

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 122-2022

A By-law to provide for the licensing, regulating and governing of certain businesses, activities and undertakings in the City of Vaughan, and to repeal by-law 315-2005 and all its amending by-laws.

WHEREAS subsection 5(3) of the *Municipal Act, 2001, S.O. 2001, c. 25* (“*Municipal Act*”), as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 8(1) of the *Municipal Act* provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act* provides that a by-law may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licences respecting the matter;

AND WHEREAS subsection 11(1) of the *Municipal Act* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 151(1) of the *Municipal Act* provides that a municipality may license, regulate and govern any business, activity or undertaking wholly or partly carried on within the municipality, including refusal to grant a licence, revoking a licence, or suspending a licence;

AND WHEREAS subsection 151(2) of the *Municipal Act* provides that if the continuation of a business poses an immediate danger to the health or safety of any person or to any property, the municipality may, for the time and on such conditions as it considers appropriate, without a hearing, suspend a licence;

AND WHEREAS the Council for the City of Vaughan has determined that it is appropriate to license, regulate and govern certain classes of business and to impose conditions on certain classes of business carried on either wholly or partly within the municipality, even if the business is carried on from a location outside of the municipality, for one or more of

the following purposes: a) Health and Safety: businesses, activities or undertakings that could result in a hazardous condition, injury or loss; b) Nuisance Control: businesses, activities or undertakings that could adversely affect the quality of life of any person; or c) Consumer Protection: the prevention of an unfair or potentially unfair business practice(s) that could result in a loss on the part of a consumer;

AND WHEREAS the Council for the City of Vaughan has determined that it is appropriate to license and regulate, including the imposition of conditions, certain classes of businesses, as set out in Schedule "A" attached to this By-law;

AND WHEREAS Council wishes to consolidate all of the previous business licensing by-laws into one comprehensive by-law;

NOW THEREFORE the Council of The Corporation of City of Vaughan ENACTS AS FOLLOWS:

1.0 Short Title

(1) This By-law shall be known and referenced as the "Business Licensing By-law".

2.0 Applicability and Scope

(1) This by-law shall apply to the whole of the *City of Vaughan*. The intent of the by-law is to regulate all businesses, activities and undertakings, *Owner, Operators, attendants, drivers and vehicles* that are or were in existence, carrying on business, providing *Services* and/or operating in any manner whatsoever within the *City*, whether before or after this By-law comes into force, and as a result of such conduct required or require a licence under this By-law or any of the *City's* previous licensing by-laws.

(2) For the purposes of subsection 23.2(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, which authorizes a municipality to delegate quasi-judicial powers to *City* staff and its agents, it is the opinion of *Council* that the powers delegated to the *Chief Licensing Officer, the Screening Officer and the Hearings Officer*, pursuant to this By-law, are of a minor nature.

2.1 Transition

(1) Notwithstanding the repeal of By-law 315-2005, as amended, said by-law shall continue to apply to any acts, omissions, occurrences, or offences for which charges were laid prior to the enactment of this By-law.

- (2) Where a Notice, fine or other penalty has been issued under any by-law repealed by this By-law, an Officer may issue for the corresponding contravention a Notice, fine or other penalty under the provisions of this By-law, with due consideration for any action taken under such previous by-laws.
- (3) Subject to section 2.1(1), an existing contravention of any provision of this By-law, regardless of whether the contravention occurred prior to the enactment of this By-law, shall be subject to all of its provisions.
- (4) Where any signage or public notice that prohibits or otherwise regulates any action governed by this By-law makes reference to a by-law other than this By-law, such signs or public notices shall be interpreted to reference the corresponding or relevant provisions of this By-law.

2.2 Severability

- (1) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of the *Council* of the *City of Vaughan* in enacting this By-law that the remainder of this By-law shall continue to be in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.

3.0 Definitions and Interpretation

- (1) In this By-law:
 - “Accessible Taxi” means a *Motor Vehicle* which can be used for the transportation of *Passengers* unable to board regular vehicles due to physical disability, and for transporting of *Passengers* in wheelchairs for hire or reward and which has been approved by the *Chief Licensing Officer* for this purpose;
 - “Accessible Taxicab Driver” means the *Operator* of an *Accessible Taxi* who holds and maintains or is required to hold and maintain a *City of Vaughan Accessible Taxi Licence* and who transports ambulatory and/or non-ambulatory *Passengers* from any point within the *City of Vaughan* to any other point;
 - “Accessible Taxi Owner” means the *Owner* of an *Accessible Taxi* who is licensed or required to be licensed under the provisions of this By-law;
 - “Additional Fees” means a fee, in addition to the licence fee, imposed by the *City* on a licensee at any time during the term of the licence for costs incurred by the

City attributable to the activities of the *Licensee*;

“Adult Entertainment Attendant” means a *Person* who, in pursuance of a business, activity or undertaking, provides *Services Designed to Appeal to Erotic or Sexual Inclinations* at an *Adult Entertainment Parlour*, and who is licensed or required to be licensed as an *Adult Entertainment Attendant* under the provisions of this By-law;

“Adult Entertainment Parlour Operator” includes a *Person* who is licensed or required to be licensed under the provisions of this By-law, and/or who alone or with others, operates, manages, supervises, runs or directs the business, activity or undertaking carried on at an *Adult Entertainment Parlour* and “operate”, “operation” and other words of like import or intent shall be given a corresponding meaning;

“Adult Entertainment Parlour Owner” means a *Person* who alone or with others *Owns* and/or has the ultimate control over and/or who directs the operation of the business, activity or undertaking carried on at an *Adult Entertainment Parlour* and includes a lessee, tenant, or licensee of the *Premises* from which the *Adult Entertainment Parlour* is operated, and the words *Own*, *Ownership* and words of like import or intent shall be given corresponding meaning;

“Adult Entertainment Parlour” means any *Premises* or part thereof where goods, entertainment or *Services* that are designed to appeal to erotic or sexual appetites or inclinations are provided, in pursuance of a business, activity or undertaking carried on in or operated from the *Premises* or part of the *Premises*;

“Adult Video Store” or “Adult Videotape Store” is a class of *Adult Entertainment Parlour* as defined in subsection 150 (2) of the Municipal Act, 2001, as amended, and includes any *Premises*:

- (a) where more than ten (10) percent of the entire area of the *Premises* is devoted to the provision, display, storage, sale or rental of *Adult Videotapes*;
- (b) in respect of which entry by persons under the age of eighteen (18) years is prohibited or where it is advertised or notice is given that such entry is prohibited; or
- (c) in respect of which it is advertised or notice is given by signs or other

advertising devices on or in the *Premises*, or otherwise, that the *Premises* is an *Adult Video Store* or an *Adult Videotape Store*, or otherwise described by words of like meaning;

“Adult Videotape” means:

- (a) any video tape, digital video disc, or other form of electronic recorded medium, the content of which is designed or held out as designed, to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject-matter distinguished or characterized by the portrayal of one or more persons involved or engaging in *Specified Sexual Activities*, or by an emphasis on the display of human *Specified Body Areas*; and
- (b) in the absence of evidence to the contrary, a videotape, digital video disc, or other form of electronic recorded medium classified by the Ontario Film Review Board as “restricted”, with the added information piece “adult sex film”, shall be deemed to be an *Adult Videotape*, while a videotape without such classification and information piece shall be deemed not to be an *Adult Videotape*;

“Adult Videotape Area” means an identifiable part of any *Premises*, which part is used for the provision, display, exhibition, or viewing of *Adult Videotapes*;

“Amusement Machine” means any mechanical, electronic, computerized machine or device, pinball or video game or terminal, television game or any other similar device offered for use to the public for profit or gain;

“Animal Services” means Vaughan Animal Services under the direction of the Director of By- law & Compliance, Licensing & Permit Services;

“Applicant” means a *Person* seeking to become licensed under this By-law (i.e., a Licensee) and, either in *Person* or through an *Authorized Agent*, makes such an application;

“Arcade” means a building or part of a building where at least three (3) mechanical, electronic or computerized machines, intended for use as a game, entertainment or amusement and including pinball machines, television games, shooting galleries, video games and other similar machines but not including machines used

exclusively for vending merchandise or *Services* or playing recorded music, are available for use by the public;

“Auction” and “Public Auction” means a sale of goods, wares, *Services*, merchandise, animals or *Land* where the public is invited to make competitive bids and the object or other property for sale is secured by the highest bidder, and *Auction* shall include events where the proceeds are intended to be donated to a *Charitable Organization*;

“Auctioneer” means a *Person* who sells goods, wares, *Services*, merchandise, animals or *Land* by a bidding process, who holds and maintains or is required to hold and maintain a valid *City of Vaughan Auctioneer’s* licence;

“Auction Hall” means any building or structure either owned or leased by or on behalf of an *Auctioneer* for the holding of *Auctions* or *Public Auctions*;

“Authorized Agent” means a *Person* authorized in writing by an *Applicant* or *Licensee* to act on behalf of such *Applicant* or *Licensee* for the identified purpose of making an application, renewing a licence, or otherwise complying with the provisions of the By-law;

“Autobody Repair Shop” means a building or place used for the care and major repair of *Motor Vehicles* including bodywork and paintwork, but not including a motor vehicle sales establishment;

“Automobile Service Station” means any *Premises*:

- (a) where gasoline or other motor fuels are kept for sale and for delivery directly into a *Motor Vehicle*;
- (b) for the performance of minor running repairs essential to the actual operation of *Motor Vehicles* and for the sale to the motoring public of goods usual to the trade; but,
- (c) does not include a motor vehicle sales establishment, a *Public Garage*, *Car Wash* or an *Autobody Repair Shop*;

“Banquet Hall” means a building or part thereof used for the purpose of entertaining a large assembly of people, where food and liquor may be provided, and may include an *Eating Establishment* as an accessory use;

“Billiard Hall” means any *Premises* or part thereof upon which is kept for hire,

amusement, gain or profit one or more *Billiard Table*;

“Billiard Table” includes a pool table, table soccer, table hockey or table or other games of a similar nature;

“Boulevard” means all the parts of the *Highway*, save and except the *Sidewalk* and street;

“Body Rub” is an activity where the primary function is the kneading, manipulation, rubbing, massaging, touching or stimulating by any means by at least one *Person* of at least one other *Person*’s body or part thereof, but does not include medical or therapeutic treatment given by a *Person* otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario;

“Body Rub Parlour Attendant” or “Attendant” (as context dictates) means a *Person*, in pursuance of a business, activity or undertaking, provides *Services* at a *Body Rub Parlour* and holds and maintains or is required to hold and maintain a valid *City of Vaughan Body Rub Attendant* licence;

“Body Rub Parlour Operator” or “Operator” (as context dictates) includes a *Person* who is licensed or required to be licensed under the provisions of this By-law, and/or who alone or with others, operates, manages, supervises, runs or directs the business, activity or undertaking carried on at a *Body Rub Parlour* and “operate”, “operation” and other words of like import or intent shall be given a corresponding meaning, as context requires;

“Body Rub Parlour Owner” or “Owner” (as context dictates) means a *Person* who alone or with others *Owns* and/or has the ultimate control over and/or who directs the operation of the business, activity or undertaking carried on at a *Body Rub Parlour* and includes a lessee, tenant or licensee of the *Premises* from which the *Body Rub Parlour* is operated and *Own*, *Ownership* and words of like import or intent shall be given corresponding meaning, as context requires;

“Body Rub Parlour” includes any *Premises* or part thereof where a *Body Rub* is performed *Offered* or *Solicited* in pursuance of a business, activity or undertaking, but does not include any *Premises* or part thereof where massages are performed for the purposes of medical or therapeutic treatments by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario;

“Breeding” means the generating of offspring resulting in quality of bloodlines as in *Purebred*;

"Business" includes a business, activity or undertaking, a trade, calling, occupation, exhibition, concert, festival or other organized public amusement held for profit or otherwise, a *Place of Amusement*, the intermittent sale or hire of goods or *Services*, the one-time only sale or hire of goods or *Services*, the display of samples/ specimens or other goods for purposes of sale or hire, but "business" does not include any business licensed, governed or wholly regulated by any other By-law of the *City*;

“Car Brokerage” means a building or part of a building used for sales, leasing, and/or rental of *Passenger Motor Vehicles*, and shall not include the sale of automotive parts, mechanical repairs, or auto body repairs, or the outdoor display or storage of *Motor Vehicles*;

“Carrying on or Engaging in the Business of”, when used in relation to *Refreshment Vehicles*, taxis or *Accessible Taxis*, includes the idling, parking or stopping of the vehicle when it is generally assumed that the *Services* of such vehicle are for hire or available for purchase;

“Car Wash” means a building or part thereof used for the operation of automobile wash equipment, with a capacity to wash more than ten (10) cars per hour, and includes coin- operated automobile washing establishments;

"Cat" means any member of the species *felis catus* or *felis domesticus*;

"Charitable Organization" means a charitable or not for profit organization whether or not incorporated, where all the resources of which are devoted to non-profit or charitable activities carried on by the organization itself or by the organization in combination with other organizations and where no part of the profits earned by the organization are payable to or otherwise available for the personal benefit of any *Owner*, member, director or shareholder thereof;

“Chief Building Official” means the officer or employee of the *City of Vaughan* appointed by *Council* as Chief Building Official pursuant to the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;

“Chief Fire Official” means the Chief of the Fire Department for the *City of Vaughan*,

or a *Person* designated to act on his or her behalf;

"Chief Licensing Officer" means the *Director* or designate who is responsible for the administration of the provisions of this By-law;

"Chief of Police" means the Chief of Police of the York Regional Police Department or a *Person* designated to act on his or her behalf;

"City" or "City of Vaughan" means The *Corporation* of the City of Vaughan in the Regional Municipality of York or the geographic area of the City of Vaughan, as the context requires;

