following conditions:
  - i. The Town of Parry Sound Zoning By-law permits the sale of goods, wares or merchandise from the location;
  - ii. The Applicant provides, as part of the application for such licence;
    - i. A description of the goods, wares, food or merchandise being sold;
    - ii. Identification satisfactory to the Issuer of Licences;
    - iii. Written permission of the property owner from which the vendor intends to sell his goods, wares, food or merchandise;
    - iv. A drawing (site plan) of the property clearly identifying the exact location on which the vendor will set up;
    - v. A Police Record Check for Class 4 "Antique/Collectible Show";
  - iii. The Applicant clearly indicates 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;
  - iv. 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 3 "Trade Shows" and Class 5 "Event Sales"), 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

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

## **BY-LAW 2023 - 7331**

### **Schedule "E"**

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 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 thirty (30) metres of any school grounds unless written acknowledgement 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, food or merchandise, 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 requirements of a business licence under this by-law.

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

**BY-LAW 2023 - 7331**

**Schedule "E"**

8. The sale of farmer's 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.



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

**BY-LAW 2023 - 7331**

**Schedule "F"**

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

**Licensing Requirements**

1. No licence shall be issued to the owner of a Refreshment Vehicle unless:
  - a. The Town Zoning By-law permits the sale of refreshments from that location;
  - b. The Applicant shall, as part of the application for such licence provide:
    - i. A description of goods, wares, merchandise or food being sold;
    - ii. Identification satisfactory to the Issuer of Licences;
    - iii. Certificate of Insurance in the amount of \$1,000,000 public liability coverage with respect to the Refreshment vehicle operation;
    - iv. Written permission of the property owner from which the vendor intends to sell his goods, wares, merchandise or food;
    - v. A drawing (site plan) of the property clearly identifying the exact location on which the vendor will set up;
    - vi. A police record check.
  - c. The Medical Officer of Health or his/her 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;
  - d. 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;
  - e. The applicant provides an annual safety certificate of such propane components of the vehicle by a certified and registered gas fitter;
  - f. 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.
  - g. The Applicant, of a motorized unit, shall provide:
    - i. Annual copy of 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;

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

## **BY-LAW 2023 - 7331**

### **Schedule "F"**

- 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 or Town park unless Council has granted permission.
3. No person shall operate a Refreshment Vehicle at a distance of twenty-three (23) metres 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 with thirty (30) metres of any school grounds unless written acknowledgement 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 is equipped with an approved hood and fire suppression system and a Type K portable fire extinguisher.
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 six (6) pounds 40 BC and mounted no higher than one and a half (1.5) metres 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.

# THE CORPORATION OF THE TOWN OF PARRY SOUND

## BY-LAW 2023 - 7331

### Schedule "G"

#### Taxi 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 for each vehicle; and
    - 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 licensed as a taxicab; and
    - 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) The name and address of the taxicab owner he/she 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 CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW 2023 - 7331**

**Schedule "G"**

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/her 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 is insured for public liability property damage and passenger hazard, with a minimum of \$1,000,000 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 Municipal 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 CORPORATION OF THE TOWN OF PARRY SOUND

### BY-LAW 2023 - 7331

#### Schedule "G"

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 in accordance with the 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 persons with 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, Municipal Law Enforcement Officer and a police officer; and
  - 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; and

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

### **BY-LAW 2023 - 7331**

#### **Schedule "G"**

- c) Take the most direct route possible to the requested destination unless specifically requested by the passenger to take another route;
- d) 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;
- e) 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.
- f) 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;
- g) Upon changing his address, within seven (7) days, notify the Issuer of Licences of the change of address;
- h) Be neat and clean in his person and appearance;
- i) Be familiar with the provisions of this By-law, laws and regulations relating to traffic and the geography of the Town;
- j) 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

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

**BY-LAW 2023 - 7331**

**Schedule "G"**

**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.
  - c) Smoke while in taxicab or place of business
  - d) Allow any immoral, indecent or disorderly conduct in his taxicab.
  - e) Carry any passenger other than those employing his services, unless authorized by the registered owner of the taxicab he is driving.
  - f) 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.
  - g) 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 for 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 that 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.

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

## **BY-LAW 2023 - 7331**

### **Schedule "G"**

11. All taxicabs shall be properly marked so as to be readily identifiable as a taxicab in accordance with the following:
  - a) 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.
  - b) Bear the name of the taxicab owner on the roof sign;
  - c) 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.
  - d) Prominently display on the rear bumper of each taxicab a Taxi License date 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)*.
12. There shall be sixteen (16) Taxicab Licences issued by the Issuer of Licences - Two (2) of the sixteen (16) will be designated for accessible taxicabs.
13. 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**

14. 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**

15. 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)*.