"City-Approved Professional Association" or "CAPA" means an association representing an industry group of *Fence Installers, Landscapers, Pavers, Pool Installers, or Renovators*, as defined in this By-law, that has met the requirements established by the *Director* for becoming a City-Approved Professional Association;

"City Property" means all real property, personal property, chattels or other assets, tangible or intangible, owned and/or controlled by the *City*;

"Clerk" means the Clerk of the *City*, as appointed under the authority of the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

"Clothing Donation Drop Box" means any receptacle used for the purpose of collecting clothing, donated by the public, on an ongoing basis and as part of the regular activity of the *Operator* which is a *Charitable Organization*, registered in accordance with the Income Tax Act (R.S.C., 1985, c. 1 (5th Supp.));

"Collision" means the unintended contact resulting from the motion of a *Motor Vehicle* and/or its load;

"Collision Scene" means the general location or place where a *Collision* occurred;

"Commercial Breeding Kennel" means any *Kennel* used for the keeping of four (4) or more *Dogs* and/or *Cats* but does not include a veterinary clinic;

"Consumer Fireworks" means low hazard fireworks, generally having a recreational use, as classified and defined in the Explosives Regulations, C.R.C. c. 599, and any amendments or successor Regulations, made under the *Explosives Act*, R.S. 1985, c. E-17, as amended, including but not limited to fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles,

volcanoes, sparklers, Christmas crackers and caps for toy guns, but excluding *Display Fireworks* and *Prohibited Fireworks*, as such terms are defined in this By-law, and highway flares, fuses or other small distress signals;

“Corporation” means a body corporate incorporated pursuant to the Business Corporations Act, R.S.O.1990 c. B. 16, as amended, or the Corporations Act, R.S.O 1990, c. C. 38, as amended;

“Council” means the Council for the *City*;

“Customer” includes any *Person* seeking, *Soliciting*, receiving or requesting the *Services* provided at any business or provided by any *Person* at such business and shall include but not be limited to *Adult Entertainment Parlours* and *Body Rub Parlours*;

“Director” means the Director of By-law & Compliance, Licensing & Permit *Services* of the *City of Vaughan* or his or her designate;

"Display Fireworks" means high hazard fireworks as defined in the Explosives Regulations, C.R.C. c. 599, and any amended or successor Regulations, made under the Explosives Act, R.S. 1985, c. E-17, as amended, including but not limited to rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illuminations, set pieces and pigeons, but excluding *Consumer Fireworks* and "Prohibited Fireworks", as such terms are defined in this By-law;

“Dog” means any member of the species *canis familiaris*;

“Dog Owner” means a *Person* who *Owns*, possesses, harbours or has the care and control of a *Dog* and where such *Person* is a minor it shall mean the *Person* who is responsible for the custody of that minor;

“Domestic Animal” means a *Dog*, *Cat* or other pet generally understood to be domesticated and typically kept indoors at a residential dwelling;

“Driveway” has the same meaning as defined in the *City of Vaughan’s* Parking By-law 064-2019, as amended, or its successor by-law;

“Driving School” means a place used to teach or give instruction in the operation of a *Motor Vehicle* and which employs persons to teach or give instruction in the operation of a *Motor Vehicle*;

“Driving School Instructor Owner” means the *Owner* of a vehicle(s) used to teach or give instruction in the operation of a *Motor Vehicle*, who is licensed or required to be licensed under this By-law;

“Driving School Driver Instructor” means any *Person* who teaches or gives instruction from within a *Motor Vehicle* to any other *Person* on how to drive or operate a *Motor Vehicle*;

“Drop Fee” means any fee or commission paid to the *Owner* or *Operator* of a *Tow Truck* or to a *Tow Truck Brokerage* in return for the towing or otherwise conveying of a vehicle to a particular place, other than or in addition to the amount to which the *Owner* or *Operator* of such *Tow Truck* is authorized to charge to the *Hirer* in accordance with provisions of this By-law;

“Drycleaner / Laundromat” means the business of dry cleaning, dry-dyeing, cleaning, pressing, spot or stain removal or other similar applications to clothing, fabric or material, or the business of washing or drying of clothing, fabric or material, or any *Premises* or part thereof where any such activities are carried on;

“Dry Cleaning Depot” means any *Premises* or part thereof used for the purpose of collecting, receiving or returning clothing, fabric or material upon which dry-cleaning, dry-dyeing, cleaning, pressing and spot or stain removal or other similar application is to be or has been done, whether or not such dry cleaning depot is part of or connected with *Premises* wherein such work is carried out;

“Dwelling Unit” means a room or suite of two (2) or more rooms, designated or intended for use by an individual, family or other persons, in which sanitary conveniences are provided and facilities are provided for cooking or the installation of cooking equipment;

“Eating Establishment” means a building or place where food and drink are prepared and offered for sale and served at the same table or counter where the food and drink are ordered and are to be consumed and shall include but not be limited to, cafeteria-style, buffet, self service, or take out facilities, and includes *Eating Establishment, Convenience, Eating Establishment, Convenience with Drive-through and Eating Establishment, Takeout*, but shall not include a *Banquet Hall* as an accessory use;

“Eating Establishment, Convenience” means a building or place having seating of not less than twenty-four (24) seats, where food and drink are prepared and offered for sale on a cafeteria style, buffet or self service basis for consumption within or outside of such building or place, and where *Customers* do not eat at the same table or counter at which the food is ordered and/or obtained. Such establishments may include take out and/or delivery *Services*, and an outdoor patio as an accessory use thereto; and may be accessory to a bakery and/or delicatessen use, notwithstanding the minimum seating limitation, and that provided in an industrial zone, the accessory Convenience Eating Establishment is subject to the general provisions for accessory *Retail Sales* established in the Zoning By-law, as amended;

“Eating Establishment, Convenience with Drive-through” means a *Convenience Eating Establishment* having a drive-through component where food and drink are served for consumption on or off the *Premises*;

“Eating Establishment, Take-out” means a building or place having limited seating not to exceed twenty-four (24) seats, where food and drink are prepared and offered for sale to be primarily taken out or delivered for consumption off the *Premises*;

“Endorsement” means the additional consent provided to the holder of a licence under this By-law to carry on a related business activity which would otherwise require a licence under this By-law;

“Event” includes a temporary organized public or social occasion that takes place in a predetermined place or places over a specified time period of one day or several consecutive days;

“Fence” has the same meaning as defined in the *City of Vaughan’s Fence By-law 189-2020*, as amended, or its successor by-law;

“Fence Installer” means any *Person* who is engaged in the business of installing exterior *Fences*, bannisters or rails, including pool enclosures, and includes any *Person* who *Solicits* for such work, or who in any way advertises or holds themselves out to the public as performing such work, but does not include an individual who is employed by a licensed *Fence Installer* as long as the individual

does not perform such work outside his or her employment with the licensed *Fence Installer*;

"Firecracker" means an explosive device that explodes when ignited and has no subsequent display or visible effect after the explosion, but excludes paper caps containing not more than twenty-five one-hundredths of a grain of explosive on average per cap, devices for use with such caps, marine rockets, highway flares, fuses or other small distress signals or safety flares;

"Fireworks" includes *Consumer Fireworks* or low hazard fireworks, but excludes *Prohibited Fireworks*, *Firecrackers* and *Display Fireworks*, as such terms are defined in this By-law;

"Food Safety Inspection Report" means a report issued by the *Medical Officer of Health* or Certified Public Health inspector to an *Eating Establishment* or *Foodstuffs Establishment* as a result of an inspection conducted pursuant to the Health Protection and Promotion Act, R.S.O. 1990, c. H-7, as amended, or any regulations thereto;

"Foodstuffs" is any commodity meant for human consumption and shall include but not limited to items dispensed from vending machines;

"Foodstuffs Establishment" means any *Premises* or part thereof where *Foodstuffs* are sold, offered for sale, or displayed, but not intended for consumption on the *Premises*;

"Garage Sale" means a sale of goods from a residential dwelling or *Premises* where the sale lasts no longer than two (2) days, provided further that the sale from that residential dwelling or *Premises* occurs no more than two (2) times per year and the *Second Hand Vendor* is either the user of the goods sold, is one of not more than three (3) households conducting a sale of goods used by the members of those households or is a tenant or group of tenants at a residential rental building or *Premises* or is a condominium *Owner* or group of condominium *Owner*, or condominium association, at a residential condominium building or *Premises*;

"General Video Store" means any *Premises* or part thereof in which videotapes are provided in the pursuance of a business, and where ten (10) percent or less of

the entire area of the *Premises* devoted to the provision, display and/or storage of videotapes, is used for the provision, display, storage, sale, or rental of *Adult Videotapes*;

“Government Issued Identification” means a document that has been issued by the Government of Canada, a Province of Canada, or a municipal corporation of Canada to a natural individual, and that includes that individual’s photograph and name.

“Gross Floor Area” means the aggregate of the total area devoted to an *Adult Videotape Store* within a building, including any basement or cellar, measured to the exterior of the outside walls; or means the aggregate of the floor areas of all storeys of a building, measured to the exterior of the outside walls, but not including the areas of any cellar or car parking area above or below grade within the building or within a separate structure;

“Hearings Officer” means a *Person* from time to time appointed to such role by the *Director*, under the authority of Delegation By-law 005-2018, as amended, or its successor by-law;

“Highway” means a highway or street as defined in the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended;

“Hirer” means the rightful *Owner* of a *Motor Vehicle* or in the absence of such *Owner*, a *Person* with the lawful custody and/or control of such *Motor Vehicle* who authorizes, requests the *Services* of, or gives permission to, a *Tow Truck Brokerage*, *Tow Truck Owner* or *Tow Truck Driver* to provide *Services* for, or otherwise convey a *Motor Vehicle*;

“Home Occupation” means a business or occupation that is operated as an ancillary use to a *Dwelling Unit*;

“Kennel” means any *Premises*, building, structure, dog run or other facility or part thereof where *Dogs*, *Cats*, other *Domestic Animals*, or any combination thereof, are kept for the purposes of *Breeding* and selling of such *Dogs*, *Cats* or other *Domestic Animals*, or for the purposes of overnight boarding of owned animals;

“Kennel Owner” means the *Person(s)* who is the licence holder, the *Person(s)* responsible for the day-to-day operation, control, care or maintenance of the

Kenel, the *Person(s)* who *Owns*, processes or harbours *Dogs*, *Cats* or other *Domestic Animals* and, where the *Owner* is a minor, includes the *Person(s)* responsible for or having custody of the minor;

“Land” or “Lands” means ground, soil or earth and includes any buildings or structures thereon, either above or below the surface;

“Landscape” means any *Person* who is engaged in the *Business* of creating, altering or maintaining hard or soft landscaping features, and includes any *Person* who *Solicits* for such work, or who in any way advertises or holds themselves out to the public as performing such work, but does not include an individual who is employed by a licensed *Landscape* as long as the individual does not perform such work outside his or her employment with the licensed *Landscape*;

“Licence” means an authorization obtained or granted under this By-law to carry on a *Business*, activity or undertaking that requires a licence and the document, certificate or card issued shall provide evidence of such authority as the context may allow, with “License” and “Licensing” having a corresponding meaning;

“Licensed Premises” means the *Premises* referred to in a licence;

“Licensee” means a *Person* who has been issued and maintains a valid licence pursuant to the terms of this By-law;

“Licensing Enforcement Officer” means an employee(s) or officer(s) of the *City of Vaughan* responsible for the enforcement of the provisions of this By-law;

“Licensing Office” means the Licensing Section of By-law & Compliance, Licensing & Permit Services of the *City of Vaughan*, and, for greater certainty, includes the *Chief Licensing Officer*;

“Limousine” means a *Motor Vehicle* with at least four-doors that has been approved to operate as a *Limousine* by the *Licensing Officer* and that is operated in accordance with all of the applicable provisions pertaining to *Limousines* under this By-law;

“Limousine Company” means any *Person* who facilitates *Limousine Services* by connecting *Passengers* with *Limousine Drivers* or *Limousine Owner*;

“Limousine Driver” means a *Limousine Operator* who is licensed as such or is required to be licensed as such under this By-law;

“Limousine Owner” means the *Owner* of a *Limousine* or *Limousines*, licensed or required to be licensed as such under this By-law;

“Manager” means the Manager, Policy & Business Planning, or a successor position;

“Mechanic” means an inspecting mechanic at a motor vehicle station;

“Medical Officer of Health” means the Medical Officer of Health for the Regional Municipality of York;

“Mobile Sign” means a *Sign* that is specifically designed or intended to be readily moved from one location to another and which does not rely on a building or fixed foundation for its structural support and shall include a portable and re-locatable sign and an “A” board sign but, notwithstanding the provisions of this By-law, *Mobile Sign* does not include a *Sign* attached to a vehicle where the principal use of the vehicle is the transportation of people, disabled vehicles, goods or other materials;

“Mobile Sign Distributor” means any *Person* who distributes or installs *Mobile Signs*, whether by rental or sale, whether permanent or temporary, to any other *Person*;

“Motor Vehicle” means a motor vehicle as defined in the *Highway Traffic Act, R.S.O. 1990, c.H.8*, as amended, and the term “motor vehicle” when used in this By-law includes a commercial motor vehicle as defined in the aforesaid Act;

“Municipal Act, 2001” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended, or any successor legislation;

“Municipality” means The *Corporation* of the *City of Vaughan*, in the Regional Municipality of York or the geographic area of the *City of Vaughan*, as the context requires;

“Municipal Law Enforcement Officer” or “MLEO” means a *Person* appointed or employed by the *City* as a municipal law enforcement officer under the Police Services Act, R.S.O. 1990, c.P.15, as amended;

“Non-profit Organization” means a not for profit organization whether or not incorporated, where all the resources of which are devoted to non-profit or charitable activities carried on by the organization itself or by the organization in

combination with other organizations and where no part of the profits earned by the organization are payable to or otherwise available for the personal benefit of any *Owner*, member, director or shareholder thereof;

“Notice to Comply” means a written direction issued by any *Person* authorized to enforce the provisions of the Business Licensing By-law, and made under the authority of a *Municipality* to make orders to discontinue a contravening activity or remedy a contravening condition, in accordance with sections 444 and 445 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, or any successor legislation.