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

**BY-LAW 2023 – 7331**

**Schedule “H”**

**Threshold for Denial of a Business License Policy**

**Policy:**

The Town of Parry Sound Business Licensing By-law requires certain classes of businesses to submit a Police Record Check as a part of their licence application. Certain classes of business licences also require the review of an applicant’s Driver’s Abstract. When a Police Record Check or Driver’s Abstract reveals prior convictions there must be a framework against which these offences are considered to determine if it is in the interest of the public for this individual to hold a licence. Based on the information in the Police Record Check or Driver’s Abstract an individual may be refused a licence or have a licence revoked.

**Purpose:**

To provide a document which will outline when a business licence should be denied or revoked based upon information provided on a Police Record Check or Driver’s Abstract that is required as a part of the application or renewal process.

A detailed list of offences has been included in the procedure for which a Business Licence would be denied or revoked. Criminal offences which have occurred within the last 10 years are taken into consideration. Criminal offences that have occurred more than 10 years prior will only be taken into consideration if they are an offence referred to in Schedule 1 of the Criminal Records Act or there are more than three convictions on their record, each with a sentence of two years or more. These guidelines are in line with an individual’s eligibility for a pardon. The time frame of 10 years was used since that is the longest period of time applicable before being eligible to apply for a pardon. Pardon eligibility is based on the method of trial, if an offence was prosecuted by indictment or is punishable on summary conviction. Since that information is not provided on a Police Record Check it was

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

**BY-LAW 2023 – 7331**

**Schedule “H”**

determined that the longest eligibility period would be the most prudent time frame to use when considering prior convictions.

For Highway Traffic Act offences, the timeframe to use when considering prior convictions will be 3 years as the information available on a Drivers Abstract is only from the prior 3 years. Drivers Abstracts are only reviewed for those applicants that will be operating a vehicle under their business licence.

**Procedure:**

The policy will apply to licences issued by the Town of Parry Sound pursuant to the following Schedules under the Business Licensing and Taxi Regs Bylaw;

Temporary Business Vendor	Schedule “E”
Refreshment Vehicles	Schedule “F”
Taxicab and Taxi Driver	Schedule “G”

1. The Town of Parry Sound Business Licensing and Taxi Regs By-law, as amended, requires a Police Record Check to be completed before the issuance of the above-mentioned Licences. Further, in some instances a Vulnerable Sector Check and/or Drivers Abstract is required as well. Please refer to the individual licensing schedules.
2. Pursuant to Section 6, the Issuer of Licences has authority to refuse or suspend a business license. The Issuer of Licences will refuse to issue, or will revoke, a business licence if the applicant’s Police Record Check reveals any offences detailed in the following charts that occurred within the last 10 years. Prior convictions of Schedule 1 offences of the Criminal Records Act or more than three convictions, each with a sentence of two years or more, will be looked at regardless of the time frame

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

**BY-LAW 2023 – 7331**

**Schedule “H”**

and would also be grounds for refusal or revocation of a licence. The Issuer of Licences will refuse to issue, or will revoke, a business licence if the applicant’s Drivers Abstract reveals any offences detailed in the following charts that occurred within the last 3 years. Drivers Abstracts only provide a 3-year history of offences. The Issuer of Licences will refuse to issue or will revoke the licence in accordance with the procedures set out in the by-law.

3. The applicant has the right to appeal the decision of the Issuer of Licences. The procedure for an appeal is outlined in the by-law and will be heard by the Town of Parry Sound Council.

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

**BY-LAW 2023 – 7331**

**Schedule “H”**

<b>Criminal Code Offences</b>	<b>Description</b>
<b>Sexual Offences (minors)</b>	<b>Interference, invitation, exploitation, procuring sexual activity (parent or guardian), permitting sexual activity (householder) corrupting children, luring a child, exposure, incest (with minor)</b>
<b>Terrorism</b>	<b>Providing, collecting property; using, possessing property; providing, making available property.</b>
<b>Homicide</b>	<b>Homicide, manslaughter, infanticide, murder, attempt to commit, accessory</b>
<b>Major Assault and Sexual Offences</b>	<b>Sexual Assault with a weapon, causing bodily harm, aggravated, assault with a weapon, causing bodily harm.</b>
<b>Sexual offences (against person other than minor)</b>	<b>Exploitation of persons with a disability, incest, indecent act, sexual assault.</b>
<b>Confinement</b>	<b>Kidnapping, hostage taking, abduction</b>
<b>Hate propaganda</b>	<b>Advocating genocide, public incitement of hatred.</b>
<b>Robbery, extortion</b>	<b>All offences</b>
<b>Criminal Organization</b>	<b>Participating in activities of</b>
<b>Criminal Negligence</b>	<b>Criminal Negligence, causing death, causing bodily harm.</b>
<b>Assault</b>	<b>Assault, assault of a Peace Officer</b>
<b>Noxious thing, poison</b>	<b>Administering to harm.</b>
<b>Harassment, threats</b>	<b>Criminal Harassment, uttering threats</b>
<b>Explosives</b>	<b>Using, possessing</b>
<b>Weapons</b>	<b>Possession, carrying, trafficking</b>
<b>Firearms</b>	<b>Using in commission of offence, careless use, pointing, possession, acquisition without certificate, causing bodily harm with intent (firearm, air gun, or pistol)</b>
<b>Theft offences</b>	<b>All offences</b>
<b>Forgery offences</b>	<b>All offences</b>
<b>Break and Enter</b>	<b>Break and Enter</b>