“Nudity” and/or “Partial Nudity” means the showing or displaying of the physical human genitalia, pubic area, buttocks, or breasts with less than a full opaque covering;

“Offer” and/or “Solicit” when used in relation to *Services*, means to present for acceptance, refusal or consideration, and/or to express readiness or show intention to make available, to express readiness to do or give a *Body Rub*, by verbal, printed, graphic, and/or Internet communication, and includes the graphic or printed detailing on a *Tow Truck*, and the word *Solicit* shall include and have like meaning as the words *Solicits* and *Soliciting*;

“Office” means a building or part of a building where administrative and clerical functions are carried out in the management of a business, profession, organization or public administration and shall not include a clinic.

“Off-Road Recovery” means the up righting of an overturned vehicle or four or more wheels of the vehicle are completely off the travelled portion of the road including the shoulder;

“Ontario Police Service” means a police service established in Ontario under the Police Services Act, R.S.O. 1990, c. P.15, as amended;

“Operator” means a *Person* who, alone or with others, is responsible for the daily operation of a business, activity or undertaking carried on at any *Premises* or in any vehicle, but does not include an *Owner*;

“OSPACA” means the Ontario Society for the Prevention of Cruelty to Animals;

“Owner” means a *Person*, who alone or with others, *Ow*ns, has the ultimate control over, or directs the operation of a business, activity or undertaking carried on at

any *Premises*, and includes a lessee, tenant or licensee of the *Premises* from which the business is operated, or from any vehicle, and the words *Own*, *Ownership* and words of like import or intent shall be given a corresponding meaning;

“Parking Lot” has the same meaning as defined in the *City of Vaughan’s Zoning By-law*, as amended;

“Partnership” means an association of two or more persons to carry on, as co-*Owner*, a business or other activity;

“Passenger” means any *Person* in a *Motor Vehicle* other than the driver or *Operator* of such *Motor Vehicle* who is being conveyed from a point of origin to a destination;

“Paver” means any *Person* who is engaged in the business of paving, resurfacing, repairing or sealing *Driveways* or *Parking Lots* situated on private property (which may include municipal *Boulevards* adjacent to such private property), and includes any *Person* who *Solicits* for such work, or who in any way advertises or holds themselves out to the public as performing such work, but does not include an individual who is employed by a licensed *Paver* as long as the individual does not perform such work outside his or her employment with the licensed *Paver*;

“Pawnbroker” means a *Person* who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon and includes a *Person* who offers a buy-back service in relation to such articles;

“*Person*” includes a natural individual, a *Corporation*, *Partnership*, proprietorship or other form of business association and the heirs, executors, administrators, successors and assigns, or other legal representatives thereof, or a receiver or mortgagee in possession;

“Personal Services Attendant” means a *Person* who is employed in furnishing *Services* and otherwise administering to another individual and personal needs of persons in a *Personal Services Establishment*;

“Personal Services Establishment” means a *Premises*, building or part of a building in which persons are engaged or employed in furnishing *Services* and otherwise administering to the individual and personal needs of persons and includes,

without limiting the generality of the foregoing, a barber shop, hair dressing salon, shoe shine shop, tattoo parlour, aesthetician, micropigmentation, laser hair removal, electrolysis, body and ear piercing establishments and tanning parlours, but does not include a *Body Rub Parlour*;

“Pet Grooming Establishment” means a building, part of a building, vehicle, or other place in which animals are groomed and may also include pet obedience training, daily animal-sitting, or be accessory to a veterinary clinic or *Pet Shop*;

“Pet Shop” means any building or part thereof where *Dogs, Cats, other Domestic Animals*, or any combination thereof, are either offered for adoption or sale;

“Place of Amusement” means, without a qualifier, a *Place of Amusement Class A, Class B and/or Class C*;

“Place of Amusement - Class A” means any *Premises* or part thereof containing three (3) or more *Amusement Machines*, but shall not include establishments where the sole purpose of such establishments is to sell, repair or maintain *Amusement Machines*, provided that such machines are not made available in the establishment for use by the public;

“Place of Amusement - Class B” means any *Premises* or part thereof where motion pictures of any rating, as defined by the National Film Board of Canada and the Theatres Act, R.S.O. 1990 are displayed, provided, shown or viewed and shall not include general or *Adult Video Stores*;

“Place of Amusement - Class C” means any *Premises* or part thereof where a privately owned or operated bowling alley or bowling lanes and the facility and *Services* therein are offered for public use;

“Place of Amusement, Operator” includes a *Person* who alone or with others operates, manages, supervises, runs or directs the business, activity or undertaking carried on at a *Place of Amusement*, who is licensed or required to be licensed under the provisions of this By-law, and “operate”, “operation” and other words of like import or intent shall be given a corresponding meaning, as the context requires;

“Platform” means any software, technology, or service, including a radio, telephone line, website, or smartphone application, intended to connect *Passengers* with a

Private Ground Passenger Transportation Service, and may also include the facilitation of payment;

“Pool Installer” means any *Person* who engages in the business of installing swimming pools or hot tubs, and includes any *Person* who *Solicits* for such work, or who in any way advertises or holds themselves out to the public as performing such work, but does not include an individual who is employed by a licensed *Pool Installer* as long as the individual does not perform such work outside his or her employment with the licensed *Pool Installer*;

“Premises” means any *Land*, building or structure, place or other *Premises* licensed or required to be licensed under this By-law and includes any business, activity or undertaking required to be licensed under this By-law carried on at the *Premises*;

“Private Ground Passenger Transportation Service” means the use of a private *Motor Vehicle* for the terrestrial conveyance of *Passengers* for a fee;

“Private Transportation Company” or “PTC” means any *Person* who facilitates or operates a *Ride-Sharing Service* through a *Platform*;

“Prohibited Fireworks” means fireworks included on the most recent list of prohibited fireworks or explosives set out in the Explosives Act, R.S. 1985, c. E-17, as amended, and any Regulations made thereunder, including but not limited to cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80’s, silver salutes and flash crackers; throw down and step on torpedoes, crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other similar trick devices or practical joke devices;

“Prohibited Ground” means the prohibited grounds of discrimination as provided for under the Ontario Human Rights Code;

“Provincial Offences Officer” means a police officer or a *Person* or class of persons designated in writing by a Minister of the Crown, designate or delegated authority for the purposes of all or any class of offences;

“PTC Driver” means any *Person* who drives a *Motor Vehicle* to provide *Ride-*

Sharing Services;

“Public Auction” (see “Auction”);

“Public Garage” means a building or part of a building, which is used for the care, repair or equipping of *Motor Vehicles* or *Motor Vehicles* available for public transit such as but not limited to buses and taxis, and shall include, any place where a *Person* or licensed *Mechanic Services a Motor Vehicle, Automobile Service Stations, Autobody Repair Shops, Car Brokerages and Car Washes;*

“Purebred” means any *Dog* or *Cat* that is registered or eligible for registration with an association incorporated under the Animal Pedigree Act, R.S.C, 1985, c. 8 (4th Supp.), as amended;

“Refreshments” means any food, beverage, or any other edible commodity meant for human consumption and includes but is not limited to items dispensed from vending machines;

“Refreshment Vehicle Driver” means a *Person* who drives a *Refreshment Vehicle* and includes drivers of muscle-powered carts or wagon for which a Provincial Driver’s Licence is not required, who is licensed or required to be licensed under the provisions of this By-law;

“Refreshment Vehicle Owner” means the *Owner* of a *Refreshment Vehicle* who is licensed or required to be licensed under the provisions of this By-law;

“Refreshment Vehicle” means, without a qualifier, a *Refreshment Vehicle – Type 1, Type 2 and/or Type 3;*

“Refreshment Vehicle – Type 1” means a *Motor Vehicle* that is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of *Refreshments*, and includes but is not limited to vehicles such as coffee trucks and ice cream trucks;

“Refreshment Vehicle – Type 2” means a trailer cart that is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of *Refreshments*, and includes but is not limited to hot dog carts;

“Refreshment Vehicle – Type 3” means a muscle powered cart that is licensed or required to be licensed and is designed for or intended to be used for the selling,

offering for sale, serving, and/or dispensing of *Refreshments*, and includes but is not limited to bicycle ice cream carts;

"Region" means The Regional Municipality of York or the geographic area of the Regional Municipality of York, as the context requires;

"Regulated Health Professional" means a *Person* registered under the *Regulated Health Professions Act*, 1991, S.O. 1991, c.18, as amended, or registered as a drugless practitioner under the *Drugless Practitioners Act*, R.S.O., 1990, c.D.18, as amended, and includes the following health professionals: Audiologists, Chiropodists, Chiropractors, Dental Hygienists, Dental Technologists, Denturists, Dentists, Dieticians, Massage Therapists, Medical Laboratory Technologists, Medical Radiation Therapists, Midwives, Naturopaths, Nurses, Occupational Therapists, Opticians, Optometrists, Pharmacists, Physicians, Physiotherapists, Podiatrists, Psychologists, Respiratory Therapists and Speech Language Pathologists;

"Renovator" means any *Person* who engages in the business of altering, repairing or renovating buildings or structures, and includes any *Person* who *Solicits* for such work, or who in any way advertises or holds himself or herself out to the public as performing such work, but does not include a *Person* whose principal business is the construction of new buildings covered by a new home warranty backstopped by *Tarion*, or any trade required to be licensed or otherwise certified by provincial legislation, or an individual who is employed by a licensed *Renovator* as long as the individual does not perform such work outside his or her employment with the licensed *Renovator*;

"Retail Sale" means a sale for the purposes of consumption or use and not for resale;

"Ride-Sharing Service" means the use of a *Platform* of a *PTC* and a *Motor Vehicle* with a capacity of fewer than ten *Passengers*, other than a licensed *Taxicab*, *Accessible Taxicab*, or *Limousine*, for the conveyance of *Passengers* for a fee;

"Screening Officer" means a *Person* appointed to such role by the *Director*, under the authority of Delegation By-law 005-2018, as amended, or its successor by-law;

"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; jewellery coins; medals and other precious metals for the purpose of melting; leather jackets; musical instruments; photographic equipment; pre-recorded audio tapes and/or discs; pre-recorded video tapes and/or discs; radios; sports equipment; stereos; telephones; television sets; tools; video games; video game systems; video laser discs and watches;

“Second Hand Goods Premises” means any place that is used by a *Pawnbroker* or a *Second Hand Vendor* to carry on the business of a *Pawnbroker* or a *Second Hand Vendor*, and includes any areas where such goods are stored or where records relating to such business are stored, and “Premises” includes any booth or stall used by a *Second Hand Vendor* for the sale of *Second Hand Goods*;

“Second Hand Vendor” means a *Person* who carries on the business of selling goods by way of retail that have previously been used for the purpose for which such goods were designed and includes any *Person* who travels from place to place to sell *Second Hand Goods*;

“Seeing Eye Dog” means a *Dog* that is trained for and used specifically for the purposes of aiding a visually impaired *Person*;

“Seller” means a *Person* who sells or who offers to sell any *Second Hand Goods* to a *Pawnbroker* or a *Second Hand Vendor*;

“Services” includes:

- (a) activities, facilities, performances, exhibitions, viewings and encounters;
- (b) lifting, towing, conveying, moving or removing, working on any vehicle by means of the devices provided on a tow truck; or
- (c) providing a *Body Rub*;

“Services Designed to Appeal to Erotic or Sexual Inclinations” includes:

- (a) *Services* or activities in respect of which a principal feature or characteristic is *Nudity* or *Partial Nudity* of any *Person*;
- (b) *Services* in respect of which the word nude, naked, topless, bottomless, sexy or any other word or picture, symbol or representation having like

meaning or implication used in any advertisement;

“Sidewalk” means all such parts of a *Highway* set aside for the use of pedestrians or used by the general public for the passage of pedestrians;

“Sign” means any advertising device or notice and means any visual medium including its structure and other component parts, which is used or is capable of being used to attract attention to a specific subject matter, other than itself, for identification, information, or advertising purposes and includes but is not limited to the following types of signs, namely, an awing sign, projecting sign, portable sign, ground or pylon sign, canopy sign, inflatable sign, trailer sign or sandwich board sign;

“Sole Proprietorship” means a form of business in which only one *Person* has the sole control, and/or power over the business, and/or sole *Ownership* over the assets of the business, and the only *Person* to receive the profits of the business;

“Special Event Permit” means a permit issued under the authority of the Special Events By-law 045-2018, as amended, or its successor by-law;

“Specified Body Areas” means any one or more of the following:

- (a) in the case of a female *Person*, her areola;
- (b) in the case of all persons, the genitals and the anus;

“Specified Sexual Activities” includes but is not limited to actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, bestiality, anal intercourse, oral sexual intercourse, direct physical stimulation, of unclothed genital organs, and flagellation or torture in the context of a sexual relationship or activity;

“Stationary Business” means any business currently in operation or under a pending licensing application to operate from a *Premises*, but does not include licences pending or issued to people or vehicles;

“Street” means that part of a *Highway* that is improved, designed or ordinarily used for vehicular traffic;

“Swimming Pool” has the same meaning as the term defined in the *City of Vaughan’s* Fence By-law 189-2020, as amended, or its successor by-law;

“Tarion” means the not-for-profit consumer protection organization established by

the Ontario government to administer the province's home warranty program, or its successor organization;

"Taxicab" means a *Motor Vehicle* of a type approved by the *Chief Licensing Officer*, licensed or required to be licensed under the provisions of this By-law which is used for the hire and conveyance of persons, materials or luggage, from a point of origin within the *City of Vaughan* to a destination directly or indirectly and shall not include an *Accessible Taxi*;

"Taxicab Brokerage" means any *Person* who accepts and dispatches calls from the general public in a fair and equitable manner to taxis owned by someone other than himself, herself, his or her family members, or itself and who is licensed or required to be licensed under the provisions of this By-law;

"Taxicab Driver" means the *Operator* of a taxi who is licensed or required to be licensed with a valid *City of Vaughan Taxi Operator's Licence* under the provisions of this By-law;

"Taxicab Owner" the holder of the taxicab *Owner* licence or the *Person* required to hold such licence;

"Taxicab Stand" means a *City*-approved queue area on public property where *City*-licensed *Taxicabs* may park or stop to wait for *Passengers*;

"Tobacco Shop" means any *Premises* or part thereof where tobacco, cigarettes, tobacco products or accessories, cigars or cigar products or accessories are sold or offered for *Retail Sale*, licensed or required to be licensed under this By-law;

"Tobacco Shop Keeper" means a *Person* responsible for the care and management of a tobacco shop selling tobacco, cigarettes, tobacco products or accessories, cigars or cigar products and accessories and shall include the *Owner* and *Operator* of the tobacco shop;

"To Provide" means:

- (a) to sell, offer to sell or display for sale by retail, or to rent, offer to rent or display for rental, whether or not the cost, fee or other consideration passes at the time of such rental or sale, or is effected through the cost of membership, subscription, admission or any other manner, goods and/or *Services*, and "provision" has a similar corresponding meaning;

(b) when used in relation to *Services* and/or *Body Rubs*, means to furnish, facilitate the provision of, perform, *Offer* and/or *Solicit*, or give such *Services* and/or *Body Rubs*, and “providing” and “provision” have corresponding meanings; or

(c) when used in relation to *Adult Entertainment Parlours*, *Body Rub Parlours*, or *Body Rubs*, means to furnish, perform, *Solicit*, or give such *Services* in pursuance of a business or activity and “providing” and “provision” have a corresponding meaning;

“Tow Bar” means a device for positioning a towed vehicle behind a tow truck;

“Tow Sling” means a device used for the lifting and towing vehicles with a partial load supported on rubber belts;

“Towed Vehicle” means a vehicle that has been towed or otherwise conveyed by a tow truck;

“Tow Truck” means a *Motor Vehicle* used for the hire for towing, providing *Services*, or otherwise conveying of vehicle, from a point of origin within the *City of Vaughan* to a destination directly or indirectly;

“Tow Truck Broker” means a *Person* who, in pursuance of a trade, calling, business or occupation, arranges for the provision for hire to a *Hirer*, of the *Services* of a tow truck not owned by such *Person*;

“Tow Truck Brokerage” means any business where a *Person(s)* accepts and dispatches calls from the general public, businesses, police or other similar type of agency to tow trucks owned or operated by someone other than himself or family members;

“Tow Truck Driver” means a *Person* who alone or with others, drives, manages, supervises, runs or directs the business, activity or undertaking carried on with a tow truck, includes a *Person* who is licensed or required to be licensed under the provisions of this By-law, and “drive”, “driving” and other words of like import or intent shall be given a corresponding meaning;

“Tow Truck Owner” means the *Owner* of a tow truck, who is licensed or required to be licensed under the provisions of this By-law;

“Treasurer” means the Chief Financial Officer and Treasurer for the *City of*

Vaughan, or his or her designate, or his or her successor;

“Trip Meter” means a device that, independently from the *Taxicab Driver*, calculates and displays a trip fare to the *Passenger*;

“Underlift” means a device used for the towing of vehicles by lifting one end of the towed vehicle from under the axle or structural member of the towed vehicle;

“Video Store Operator” means a *Person* who alone or with others, operates, manages, supervises, runs or directs the business, activity or undertaking carried on at an *Adult Videotape Store* or *General Video Store*, who is licensed or required to be licensed under the provisions of this By-law, and “operate”, “operation” and other words of like import or intent shall be given a corresponding meaning;

“Video Store Owner” means a *Person* who alone or with others *Owns* or has the ultimate control of or direction over the operation of the business, activity or undertaking carried on at an *Adult Video Store* or *General Video Store*, and includes a lessee tenant, or licensee of the *Premises* from which the *Adult Video Store* and/or *General Video Store* is operated, who is licensed or required to be licensed under the provisions of this By-law, and *Own*, *Ownership* and words of like import or intent shall be given corresponding meaning;

“Video Tape” means cinematographic film, videotape, digital video disc, or other form of electronic recorded medium and any other medium from which may be produced visual images that may be viewed as moving pictures;

“Visually Impaired *Person*” means a *Person* to whom an identification card for the visually impaired has been issued by the Attorney General or an officer of his Ministry, pursuant to the Blind Persons’ Rights Act, R.S.O. 1990, c.B.7;

“Wheel lift” means a device used for the towing of vehicles by lifting the vehicle by any or all of its wheels;

“Wrecker Body” means an after-market manufacturer’s box designed to be attached to the frame of a cab and chassis and used with an underlift, tow bar, tow sling, tow cradle, or wheel lift or flatbed carrier or other similar device.

- (2) The Schedules attached hereto shall be and hereby form part of this By-law.
- (3) In this By-law, unless the context otherwise requires, wording imparting the singular number shall include the plural, and words imparting the masculine gender

shall include the feminine, and further, the converse of the foregoing also applies where the context so requires.

- (4) Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in 3.0(1) of this Bylaw. Where any word appears in ordinary case, the commonly applied English language meaning is intended.

4.0 General Provisions

- (1) No *Person* shall carry on or engage in any class of business or other activity listed in Schedule "A" of this By-law, whether wholly or partly located or carried on within the *City*, unless and until he or she has procured a licence to do so from the *City*.
- (2) No *Person* or licensee shall carry on or engage in any class of business or other activity listed in Schedule "A" of this By-law, whether wholly or partly located or carried on within the *City*, while the licence is not maintained in good standing or has expired.
- (3) Unless otherwise provided for in this By-law, there shall be taken out by every *Person* who operates more than one business or other activity requiring a licence, a separate licence in respect of each such business or other activity.
- (4) There shall be taken out by every *Person* who engages in or operates a business or other activity at more than one location, place of business, branch, store, or other *Premises* requiring a licence under this By-law, a separate licence in respect of each such business or other activity and each location, place, branch, store or other *Premises*.
- (5) The provisions of this By-law do not apply to a *Tow Truck Brokerage*, *Tow Truck Owner* or *Tow Truck Driver* who meets the following conditions:
 - (a) said *Tow Truck Brokerage*, *Tow Truck Owner* or *Tow Truck Driver* is an approved participant in the Province of Ontario's Tow Zone Pilot Program, for as long as such program is in effect, and can prove such participation to the satisfaction of the *Chief Licensing Officer*;
 - (b) said *Tow Truck Brokerage*, *Tow Truck Owner* or *Tow Truck Driver* does not provide any towing *Services* within the *City of Vaughan*, except those that are within the scope of the Tow Zone Pilot Program.

- (6) Despite the requirements set out in this By-law with respect to an application for a *Home Occupation* licence, a *Person* who conducts a business or activity licensed or required to be licensed under this By-law may be subject to varied conditions or exceptions from certain licensing requirements under this By-law, as deemed appropriate by the *Chief Licensing Officer*, if the business or activity meets all of the following conditions:
- (a) the proposed business activities meet all of the requirements for a *Home Occupation* use under the *City's Zoning By-law*, as amended;
 - (b) the *Premises*, or any part of the property on which the *Premises* is found, is not used to manufacture, assemble, store or keep any goods that are for sale, offered for sale, or to be otherwise used as part of the business or activity;
 - (c) no clients attend the *Premises*, or any part of the property on which such *Premises* is found, for the purpose of patronizing the business, except as provided for under the *City's Zoning By-law*, as amended;
 - (d) no suppliers, sub-contractors, employees or other agents of the business that do not reside in the dwelling attend the *Premises*, or any part of the property on which such *Premises* is found, for the purpose of conducting the business or activity; and
 - (e) no nuisances incompatible with the uses permitted on the *Premises*, or on the property on which the *Premises* is found, as deemed by the *Chief Licensing Officer*, are carried on in any manner.
- (7) Every *Licensee*, or *Person* acting on the *Licensee's* behalf in the course of the *Licensee's* business, upon demand of any *Person* authorized to enforce the provisions of this By-law, shall produce the document, certificate or card known as a licence, issued by the *City*.
- (8) Upon receipt of a licence under this By-law, a *Licensee* shall forthwith:
- (a) where the licence relates to an establishment or *Premises*, post and maintain at all times the original licence issued under this By-law in a conspicuous place within the establishment or *Premises* for which it is granted;

- (b) where the licence relates to a *Motor Vehicle*, maintain in the vehicle when in operation the original identification card related to the licence, issued under this By-law.
- (9) Where a *Person* has made application for a licence or the renewal of a licence and submitted the fee for the licence or licence renewal under this By-law and such *Person* is refused a licence or licence renewal or such *Person* terminates the application prior to the issuance of a licence, fifty (50) percent of the application fee, as set out in Schedule "B" attached hereto, shall be refunded.
- (10) Notwithstanding any provision of this By-law respecting the suspension or revocation of a licence, the licence issued to the *Owner* or *Driver* of a vehicle that is required to be licensed under this By-law shall be suspended immediately in accordance with section 4.9(1) of this By-law for the period of time until such vehicle is produced for an inspection as provided under section 4.11(4) and passes such inspection.
- (11) Every *Owner* or *Driver* of a vehicle that is licensed or required to be licensed under the provisions of this By-law shall attend the *Licensing Office* forthwith upon the request of the *Person* authorized to administer or enforce the provisions of this By-law, where the licensing officer or other authorized *Person* is conducting an investigation.
- (12) In addition to the applicable licence fees set out in Fees and Charges By-law 158-2021, as amended or its successor by-law, the *City* may require an *Applicant* or *Licensee* to pay *Additional Fees*.
- (13) No *Person* licensed or required to be licensed under this By-law shall charge any *Person*, or provide *Services* to any *Person*, or deny service to any *Person*, in a manner that in the opinion of the *Chief Licensing Officer* discriminates on the basis of a *Prohibited Ground* or is deemed to have the same or similar effect.
- (14) No *Person* licensed or required to be licensed under this By-law shall charge, by sole reason, or as a result, of an emergency declared by any municipal government or the governments of Ontario or Canada, fares or fees that exceed those that would otherwise be charged under circumstances in the absence of such an emergency.

- (15) Where an initial licensing or renewal fee prescribed in this By-law has not yet been established by *Council* by January 1st, the *Treasurer* is authorized to charge a fee equivalent to the current year's rate, plus 3.0%, and any difference between the calculated fee, as per this section, and the actual fee subsequently established by *Council* shall be accrued to the following year's renewal amount.
- (16) Where a licence is obtained or renewed for a period of two years, any amount not yet established by *Council* by January 1st, the *Treasurer* is authorized to charge a fee equivalent to an increase of 3.0% over each of the previous years (or, for greater certainty, at a compounded effective rate of 6.09% over two years), and any differences between the total amount calculated, as per this section, and the actual total fee, once all relevant amounts have been established by *Council*, shall be accrued to the following renewal amount.

4.1 Administration

- (1) The *Director* or his or her designate is the *Chief Licensing Officer* under this By-law (hereinafter referred to as the "Chief Licensing Officer") and is authorized to administer the provisions of this By-law on behalf of the *City*.
- (2) The following persons are authorized to enforce the provisions of this By-law on behalf of the *City*:
 - (a) *Chief Licensing Officer*;
 - (b) *Municipal Law Enforcement Officer*;
 - (c) *Chief Fire Official*;
 - (d) *Chief of Police*;
 - (e) *Medical Officer of Health*; and
 - (f) any *Person* appointed by by-law of the *City* as a *Municipal Law Enforcement Officer* pursuant to section 15 of the Police Services Act, R.S.O. 1990, c. P.15, as amended.
- (3) The *Chief Licensing Officer* or his or her designate shall have the following duties and responsibilities under this By-law:
 - (a) receiving and processing all applications for licences and renewals of licences to be issued under Part 4.2 of this By-law;
 - (b) maintaining and keeping records of all applications received and all licences

- issued, renewed, refused, revoked or suspended under this By-law;
- (c) assisting with the enforcement of this By-law;
 - (d) making or causing to be made a circulation respecting each application, which shall include circulation of the licence application to the *Medical Officer of Health, Chief of Police, Fire Chief* and all other municipal departments and provincial bodies or agencies for approval;
 - (e) making or causing to be made all investigations and inspections, which the *Chief Licensing Officer* deems necessary to determine whether an *Applicant* meets the requirements of this By-law and all applicable law;
 - (f) issuing licences to persons who meet the requirements of this By-law;
 - (g) imposing terms and conditions on a licence under Part 4.7, where he or she is of the opinion that a term or condition should be imposed;
 - (h) refusing to issue or renew a licence, or revoking or suspending a licence, where he or she is of the opinion that the *Applicant* or *Licensee* is disentitled to such a licence under Parts 4.6 or 4.8 of this Business Licensing By-law; and
 - (i) establishing criteria for *City-Approved Professional Associations* (“CAPAs”), and granting *CAPA* status to professional associations, in accordance with the established criteria;
 - (j) maintaining a publicly available list of *CAPAs*;
 - (k) revoking, suspending, or placing conditions on the *CAPA* status of any professional association that he or she deems to no longer meet the established criteria or that otherwise has provided reasonable grounds to believe that such professional association will not carry on or has not carried on its mandate and related activities with integrity or honesty or that its ongoing status as a *CAPA* is not in the public interest.
 - (l) performing all other functions incidental to the due administration and enforcement of this By-law.