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

**BY-LAW 2023 – 7331**

**Schedule “H”**

<b>Crime-possession of property</b>	<b>Possession of property obtained by crime.</b>
<b>Fraud</b>	<b>Fraud offences, falsifying documents</b>
<b>Arson</b>	<b>All offences</b>
<b>Counterfeit money</b>	<b>Uttering, advertising, dealing</b>
<b>Criminal Code Offences</b>	<b>Description</b>
<b>Proceeds of Crime</b>	<b>Laundering</b>
<b>Noxious thing, poison</b>	<b>Administering to annoy, to aggrieve</b>
<b>Conspiracy</b>	<b>Conspiracy to commit an indictable offence</b>
<b>Prostitution</b>	<b>Offences related to</b>
<b>Bawdy House</b>	<b>Keeping, transporting persons to, procuring</b>
<b>Operation of a motor vehicle, vessel or aircraft</b>	<b>Dangerous operation, failing to stop for police, failure to stop at a scene of accident, operation while impaired, operation with more than 80 milligrams of alcohol in blood, driving while disqualified.</b>
<b>Controlled Drugs and Substances Act Offences</b>	<b>Description</b>
<b>Possession</b>	<b>Possession</b>
<b>Trafficking</b>	<b>Of Schedule I or II substance Of Schedule III substance Of Schedule IV substance</b>
<b>Importing, Exporting</b>	<b>Of Schedule I or II substance Of Schedule III substance Of Schedule IV substance</b>

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

**BY-LAW 2023 – 7331**

**Schedule “H”**

<b>Production</b>	<b>Of Schedule I or II substance (except marijuana) Of marijuana Of Schedule III substance Of Schedule IV substance</b>
<b>Highway Traffic Act</b>	<b>Description</b>
<b>License suspension</b>	<b>Driving while license suspended</b>
<b>Stunt Driving, Speeding</b>	<b>Exceeding speed by 50km/hr or More than 5 speeding convictions within 3 years.</b>
<b>Careless</b>	<b>Careless Driving</b>
<b>Fail to remain</b>	<b>Fail to remain at the scene of an accident</b>
<b>Fail to stop</b>	<b>Fail to stop when signaled or requested by a police officer Fail to stop for school bus</b>
<b>No insurance</b>	<b>Driving with no insurance</b>

**Attachments:**

**CRIMINAL RECORDS ACT (R.S.C., 1985, c. C-47)**

**SCHEDULE 1(Subsections 4(2), (3) and (5))**

**1 Offences**

**(a)** under the following provisions of the [\*Criminal Code\*](#):

- (i)** section 151 (sexual interference with a person under 16),
- (ii)** section 152 (invitation to a person under 16 to sexual touching),
- (iii)** section 153 (sexual exploitation of a person 16 or more but under 18),
- (iv)** subsection 160(3) (bestiality in the presence of a person under 16 or inciting a person under 16 to commit bestiality),
- (v)** section 163.1 (child pornography),
- (vi)** section 170 (parent or guardian procuring sexual activity),
- (vii)** section 171 (householder permitting sexual activity),