4.2 Applications and Renewals

- (1) Every *Person* making an application for a licence under this By-law shall at the time of application appear in person at the *Licensing Office*, or in a manner

otherwise satisfactory to the *Chief Licensing Officer*, and no *Person* other than the *Applicant* shall complete the prescribed application forms.

- (2) Every *Person* making an application for licence renewal may renew the licence through a mail-in procedure approved by the *Chief Licensing Officer*, unless the *Licensee* is otherwise required to renew the licence in *Person* at the *Licensing Office*, or in a manner otherwise satisfactory to the *Chief Licensing Officer*.
- (3) Where a *Corporation* is making an application for a licence or a renewal thereof under this By-law, the application shall be made by a duly authorized director or officer of that *Corporation*, in accordance with 4.2(1) or 4.2(2).
- (4) Where a *Partnership* is making an application for a licence or a renewal thereof under this By-law, the application shall be made by one or more of the partners, in accordance with 4.2(1) or 4.2(2).
- (5) Despite 4.2(1), 4.2(2) and 4.2(3), an application for a licence or a renewal thereof may be made in *Person* by an *Authorized Agent*, provided that he or she has written authorization to do so from the *Applicant* and provides one piece of Canadian government photo identification to the satisfaction of the *Chief Licensing Officer*.
- (6) Every *Person* making an application for a licence under this By-law shall at the time of application submit the following:
 - (a) a completed application form or forms;
 - (b) the applicable fee as set out in Fees and Charges By-law 158-2021, as amended or its successor by-law;
 - (c) where the *Applicant* is a *Corporation*, the *Corporation* shall file a copy of its articles of incorporation and may further be required by the *Licensing Office* to file a document duly certified by the Ministry of Consumer and Business Services verifying the current corporate name, the head office address, the principal place or places of business and the names and addresses of all directors and officers of the *Corporation*, as at the time of application;
 - (d) where the *Applicant* is a *Partnership*, the *Partnership* shall file a copy of the record of registration of the *Partnership* under the Business Names Act, R.S.O.1990, c.B.17, as amended and/or the Limited Partnerships Act,

R.S.O. 1990, c.L.16, as amended;

- (e) any other information required to be provided under any other *City* by-law or as it otherwise relates to a particular business or activity under this By-law, or as may be requested by the *Chief Licensing Officer*.
- (7) Receipt of the application, request for renewal, or submission of the licence fee shall not constitute approval of the application for, or renewal of a licence, nor shall it obligate the *City* to issue or renew any such licence.
- (8) Prior to the issuance of a licence, a copy of the application may be forwarded for a report or comments to the *Medical Officer of Health*, the *Chief Fire Official*, the *Chief Building Official*, other Departments of the *City*, and any other public authorities which may have an interest in the licence application, or for such information as may be required under this By-law or any other legislation.
- (9) Despite 4.2(7), if a *Licensee* has remitted the prescribed renewal fee, his or her licence shall be deemed to continue until the renewal is granted or refused, subject to the *Licensee's* avenue for appeal under Part 4.10.
- (10) Subject to section 4.2(11), all licences issued under this By-law must be renewed on the annual anniversary date of their issuance and where such date is not known or available, such renewals shall take place as follows:
 - (a) for a *Corporation*, registered *Partnership* or registered *Sole Proprietorship*, on the annual anniversary date of the date of incorporation or registration;
 - (b) for a vehicle *Owner*, if a *Corporation*, registered *Partnership* or registered *Sole Proprietorship*, on the annual anniversary date of incorporation or registration;
 - (c) for a vehicle *Owner*, if a natural individual, on the annual anniversary of the individual's date of birth;
 - (d) for a natural individual, on the annual anniversary of the individual's date of birth.
- (11) Despite section 4.2(10), every *Licensee* under this By-law who holds more than one licence shall:
 - (a) renew all the licences he or she holds on the anniversary date of the first licence obtained, or on his or her birthday, as the circumstances require in

accordance with section 4.2(10), and pay for such renewal on a pro-rated basis; and

- (b) pay for any new licence on a pro-rated basis with reference to the *Licensee's* renewal date, as determined under section 4.2(10).
- (12) A *Licensee* shall not renew a licence more than two (2) months before the date of expiry of such licence.
- (13) Any licence not renewed by the date set out in 4.2(10) shall be deemed to have lapsed, and the *Person* whose name the original licence was issued under shall be deemed to be operating without a licence.
- (14) Despite section 4.2(13), a licence that has not lapsed by more than ninety (90) days may still be renewed subject to the following:
- (a) that for a licence lapsed up to thirty (30) days, a late renewal fee as per the Fees and Charges By-law, as amended, or its successor by-law, be paid in addition to the renewal fee; or
 - (b) that for a licence lapsed more than thirty (30) days and up to ninety (90) days, a late fee as per the Fees and Charges By-law, as amended, be paid in addition to the renewal fee.
- (15) A licence lapsed more than ninety (90) days shall be deemed cancelled and no longer eligible for renewal.
- (16) Despite section 4.2(10), if the Ontario Class "G" licence issued to a vehicle *Operator* licensed under this By-law expires prior to the renewal date of the licence, then such licence shall expire on the same date, unless the *Licensee* submits to the *Licensing Office* in person, or in any other manner prescribed by the *Chief Licensing Officer*, proof that the *Operator's* Ontario Class "G" licence has been renewed, in which case the *Operator's* licence under this By-law shall be reinstated for the balance of its term.
- (17) Despite section 4.2(10), if the Ontario Class "G" licence issued to a vehicle *Owner* who operates the vehicle licensed under this By-law expires prior to the renewal date of the licence, then such licence shall expire on the same date, unless the *Licensee* submits to the *Licensing Office* in person, or in any other manner prescribed by the *Chief Licensing Officer*, proof that the *Owner's* Ontario Class "G"

licence has been renewed, in which case the *Owner's* licence under this By-law shall be reinstated for the balance of its term.

- (18) Despite section 4.2(10), if the insurance on a vehicle licensed under this By-law expires prior to the renewal date of the licence, then such licence shall expire on the same date, unless the *Owner* or *Operator* submits to the *Licensing Office* in person, or in any other manner prescribed by the *Chief Licensing Officer*, proof that the insurance on the vehicle has been reinstated or renewed, in which case the vehicle's licence under this By-law shall be reinstated for the balance of the term.
- (19) Despite section 4.2(10), if the government work permit of any *Person* licensed under this By-law expires prior to the renewal date of the licence, then such licence shall expire on the same date, unless the licensee submits to the *Chief Licensing Officer* in person, or in any other manner prescribed by the *Chief Licensing Officer*, proof that the government work permit has been extended, in which case the *Person's* licence under this By-law shall be reinstated for the balance of the term.
- (20) Despite section 4.2(14), a *Person* whose licence has lapsed more than ninety (90) days, but fewer than 24 months, shall be required to pay any outstanding late fees, as well as any other outstanding fees and penalties that have been applied to the lapsed licence, prior to being eligible to apply for a new licence.
- (21) Sections 4.2(10) to 4.2(15) do not apply to *Refreshment Vehicle Event Licences*.

4.3 Endorsements

- (1) A *Person* who holds a licence pursuant to Parts 13.0, 13.1, 13.2, 13.3, or 13.4 may apply for an *Endorsement* to perform additional business activity under Parts 13.0, 13.1, 13.2, 13.3, or 13.4 by providing the *City* with notice of his or her intent to perform such additional business activities.
- (2) A *Person* who holds a *Limousine Owner*, *Taxicab Owner* or *Accessible Taxicab Owner* licence under Parts 17.0, 27.0 or 27.1, respectively, may obtain an *Endorsement* to drive his or her *Limousine*, *Taxicab* or *Accessible Taxicab*, as the case may be, by meeting the corresponding requirements set out for *Limousine Driver*, *Taxicab Driver* or *Accessible Taxicab Driver*.
- (3) A *Person* who is eligible, applies, and is granted an exception under section 4.0(6),

shall be granted a *Home Occupation* licence, with an *Endorsement* for the activity regulated under this By-law, and shall *Operate* his or her business subject to the exceptions and limitations of section 4.0(6) and any other terms and conditions as per the *Endorsement* that forms part of the licence.

- (4) A *Person* performing an additional business activity under the authority of an *Endorsement*, pursuant to 4.3(1), 4.3(2) or 4.3(3), shall comply with all of the pertinent provisions under this By-law with respect to the additional business activity.
- (5) Any *Person* licensed that intends to begin additional business activity, pursuant to 4.3(1), 4.3(2) or 4.3(3), during the tenure of his or her licence shall comply with the provisions under Part 4.5 of this By-law and obtain an *Endorsement* prior to commencing such additional business activity.

4.4 Registered Charities

- (1) Where a Registered Charity provides goods or *Services* governed by this By-law, the *Chief Licensing Officer* may, upon application, exempt such Registered Charity from some or all of the requirements under the By-law.
- (2) An application under this Part shall be presented in person by the Licensee, *Applicant* or his or her *Authorized Agent*, and shall constitute of the following:
 - (a) a completed and signed application form, as provided by the *Chief Licensing Officer*;
 - (b) the presentation of the original Articles of Incorporation for the Registered Charity and one copy for submission; and
 - (c) any other information deemed necessary by the *Chief Licensing Officer*.
- (3) A determination under 4.4(1) of whether a Registered Charity may be exempted from requirements under this By-law shall be based on the extent to which:
 - (a) goods or *Services* are exclusively provided by the Registered Charity;
 - (b) goods or *Services* provided are in line with the Registered Charity's purpose as stated in its governing document, such as letters patent, articles of incorporation, trust, or constitution;
 - (c) the exemption sought compromises the health and safety of the public or consumer protection;

- (d) the exemption sought unduly creates a public nuisance;
 - (e) the exemption sought unduly adversely affects a local business; and
 - (f) the exemption sought advances an identified objective of the Registered Charity that is in line with the public interest.
- (4) The determination of the *Chief Licensing Officer*, in accordance with 4.4(3), shall be provided in writing, state the grounds for the decision, and shall be final.
- (5) The determination of the *Chief Licensing Officer* shall form part of a licence under this By-law and shall be present at the place where the goods or *Services* are being provided and shall produce for inspection upon request.

4.5 Changes in Information

- (1) Every *Applicant* or *Licensee* shall notify the *Licensing Office* in writing within seven (7) days of any change in any information contained in the application for a licence or renewal thereof, and whether before or after a licence or licence renewal is issued.
- (2) Where a change has occurred in the business name or operating name of a *Licensee*, the *Licensee* shall attend within seven (7) days of the date of the change at the *Licensing Office* to have the licence and licensing records amended accordingly.
- (3) Where a continuing business, under the same ongoing *Ownership*, changes location, the change shall require a new application to be filed with the *Licensing Office*; however, any licence application or renewal fee already paid shall be pro-rated to the effective date when the business is to begin operating at the new location and any resulting credit shall be offset against the fee for the new licence application.
- (4) Where a change of information includes a change of a vehicle that is required to be licensed, and where such vehicle is required to undergo an inspection prior to being approved for licensing, such change shall be subject to a fee for the required inspection in accordance with Fees and Charges By-law 158-2021, as amended, or its successor by-law.

4.6 Refusal, Suspension and Revocation of Licences

- (1) The *Chief Licensing Officer* may refuse an application for a licence, refuse to renew

a licence, or suspend or revoke a licence, if he or she is of the opinion that any of the following apply, and in coming to this opinion, the *Chief Licensing Officer* may be guided by the policy set out in Appendix "F":

- (a) an *Applicant* for a licence or *Licensee* seeking the renewal of a licence has not:
 - (i) completed the prescribed application forms, renewal forms or delivered all required accompanying documentation;
 - (ii) delivered with the application the fee to be paid in full in respect of such licence renewal, or any other fees required, as set out in this By-law; or
 - (iii) complied with any other application or renewal requirements for the applicable class of business as set out in this By-law; or
- (b) there are reasonable grounds to believe that the information provided on the application or renewal forms contains a false statement or information; or
- (c) where past or present conduct of the *Applicant* or *Licensee*, or of any partner, in the case of a *Partnership*, or of any director, shareholder or officer of the *Corporation*, if the *Applicant* or *Licensee* or a party having a direct or indirect interest in the business is a *Corporation*, affords reasonable grounds to believe that such *Applicant* or *Licensee* will not carry on or has not carried on his or her business or other activity in accordance with the law or with honesty and integrity; or
- (d) where the *Applicant* or *Licensee* has failed to pay a fine or fines imposed by a court as a sentence arising from convictions for breach of this By-law or any other *City* By-law; or
- (e) where any *Additional Fee* imposed on a *Licensee* remains unpaid; or
- (f) where past or present conduct of the *Applicant* or *Licensee*, or of any partner, in the case of a *Partnership*, or of any director, shareholder or officer of the *Corporation*, if the *Applicant* or *Licensee* or a party having a direct or indirect interest in the business is a *Corporation*, affords reasonable grounds to believe that the carrying on by the *Applicant* or

- Licensee* of the business or of any other related activity in respect the *Licensee* would endanger the health or safety, or infringe on the rights, of members of the public; or
- (g) there are reasonable grounds to believe that the carrying on of the business by the *Applicant* or *Licensee* may be adverse to the public interest; or
 - (h) where information provided to the *City* by or on behalf of the *Applicant* or *Licensee*, whether oral or in writing, has ceased to be accurate and the *Applicant* or *Licensee* has not provided up-to-date accurate information to the *City* sufficient to allow the *Chief Licensing Officer* to conclude that the licence should be granted or maintained or renewed as valid and subsisting; or
 - (i) where there are reasonable grounds to believe that the *Applicant* or *Licensee* does not meet all the requirement of this By-law or any other *City* By-law, or that the business or other activity is carried on or intended to be carried on in an area where such business is prohibited by this 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
 - (j) where the *Chief Licensing Officer* has received three (3) or more substantiated complaints against the *Person* that holds, or is required to hold, a valid licence; or
 - (k) where an adverse report has been received from any of the officials, departments, or other public authorities listed in section 4.2(8) of this By-law;
 - (l) there is any other matter that the *Chief Licensing Officer* is authorized by law to consider; or
 - (m) where the *Applicant* or *Licensee* has failed to pay an administrative penalty imposed in accordance with this By-law.

4.7 Licence on Terms and Conditions

- (1) Notwithstanding any other provisions of this By-law, the *Chief Licensing Officer* may impose terms and conditions on any licence at issuance, renewal or at any other time during the licence period, including special conditions, as he or she may

deem necessary to give effect to this By-law.

4.8 Powers of the Chief Licensing Officer to Refuse to Issue or Renew a Licence, or to Revoke or Suspend a Licence, or to Impose Conditions Upon a Licence

- (1) The powers and authority to refuse to issue or renew a licence, to cancel, revoke or suspend a licence, or to impose terms and conditions on a licence, are hereby delegated to the *Chief Licensing Officer*.
- (2) Where the *Chief Licensing Officer* is of the opinion that:
 - (a) an application for a licence or renewal of a licence should be refused;
 - (b) a licence should be revoked;
 - (c) a licence should be suspended; or
 - (d) a term or condition of a licence should be imposed, he or she shall make that decision.
- (3) After a decision is made by the *Chief Licensing Officer*, written notice of that decision shall be given to the *Applicant* or *Licensee* advising the *Applicant* or *Licensee* of the *Chief Licensing Officer's* decision with respect to the application or licence.
- (4) The written notice to be given under subsection 4.8(3) shall:
 - (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the *Chief Licensing Officer*; and
 - (d) state that the *Applicant* or *Licensee* is entitled to a hearing before a *Hearings Officer* if the *Applicant* or *Licensee* delivers to the *Licensing Office*, within seven (7) days after the notice under subsection 4.8(3) is served, a notice in writing requesting a hearing before a *Hearings Officer*.
- (5) Where no appeal is registered within the required time-period, the decision of the *Chief Licensing Officer* shall be final.
- (6) Where the *Applicant* or *Licensee* requests a hearing before a *Hearings Officer* within the required time period, the *Licensing Office* shall notify the *Applicant* or *Licensee* of the time, place and date of the appeal hearing.
- (7) An appeal hearing under this Part shall be commenced by the *Hearings Officer* no earlier than 15 days and no later than thirty (30) days from the date of receipt of

the appeal request.

4.9 Summary Suspensions

(1) The *Chief Licensing Officer* may suspend any licence in an emergency situation for the time and under the conditions that follow:

- (a) the *Chief Licensing Officer* or his or her designate is hereby authorized to effect the temporary or summary suspension of any licence in any of the circumstances set out in subsection 4.9(1)(c), which summary suspension may be for a minimum period of twelve (12) hours and a maximum period of fourteen (14) days;
- (b) if the violation is corrected during or after the twelve (12) hour period, the licence may be reinstated at the first opportunity following the end of the twelve-hour period;
- (c) a summary suspension may be initiated by the *Chief Licensing Officer* or his or her designate in circumstances where:
 - (i) a *Motor Vehicle* is deemed to be mechanically unsafe, including but not limited to body damage with sharp edges, holes in floorboards, significantly worn or unserviceable tires, doors failing to close properly, wire protruding from any seat or any other mechanical or physical defect that would render the vehicle unsafe;
 - (ii) a *Licensee's* liability insurance has expired and he or she continues to carry on business for which the licence was issued;
 - (iii) an inspection has been performed on a *Motor Vehicle* for transfer of a licence and the *Licensee* fails to effect the transfer but the *Operator* or *Licensee* carries on business with the replacement vehicle;
 - (iv) there is misuse of a licence by a *Licensee*, where the *Licensee* has taken a licence plate or decal from one *Motor Vehicle* and affixed it to another *Motor Vehicle* that is not approved under the licence;
 - (v) a cheque is returned marked Non Sufficient Funds ("NSF") for the payment of a licence fee;
 - (vi) a licensed *Motor Vehicle Owner* or *Operator* has failed to attend the *Licensing Office* as per the directions of the *Licensing Office* or

- anyone authorized to enforce the provisions of this By-law;
- (vii) a *Licensee* fails to comply with a request to inspect or fails to comply with any of the provisions of this By-law;
- (d) a suspension under this section shall take effect upon delivery or service of written notice thereof to the *Licensee* at the business *Premises* of the *Licensee* or at the last address shown or appearing on the *Licensing Office* records of the *City*;
- (e) a suspension under this section shall remain in effect for no more than fourteen (14) days from the date of service of the notice.

4.10 Appeal Hearings

- (1) The powers and authority to hear appeals from decisions made by the *Chief Licensing Officer* pursuant to this Part are hereby delegated to the *Hearings Officer*.
- (2) The provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22, as amended, apply to all appeal hearings by the *Hearings Officer* under this By-law.
- (3) The *Hearings Officer* shall hold the hearing at the time, place and date set out in the notice referred to in section 4.8(6).
- (4) At the appeal hearing, the onus shall be upon the *Applicant* or licensee to show cause why:
- (a) the licence applied for should not be refused;
 - (b) the licence should not be suspended or revoked; or
 - (c) conditions or special conditions should be imposed on the licence.
- (5) All appeal hearings shall be public hearings unless the *Applicant* or licensee requests that the hearing be held in camera and the *Hearings Officer* approves the request by a simple majority.
- (6) When an appeal hearing date before the *Hearings Officer* has been set or fixed, and the *Applicant* or licensee, having been provided with written notice referred to in section 4.8(6), and the *Applicant* or licensee fails to attend at the appointed time, place and date, the *Hearings Officer* may proceed in his or her absence and the *Applicant* or licensee will not be entitled to any further notice in the proceedings.
- (7) The *Hearings Officer* may uphold or vary the decision of the *Chief Licensing*

Officer, or make any decision that the *Chief Licensing Officer* was entitled to make in the first instance.

- (8) At the conclusion of the appeal hearing, the *Hearings Officer* may give its decision orally or reserve its decision, but in any case it shall provide its decision in writing, with reasons, within fourteen (14) days of the hearing to the *Applicant* or licensee and the *Chief Licensing Officer*.
- (9) The decision of the *Hearings Officer* is final.

4.11 Inspections and Right of Access

- (1) The *Chief Licensing Officer*, *Licensing Enforcement Officer* and all other officers or officials authorized to enforce the provisions of this By-law are hereby authorized to:
- (a) Inspect:
- (i) as much of any place or *Premises* as is used for the carrying on of the business;
 - (ii) any books, records or other documents of or relating to any such business; or
 - (iii) each *Motor Vehicle* operated, provided or used in the business;
- (b) require that each *Motor Vehicle* operated, provided or used in the business be submitted for inspection; and
- (c) ensure that each *Licensee* produces his or her *Motor Vehicle* for inspection at the time and place designated by the *Chief Licensing Officer* or *Licensing Office*.
- (2) Any establishment, vehicle or *Premises*, at all times when the said establishment, vehicle or *Premises* is open to the public, may be entered and inspected by a *Person* authorized to enforce the provisions of this By-law for the purposes of enforcing this By-law.
- (3) In addition to the inspection powers related to *Motor Vehicles* referred to in section 4.11(1), all vehicles licensed or required to be licensed under this By-law shall be subject to random inspections from time to time throughout the term of the licence or any renewal of the licence upon the demand of the *Chief Licensing Officer*, a *Municipal Law Enforcement Officer* or any other *Person* authorized to enforce the

provisions of this By-law.

- (4) Every *Owner* and every *Operator* of a *Motor Vehicle* that is licensed or required to be licensed under this By-law, upon the demand of the *Chief Licensing Officer*, *Municipal Law Enforcement Officer* or any other *Person* authorized to enforce the provisions of this By-law shall produce such vehicle for inspection.
- (5) Every *Owner* of a *Motor Vehicle* that is licensed or required to be licensed under this By-law shall be subject to a licensing re-inspection fee, as set out in Fees and Charges By-law No. 158-2021, as amended, or its successor by-law, when:
 - (a) a scheduled inspection, pursuant to section 4.11(4) is missed without providing 24-hour prior notice to the *Chief Licensing Officer*, a *Municipal Law Enforcement Officer* or any other *Person* authorized to enforce the provisions of this By-law; or
 - (b) the *Chief Licensing Officer*, a *Municipal Law Enforcement Officer* or any other *Person* authorized to enforce the provisions of this By-law determines in the course of a scheduled inspection pursuant to section 4.11(4) that the vehicle does not meet the requirements of the By-law and a subsequent scheduled inspection will be required to ensure compliance.
- (6) Every *Person* that drives a *Motor Vehicle* that is licensed or required to be licensed under this By-law, upon the demand of any *Person* authorized to administer or enforce the provisions of this By-law, shall surrender for inspection both his or her Driver's Licence and vehicle Permit, as issued pursuant to the *Highway Traffic Act*, *R.S.O. 1990* or under the law of any other jurisdiction.
- (7) No *Person* shall hinder or obstruct an inspection or investigation by any *Person* authorized to administer or enforce the provisions of this By-law by:
 - (a) preventing access to any establishment, vehicle, *Premises* or part thereof;
 - (b) refusing to surrender any documents, samples or items requested;
 - (c) not following the directions of such authorized *Persons*.
- (8) A *Municipal Law Enforcement Officer*, acting reasonably, may physically remove a plate or licence affixed to a vehicle, where he or she has reason to believe that any of the circumstances in section 4.9(1)(c) exist. The *Licensing Office* shall forthwith inform the *Chief Licensing Officer* of such a removal. The *Chief Licensing*

Officer may, in addition to power or duty granted under this By-law, retain the plate until such time that the circumstance or circumstances in subsection 4.9(1)(c) have been rectified.

4.12 Notices to Comply

- (1) In the event of non-compliance with any of the provisions of this By-law by any *Person*, a *Notice to Comply* may be issued and served upon such *Person*, by any *Person* authorized to enforce this By-law.
- (2) Every *Person* to whom a *Notice to Comply* is issued, or upon whom a *Notice to Comply* is served, shall, forthwith, take such steps as are necessary to comply with the Notice within the time provided for compliance.
- (3) Where any *Licensee* fails to comply with a request to inspect or fails to comply with the *Notice to Comply*, the *Chief Licensing Officer* may suspend or revoke the licence.
- (4) Any notice or other information required or authorized to be forwarded, given or served under this By-law is sufficiently given if delivered personally or sent by first-class prepaid mail addressed to the *Person* to whom delivery is required to be made at the address shown on the application or at last address shown or appearing on the *Licensing Office* records of the *City*.
- (5) Where service is effected by mail, it shall be deemed to be made on the fifth day after the date of mailing, unless the *Person* on whom service is being made establishes that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the notice or order until a later date.

4.13 Administrative Monetary Penalties

- (1) Instead of laying a charge under the *Provincial Offences Act, R.S.O. 1990*, Chapter P.33, as amended, for a breach of any provisions of this By-law or failure to comply with a *Notice to Comply* under this By-law, an *Officer* may issue an administrative monetary penalty to the *Person* who has contravened this By-law.
- (2) If a *Person* is required to pay an administrative monetary penalty under section 4.13(1), no charge shall be laid against that same *Person* for the same contravention.

- (3) The amount of the administrative monetary penalty for a breach under this By-law is \$500.00.
- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the [Administrative Monetary Penalties By-law](#), as amended, or its successor by-law.
- (5) An administrative monetary penalty imposed on a *Person* that becomes a debt to the *City* under the [Administrative Monetary Penalties By-law](#), as amended, or its successor by-law, may be added to the municipal tax roll and collected in the same manner as municipal taxes.

4.14 Fines

- (1) Every *Person* who contravenes a provision of this By-law or direction provided by a *Municipal Law Enforcement Officer* in order to achieve compliance shall be guilty of an offence and upon conviction shall be liable to a fine, subject to the Provincial Offences Act, R.S.O. 1990, C. P.33, not exceeding one-hundred thousand dollars (\$100,000.00).
- (2) Where a *Person* who contravenes any provisions of this By-law or a direction provided by a *Municipal Law Enforcement Officer* in order to achieve compliance is a *Corporation*, every director or officer of the *Corporation* who knowingly contravened any of the provisions of this By-law, is guilty of an offence and liable to a fine not exceeding one-hundred thousand dollars (\$100,000.00).
- (3) In addition to the fines in sections 4.14(1) and 4.14(2), a court may impose a special fine exceeding one-hundred thousand dollars (\$100,000.00) designed to eliminate any economic advantage or gain from contravening this By-law.
- (4) Where a *Person* has been convicted of an offence under this By-law, a court of competent jurisdiction may, in addition to any other penalty imposed, make an order prohibiting the continuation or repetition of the offence.

4.15 Recovery of City Costs

- (1) If a *Person* that is licensed or required to be licensed under this By-law fails to undertake any work or other action prescribed by a *Notice to Comply*, the *City* or its agents, acting on the *City's* behalf, may enter upon the subject business *Premises* at any reasonable time for the purposes of doing the things described in

the *Notice to Comply*.