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

## **BY-LAW 2023 – 7331**

### **Schedule “H”**

- (vii.1)** paragraph 171.1(1)(a) (making sexually explicit material available to child under 18 for purposes of listed offences),
- (vii.2)** paragraph 171.1(1)(b) (making sexually explicit material available to child under 16 for purposes of listed offences),
- (vii.3)** paragraph 171.1(1)(c) (making sexually explicit material available to child under 14 for purposes of listed offences),
- (viii)** section 172 (corrupting children),
- (ix)** section 172.1 (luring a child),
- (ix.1)** paragraph 172.2(1)(a) (agreement or arrangement — listed sexual offence against child under 18),
- (ix.2)** paragraph 172.2(1)(b) (agreement or arrangement — listed sexual offence against child under 16),
- (ix.3)** paragraph 172.2(1)(c) (agreement or arrangement — listed sexual offence against child under 14),
- (x)** subsection 173(2) (exposure),
- (xi) to (xiii)** [Repealed, 2014, c. 25, s. 35]
- (xiv)** paragraph 273.3(1)(a) (removal of child under 16 from Canada for purposes of listed offences),
- (xv)** paragraph 273.3(1)(b) (removal of child 16 or more but under 18 from Canada for purpose of listed offence),
- (xvi)** paragraph 273.3(1)(c) (removal of child under 18 from Canada for purposes of listed offences),
- (xvi.1)** section 279.011 (trafficking — person under 18 years),
- (xvi.2)** subsection 279.02(2) (material benefit — trafficking of person under 18 years),
- (xvi.3)** subsection 279.03(2) (withholding or destroying documents — trafficking of person under 18 years),
- (xvi.4)** subsection 286.1(2) (obtaining sexual services for consideration from person under 18 years),
- (xvi.5)** subsection 286.2(2) (material benefit from sexual services provided by person under 18 years),
- (xvi.6)** subsection 286.3(2) (procuring — person under 18 years),

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

## **BY-LAW 2023 – 7331**

### **Schedule “H”**

(xvii) paragraph 348(1)(a) with respect to breaking and entering a place with intent to commit in that place an indictable offence listed in any of subparagraphs (i) to (xvi), and

(xviii) paragraph 348(1)(b) with respect to breaking and entering a place and committing in that place an indictable offence listed in any of subparagraphs (i) to (xvi);

(b) under the following provisions of the Criminal Code, R.S.C. 1970, c. C-34, as that Act read before January 1, 1988:

(i) subsection 146(1) (sexual intercourse with a female under 14),

(ii) subsection 146(2) (sexual intercourse with a female 14 or more but under 16),

(iii) section 151 (seduction of a female 16 or more but under 18),

(iv) section 166 (parent or guardian procuring defilement), and

(v) section 167 (householder permitting defilement);

(b.1) under the following provisions of the Criminal Code, as they read from time to time before the day on which this paragraph comes into force:

(i) subsection 212(2) (living on the avails of prostitution of person under 18 years),

(ii) subsection 212(2.1) (aggravated offence in relation to living on the avails of prostitution of person under 18 years), and

(iii) subsection 212(4) (prostitution of person under 18 years);

(c) that are referred to in paragraph (a) and that are punishable under section 130 of the National Defence Act;

(d) that are referred to in paragraph (b) and that are punishable under section 120 of the National Defence Act, R.S.C. 1970, c. N-4; and

(e) of attempt or conspiracy to commit an offence referred to in any of paragraphs (a) to (d).

#### **2 Offences**

(a) involving a child under the following provisions of the Criminal Code:

(i) section 153.1 (sexual exploitation of a person with a disability),

(ii) section 155 (incest),

(iii) section 162 (voyeurism),

(iv) subsection 163(1) (obscene materials),

(v) paragraph 163(2)(a) (obscene materials),

(vi) section 168 (mailing obscene matter),



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

## **BY-LAW 2023 – 7331**

### **Schedule “H”**

- (vii) subsection 173(1) (indecent acts),
  - (viii) section 271 (sexual assault),
  - (ix) subsection 272(1) and paragraph 272(2)(a) (sexual assault with firearm),
  - (x) subsection 272(1) and paragraph 272(2)(b) (sexual assault other than with firearm),
  - (xi) section 273 (aggravated sexual assault),
  - (xii) paragraph 348(1)(a) with respect to breaking and entering a place with intent to commit in that place an indictable offence listed in any of subparagraphs (i) to (xi), and
  - (xiii) paragraph 348(1)(b) with respect to breaking and entering a place and committing in that place an indictable offence listed in any of subparagraphs (i) to (xi);
- (b) involving a child under the following provisions of the Criminal Code, R.S.C. 1970, c. C-34, as that Act read before January 1, 1988:
- (i) section 153 (sexual intercourse with stepdaughter, etc., or female employee), and
  - (ii) section 157 (gross indecency);
- (c) involving a child under the following provisions of the Criminal Code, R.S.C. 1970, c. C-34, as that Act read before January 4, 1983:
- (i) section 144 (rape),
  - (ii) section 145 (attempt to commit rape),
  - (iii) section 149 (indecent assault on female),
  - (iv) section 156 (indecent assault on male),
  - (v) section 245 (common assault), and
  - (vi) subsection 246(1) (assault with intent to commit an indictable offence);
- (d) that are referred to in paragraph (a) and that are punishable under section 130 of the National Defence Act;
- (e) that are referred to in paragraph (b) or (c) and that are punishable under section 120 of the National Defence Act, R.S.C. 1970, c. N-4; and
- (f) of attempt or conspiracy to commit an offence referred to in any of paragraphs (a) to (e).