- (2) Costs incurred by the *City* in doing the work in accordance with 4.15(1) may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

5.0 Adult Entertainment Parlours

- (1) In addition to the requirements of set out in Part 4.2, every application for an *Adult Entertainment Parlour Owner* licence or renewal of such licence shall be accompanied by a Police Criminal Record Check, from an *Ontario Police Service*, dated not more than ninety (90) days prior to the date of application or renewal, for:
 - (a) each officer, if the *Applicant* is a *Corporation*;
 - (b) each partner, if the *Applicant* is a *Partnership*;
 - (c) the proprietor of a *Sole Proprietorship*.
- (2) In addition to the requirements set out in Part 4.2, every application for an *Adult Entertainment Parlour Operator* licence or renewal of such licence shall be accompanied by proof that the *Applicant* is:
 - (a) at least eighteen (18) years of age at the time of application; and
 - (b) eligible to work in Canada, which may be evidenced by the production of *Government Issued Identification*, in a manner satisfactory to the *Chief Licensing Officer*.
- (3) Every *Person* making application for a licence under this By-law shall only use his or her own name in making such application.
- (4) Every *Person* applying for a licence under the provisions of this Part, who carries on or intends to carry on the business of or related to an *Adult Entertainment Parlour*, under a name or designation other than his or her own name or under his or her own name with the addition of the expression “and company” or some other expression indicating a plurality of members in a firm, shall, at the time of the making of the declaration, file with the *Licensing Office* a declaration which shall state:
 - (a) the *Person's* full name and the address of his or her ordinary residence;
 - (b) any name or designation under which the *Person* carries on or intends to

carry on business, and the date when the name or designation was first used by him or her; and

- (c) the mailing address for the business.
- (5) No *Person* shall erect a *Sign* advertising an *Adult Entertainment Parlour* unless the *Sign* conforms to the regulations of this and every other By-law of the *City* and, notwithstanding the provisions of any other by-law of the *City*, all signs advertising an *Adult Entertainment Parlour* shall conform to the following restrictions:
- (a) an *Adult Entertainment Parlour* shall only be allowed to erect one (1) *Sign* advertising the *Premises* and such sign must be located on the *Premises*;
 - (b) a sign advertising an *Adult Entertainment Parlour* shall not include any letters, markings, symbols, pictures, or representations except the name, address and phone number of the *Adult Entertainment Parlour* as recorded on the application for licence;
 - (c) nothing in this By-law shall be deemed to prevent any *Person* from erecting or maintaining any sign or other advertising device on any interior wall of an *Adult Entertainment Parlour*, provided the content of such sign is not visible from the exterior of the *Adult Entertainment Parlour*.
- (6) For the purposes of the provisions under this Part, a sign shall include any letters, markings, symbols, pictures, or representations on any building, surface, object, or vehicle whether movable or immovable with the exception of the street address only.
- (7) No *Adult Entertainment Parlour Owner* or *Adult Entertainment Parlour Operator* of an shall permit any *Adult Entertainment Attendant*, while providing *Services* as an *Adult Entertainment Attendant*, including any performance, encounter, exhibition, dance or other similar activity, to touch or be touched by, or have physical contact with, any *Person* in any manner whatsoever involving any part of that *Person's* body.
- (8) No *Person* shall provide *Services* as an *Adult Entertainment Attendant*, and no *Adult Entertainment Parlour Owner* or *Adult Entertainment Parlour Operator* shall permit *Services* to be provided by an *Adult Entertainment Attendant*, unless such *Person* has been issued a valid and subsisting *Adult Entertainment Attendant's*

licence ,pursuant to this By-law.

- (9) Every *Adult Entertainment Parlour Owner, Adult Entertainment Parlour Operator* or *Adult Entertainment Attendant* shall ensure that every service provided by an *Adult Entertainment Attendant*, including every performance, encounter, exhibition, dance or other similar activity, takes place without being hidden or concealed, in whole or in part, so as to hinder or prevent the enforcement of this By-law.
- (10) Subject to section 5.0(11), no *Person* shall *Own* or *Operate* an *Adult Entertainment Parlour* in the *City*, and no *Adult Entertainment Attendant* shall perform *Services* in an *Adult Entertainment Parlour* in the *City*, except in the areas designated as subject *Lands* on Schedule “C-1” or Schedule “C-2” attached to this By-law.
- (11) There shall be a maximum, total number of three (3) *Adult Entertainment Parlours* located in the *City*.
- (12) No *Person* under the age of eighteen (18) years may enter, be allowed to enter, remain in or be allowed to remain in any part of an *Adult Entertainment Parlour*.
- (13) An *Adult Entertainment Parlour* may only be open for business between the hours of 11:00 a.m. and 2:00 a.m. on any day, but shall remain closed for business on such days or dates as provided by Federal or Provincial laws.
- (14) Every *Adult Entertainment Parlour Owner* and *Adult Entertainment Parlour Operator* shall, upon demand by any *Person* authorized to enforce the provisions of this By-law, produce the licence of each *Adult Entertainment Attendant* performing on the *Premises*, at the time of an inspection.

5.1 Adult Entertainment Attendants

- (1) In addition to the requirements set out in Part 4.2, every application for an *Adult Entertainment Attendant* licence or renewal of such licence shall be accompanied by proof that the *Applicant* is:
 - (a) at least eighteen (18) years of age at the time of application; and
 - (b) eligible to work in Canada,which may be evidenced by the production of *Government Issued Identification*, in a manner satisfactory to the *Chief Licensing Officer*.
- (2) Notwithstanding any other provisions in this By-law, no *Applicant* or *Licensee* for

an *Adult Entertainment Attendant's* licence shall use an *Authorized Agent* or any other *Person* to make an application, renew a licence, or otherwise undertake any action with respect to such licence.

- (3) No *Adult Entertainment Attendant* shall, while providing *Services* as an *Adult Entertainment Attendant*, including performance, encounter, exhibition, dance or other similar activity, touch or have physical contact with any other *Person* in any manner whatsoever involving any part of that *Person's* body.
- (4) Each *Adult Entertainment Attendant* shall ensure that every service provided by him or her, including every performance, encounter, exhibition, dance, or other similar activity, takes place without being hidden or concealed, in whole or in part, so as to hinder or prevent the enforcement of this By-law.
- (5) No *Adult Entertainment Attendant* or other *Person* shall provide *Services* in any *Adult Entertainment Parlour* unless the *Adult Entertainment Parlour Owner* of the said *Adult Entertainment Parlour* and the *Adult Entertainment Parlour Operator*, if any, is or are duly licensed under this By-law.
- (6) Every *Applicant* for an *Adult Entertainment Attendant's* licence must use his or her full and legal name and no licence shall be issued to any *Person* in any name other than his or her full and legal name.

6.0 Auctioneers

- (1) In addition to the requirements set out in Part 4.2, an application for an *Auctioneer's* licence or renewal of such licence shall be accompanied by a Police Criminal Record Check from an *Ontario Police Service*, dated not more than ninety (90) days prior to the date of application.
- (2) Any *Person* selling or putting up for sale goods, wares, merchandise or effects by *Public Auction* shall be deemed to be an *Auctioneer* within the meaning of this By-law.
- (3) Every *Person* who exercises the calling, trade or business of an *Auctioneer* shall, at the place of each *Auction*, prominently display his or her name and business address and shall, in all public advertisements of any nature used by him or her in the course of his or her business, include his or her name and business address in such advertisements.

- (4) Every *Auctioneer* shall keep proper books of account of the business transacted by him or her as an *Auctioneer*, which books shall give the names and addresses of the *Owner* of the goods, wares or merchandise to be sold, the description of the same, the price for which the same may be sold, and the names and addresses of the persons purchasing such goods, wares or merchandise, or any portion thereof, account for the proceeds and pay the same to the *Person* or *Persons* entitled to such proceeds, less his or her proper and legal commissions and charges, and the *Auctioneer* shall, in case no sale is made of such goods, return to the *Person* or *Persons* entitled to receive the same on proper demand.
- (5) No *Auctioneer* shall:
- (a) permit any disorder or disorderly conduct in his or her *Auction Hall*, room or offices;
 - (b) conduct or permit to be conducted any mock *Auction*;
 - (c) knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale by him or her;
 - (d) give away articles or sell them for nominal amounts for the purpose of stimulating bidding;
 - (e) do any act that is calculated to, or which may reasonably have the same effect, confuse a purchaser as to the amount he or she pays for any goods, wares, merchandise or effects;
 - (f) avail himself or herself of the *Services* of, or act in concert with, *Persons*, known in the trade as “beaters”, “boosters” or “shills”, for the purpose of raising or stimulating bids;
 - (g) 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.
- (6) This Part does not apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

6.1 Auction Halls

- (1) In addition to the requirements set out in Part 4.2, every application for an *Auction*

Hall licence or renewal of such licence shall be accompanied by a listing of all *Auctioneers* operating or who will be operating from or at the *Premises*.

7.0 Banquet Halls

- (1) In addition to the requirements set out in Part 4.2, every application for a *Banquet Hall* licence or renewal of such licence shall be accompanied by the following:
 - (a) a statement on the form provided by the *Licensing Office* giving such particulars as to the location, size and construction of the hall, together with a plan of the proposed seating arrangement, as may be required;
 - (b) a certificate signed by the *Chief Fire Official* certifying that he has inspected the building in respect of which the application is made and has found that it is in accordance with fire and life safety regulations;
 - (c) a certificate signed by the *Chief Building Official* certifying that the operation of a hall in the location applied for is approved by him and that he is satisfied with the proposed use of the building or part thereof as a *Banquet Hall* and with the proposed methods of operation;
 - (d) a certificate from the *Medical Officer of Health* certifying that the *Premises* to be licensed are in a proper sanitary condition and that adequate sanitary facilities are provided for the use of patrons thereto.
- (2) The *Licensee* of a *Banquet Hall* shall not permit a greater number of persons to enter or be in the hall at any time than the stated maximum occupancy capacity on the licence.
- (3) The *Licensee* of every *Banquet Hall* shall display in a prominent place in the entranceway, a placard(s) as required and issued by the Vaughan Fire Department as follows:
 - (a) the following words shall appear in bold, upper case print on the placard(s):
“OCCUPANCY OF THIS HALL BY MORE THAN (BLANK) PERSONS IS DANGEROUS AND UNLAWFUL”;
 - (b) the area of the placard(s) shown as “(BLANK)” shall set out the maximum capacity or maximum number of persons permitted in the *Banquet Hall* pursuant to and as stated on the *Banquet Hall* licence issued for the *Premises*; and

- (c) the placard(s) shall state the location of the nearest telephone, the telephone number of the Vaughan Fire Department and the location of the nearest fire alarm box.
- (4) False doors, windows, or any type of decoration which give the appearance of a door or exit where no door or exit exists shall not be permitted except that this shall not prohibit the use of doors or windows forming part of stage properties.
- (5) No mirrors shall be placed in or adjacent to any exit in such a manner as to confuse the direction of exit.
- (6) Metal containers with self-closing covers shall be provided and conveniently placed for the deposit of refuse and the contents of every such container shall be emptied and disposed of immediately following the use of the hall.
- (7) All washrooms shall be kept clean and properly supplied at all times.
- (8) All *Banquet Halls* shall use only freshly laundered table linen.
- (9) All *Banquet Halls* shall use only dinnerware, glasses and utensils that are clean and sterilized.

8.0 Billiard Halls

- (1) An *Owner* or *Operator* of a *Billiard Hall* shall not permit it to be open to the public unless:
 - (a) a *Person* over the age of eighteen (18) years is present to supervise the use of the facilities;
 - (b) the *Premises* are in a clean and sanitary condition.
- (2) An *Owner* or *Operator* of a *Billiard Hall* shall not permit:
 - (a) any disorder or disorderly conduct on or in the *Premises*;
 - (b) loitering on, in or about the *Premises*.
- (3) A *Billiard Hall* may only be open to the public between the hours of 9:00 am and 2:00 am and shall not be permitted to be open to the public at any time between the hours of 2:00 am and 9:00 am consecutively.
- (4) An *Owner* or *Operator* of a *Billiard Hall* shall not allow a *Person* under the age of sixteen (16) years to enter or remain on the *Premises* or to play in a *Billiard Hall* unless such *Person* is accompanied by an adult who is a parent or guardian.

9.0 Body Rub Parlours

- (1) In addition to the requirements set out in Part 4.2, every application for a *Body Rub Parlour Owner's* licence or renewal of such licence shall be accompanied by the following:
- (a) if the *Applicant* is an individual, proof, that the *Applicant* is at least eighteen (18) years of age, which may be evidenced by the production of *Government Issued Identification*, in a manner satisfactory to the *Chief Licensing Officer*.
 - (b) if the *Applicant* is a *Corporation*, the date of birth of every shareholder or other *Person* having a beneficial interest of any kind in the shares of the *Applicant Corporation*, which may be evidenced by the production of *Government Issued Identification* for each such *Person*, in a manner satisfactory to the *Chief Licensing Officer*.
 - (c) where the shares in a *Corporation* applying for a *Body Rub Parlour Owner's* licence are held in whole or in part by another *Corporation*, the *Corporation* so applying shall file with the *Licensing Office* a return in a form supplied by the *Licensing Office*, which return shall contain a list of all of its shareholders, and if such return discloses that the shares in such other *Corporation* are in turn held in whole or in part by a third *Corporation* listing its shareholders, and so on until the names of all living persons are shown and identified as the shareholders of any and all *Corporations* having an interest, direct or indirect, in the shares of the *Applicant Corporation*;
 - (d) if the *Applicant* is a *Corporation*, a completed annual return on a form supplied by the *Licensing Office*;
 - (e) where such *Person* is a natural individual, two (2) passport-size photographs, which must have been taken within thirty (30) days of the licence application or a digital photograph, also taken within thirty (30) days of the licence application, with a minimum resolution of 600 x 600 pixels and a maximum resolution of 1200 x 1200 pixels, and:
 - (i) where the *Applicant* is a *Corporation*, such photographs shall be taken of at least one of the officers of the *Corporation*;
 - (ii) where the *Applicant* is a *Partnership*, such photograph shall be taken

of at least one of the partners;

- (f) natural individuals associated in a *Partnership* shall file a statutory declaration, in writing, signed by all members of the *Partnership* stating:
 - (i) the full name of every partner and the address of his or her ordinary residence;
 - (ii) the name or names under which they carry on or intend to carry on business;
 - (iii) that the persons therein named are the only members of the *Partnership*;
 - (iv) the complete mailing address for the *Partnership*;
 - (g) documentation satisfactory to the *Chief Licensing Officer* demonstrating the *Applicant's* right to possess or occupy the *Premises*, and if any *Applicant* is not the registered *Owner* of the property at which the *Body Rub Parlour* is to be located, such *Person* shall file with the *Licensing Office* a copy of his or her lease of the property and a copy of any other document constituting or affecting the legal relationship between the *Applicant* and the registered *Owner*, relating to the said property;
 - (h) a Police Criminal Check, issued by an *Ontario Police Service*, dated not more than ninety (90) days prior to the date of application or renewal, for:
 - (i) each officer, if the *Applicant* is a *Corporation*;
 - (ii) each partner, if the *Applicant* is a *Partnership*;
 - (iii) the proprietor of a *Sole Proprietorship*.
- (2) In addition to the requirements set out in Part 4.2, a *Body Rub Parlour Owner* applying for a licence or renewal of such licence as an accessory use to a *Regulated Health Professional* office shall provide the *Licensing Office* with the following:
- (a) a letter from the *Regulated Health Professional* authorizing the *Body Rub Parlour* to operate in the *Regulated Health Professional* office;
 - (b) a floor plan as per the provisions of subsection 9.0(16)(a) of this By-law.
- (3) The *Regulated Health Professional* authorizing the *Body Rub Parlour* to operate as an accessory use in the *Regulated Health Professional* office must also comply

with all provisions of this By-law and submit to the *Licensing Office* all documents required pursuant to the provisions of this By-law.

- (4) Where a *Corporation* is the holder of a *Body Rub Parlour Owner's* licence or licences, the *Corporation* shall forthwith notify the *Licensing Office* in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the *Corporation*, and of any such transaction involving the shares of any *Corporation* referred to in section 9.0(1).
- (5) Where, by transfer of existing shares, or by an issue of new or existing shares, the controlling interest in a *Corporation* holding one or more *Body Rub Parlour Owner's* licence or licences is determined by the *Chief Licensing Officer* to have changed hands, the *Chief Licensing Officer* may revoke forthwith such licence or licences, and the *Licensing Office* may issue a new licence or new licences upon payment of the prescribed fee.
- (6) Where the shares of the corporate *Body Rub Parlour Owner* are held in whole or in part by another *Corporation*, such *Owner* shall file with the *Licensing Office* at the same time as the *Body Rub Parlour Owner*, an annual return as provided in subsection 9.0(1)(d) of this By-law and if the shares in such other *Corporation* are in turn held in whole or in part by a third *Corporation*, then such *Owner* shall likewise file such an annual return in respect of such third *Corporation* and so on until the names of all living persons are shown and identified as the shareholders of any and all *Corporations* having an interest, direct or indirect, in the corporate *Owner*.
- (7) For the purpose of section 9.1(10), "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the *Corporation*.
- (8) If any member of a *Partnership* applying for a licence is a *Corporation*, such *Corporation* shall be deemed to be applying for a *Body Rub Parlour Owner's* licence, in place and stead of the *Partnership*.
- (9) Every *Body Rub Parlour Owner* and *Operator* shall, in *Carrying on or Engaging in the Business* of a *Body Rub Parlour* or *Body Rubs*, comply with the following requirements as set forth:

- (a) no *Person* under the age of eighteen (18) years may enter, be allowed to enter, remain, be allowed to remain, provide *Services*, or be provided *Services* to, in any part of a *Body Rub Parlour*;
- (b) every *Body Rub Parlour Owner* and *Body Rub Parlour Operator* shall ensure that there is posted in a prominent location at every entrance to the *Body Rub Parlour* a sign indicating that no *Person* under the age of eighteen (18) years may enter or remain in such *Premises*;
- (c) every *Body Rub Parlour Owner* and *Body Rub Parlour Operator* shall, before permitting any *Person* to provide *Services* at a *Body Rub Parlour*, provide a copy of the general regulations in this By-law to such *Person*, and instruct such *Person* with respect to all of the regulations;
- (d) every *Body Rub Parlour Owner* and *Body Rub Parlour Operator* shall ensure that no *Services* are provided at the *Body Rub Parlour* other than in accordance with the requirements of this By-law;
- (e) No *Body Rub Parlour Owner* or *Body Rub Parlour Operator* may permit a *Body Rub Parlour* to be open for business unless the *Owner* or the *Operator* is in attendance;
- (f) no *Body Rub Parlour Owner* or *Body Rub Parlour Operator* may permit any *Person* who appears to be intoxicated by alcohol or a drug to enter or remain in a *Body Rub Parlour*;
- (g) no *Body Rub Parlour Owner* or *Body Rub Parlour Operator* may advertise or promote a *Body Rub Parlour* or the provision of *Services* at a *Body Rub Parlour* except in accordance with the provisions of section 9.0(14) respecting signs and advertising;
- (h) no *Body Rub Parlour Owner* or *Body Rub Parlour Operator* may permit a *Body Rub Parlour* to open or to remain open for business except in compliance with the provisions of section 9.0(16) respecting hours of operation;
- (i) no *Person* may own or operate a *Body Rub Parlour* except in compliance with the provision of section 9.0(15) respecting design of *Premises*;
- (j) every *Body Rub Parlour Owner* and *Body Rub Parlour Operator* licensed

under this By-law shall cause the licence issued to him in respect of the *Body Rub Parlour* to be posted and maintained in a conspicuous place in the *Body Rub Parlour*, in a manner satisfactory to the *Chief Licensing Officer*, at all times during the currency of the licence;

- (k) no *Body Rub Parlour Owner* or *Body Rub Parlour Operator* may permit a *Person*, except a *Person* holding an *Body Rub Parlour Attendant's* licence, to perform any service at a *Body Rub Parlour*;
- (l) every contract for *Services* or other document pertaining to the relationship between a *Body Rub Parlour Owner* or *Body Rub Parlour Operator* and any *Body Rub Parlour Attendant* at a *Body Rub Parlour* shall be in writing and shall be made available to the *Licensing Office* upon request, for inspection at any time during the business hours of the *Body Rub Parlour* and at all times when *Body Rubs* are provided, and shall be retained for a period of six (6) months after the termination or completion of such contract;
- (m) every *Owner* and every *Operator* of a *Body Rub Parlour* shall produce upon demand, a copy of all *Body Rub Parlour Attendant* licences whether currently on duty or not, to a *Person* authorized to enforce the provisions of this By-law;
- (n) no *Body Rub Parlour Owner* or *Body Rub Parlour Operator* may use or permit to be used any camera, photographic, or other electronic recording device at a *Body Rub Parlour* by any *Person*, but this paragraph shall not prohibit:
 - (i) the use of any camera or other device used by a public authority for the enforcement of the law;
 - (ii) the maintenance of a camera in the entrance area of the *Premises* for security purposes only;
- (o) where the *Owner* of a *Body Rub Parlour* is other than a natural individual, there must be one or more licensed *Body Rub Parlour Operators* sufficient to comply with the requirements of this By-law;
- (p) no *Person* may *Offer* or *Solicit* a body rub, or the *Services* of a *Body Rub Parlour* except in accordance with the terms of this By-law, and without

making application for, obtaining and maintaining, pursuant to the terms of this By-law, a *Body Rub Parlour* licence;

- (q) every *Body Rub Parlour Owner* and *Body Rub Parlour Operator* shall:
 - (i) keep a written record of all appointments, bookings and arrangements for *Body Rubs* or *Services* and such record shall be made readily available upon demand of a *Person* authorized to enforce the provisions of this By-law;
 - (ii) the records referred to in clause 9.0(9)(q)(i) shall be maintained for a period of not less than three (3) months;
 - (iii) the records referred to in clause 9.0(9)(q)(i) shall indicate the time, date, fee charged, the alias used by the *Body Rub Parlour Attendant* providing such *Services*, and the *Customer's* full legal name, current address, and type of identification shown;
 - (iv) maintain and produce upon demand of the *Person* authorized to enforce the provisions of this By-law an employee schedule that indicates the full legal name and any alias used by each *Body Rub Parlour Operator* and *Body Rub Parlour Attendant* and the start and finish time for each day for each *Body Rub Parlour Attendant* and *Body Rub Parlour Operator*;
 - (r) No *Person* shall in any manner block, obstruct or impede the view of the window described in subsection 9.0(15)(n).
- (10) No *Person* shall own or operate a *Body Rub Parlour* in the *City of Vaughan* and no *Body Rub Attendant* shall perform or provide a *Body Rub* at a *Body Rub Parlour*, except in the areas designated as "Subject Lands" in Schedules "E-1" and "E-2" of this By-law.
- (11) The maximum, total number of licences that may be issued under, and in accordance with, this By-law for *Body Rub Parlours* within the *City of Vaughan* shall be limited to twenty (20).
- (12) Despite the limits imposed by sections 9.0(10) and 9.0(11), a *Body Rub Parlour* may be permitted as an accessory use to a *Regulated Health Professional* office to a maximum of thirty percent (30%) of the total *Gross Floor Area* of a *Regulated*

Health Professional office, provided that the main business access to the *Body Rub Parlour* shall be from an entrance in common with the principal *Regulated Health Professional* office.

(13) Despite the provisions of section 9.0(12), all other provisions of this By-law that apply to *Body Rub Parlours* shall continue to apply to *Body Rub Parlours* that are permitted as an accessory use to a *Regulated Health Professional* office.

(14) Notwithstanding the *City of Vaughan's* Sign By-law, no *Person* may erect or maintain any sign or other device advertising a *Body Rub Parlour*, except in accordance with the following additional regulations:

(a) no *Person* shall erect or maintain any of the following signs or other advertising devices on the *Premises* of a *Body Rub Parlour* or in respect of any *Services* provided at or in a *Body Rub Parlour*:

(i) awning sign;

(ii) projecting sign;

(iii) portable sign;

(iv) ground or pylon sign;

(v) canopy sign;

(vi) inflatable sign;

(vii) trailer sign; or

(viii) sandwich board sign;

(b) no *Person* may circulate, cause to be circulated, post, or cause to be posted, distribute, or cause to be distributed any poster, flyer, handbill or other form of printed sign or advertising device on or at *Premises* or locations other than the *Body Rub Parlour*, with the exception of advertising in a newspaper, in a telephone directory, or online;

(c) nothing in this By-law shall be deemed to constrain any *Person* from erecting or maintaining any sign or other advertising device on any interior wall of a *Body Rub Parlour*, provided the content of such sign is not visible from the exterior of the *Body Rub Parlour*;

(d) no *Person* may erect or maintain any sign or other advertising device in respect of a *Body Rub Parlour* which includes any letters, markings,

symbols, pictures or representations, except the name, address, and/or phone number of the *Body Rub Parlour* as recorded on the application for licence, and any logo or symbol, provided a copy of such logo or symbol is filed with the *Licensing Office*;

(e) the logo or symbol referred to in subsection 9.0(6)(d) shall not be used by a *Body Rub Parlour* until written approval has been granted by the *Licensing Office*, but for greater certainty, such approval does not extend to any advertising described in subsection 9.0(14)(b).

(15) No *Person* may engage in the business as a *Body Rub Parlour Owner* or a *Body Rub Parlour Operator* of a *Body Rub Parlour*, except in accordance with the following regulations:

(a) the *Body Rub Parlour Owner* or *Body Rub Parlour Operator* shall provide the *Licensing Office* with a floor plan showing the designated room or rooms for the provision of *Body Rubs*:

(i) except as shown on the floor plan, no *Person* may provide a *Body Rub* or *Body Rubs* in any other room, cubicle, enclosure or partitioned area located within the *Body Rub Parlour*;

(ii) in the event that the *Body Rub Parlour Owner* or *Body Rub Parlour Operator* wishes to amend the floor plan, the *Body Rub Parlour Owner* or *Body Rub Parlour Operator* shall first file with the *Licensing Office* a copy of the amended floor plan and shall not proceed to make any alterations whatsoever or to use any other room, cubicle, enclosure or partitioned area without obtaining the prior written approval of the *Chief Licensing Officer*;

(b) save and except for one room designated by the *Owner* or *Operator* for use as an office and one room designated by the *Owner* or *Operator* as a storage room, every *Owner* or *Operator* shall ensure that no means of access to any room, cubicle, enclosure or partitioned area in a *Body Rub Parlour* that is used to provide *Body Rubs* is equipped or constructed with a locking device of any kind or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such

area;

- (c) during the hours of operation of a *Body Rub Parlour* the *Owner* or *Operator* shall ensure that the principal means of access into the *Body Rub Parlour* shall be kept unlocked and available so that anyone coming into the *Body Rub Parlour* may enter therein without hindrance or delay;
- (d) no *Premises* or part thereof used as a *Body Rub Parlour* shall be used as a dwelling or for sleeping purposes or contain therein any bed or other furniture which is commonly used or which may be used for sleeping purposes;
- (e) every *Body Rub Parlour* shall be provided with adequate ventilation and with lighting that is adequate to ensure visibility and that is uniformly distributed throughout the *Premises*;
- (f) every *Body Rub Parlour* and all fixtures and equipment therein shall be regularly washed and kept in a sanitary condition;
- (g) every *Body Rub Parlour* shall be equipped with an effective utility sink;
- (h) adequate toilet and washroom accommodation shall be provided in accordance with the regulations set forth under the Ontario Building Code Act, 1992, S.O. 1992, c. 23, as amended, and the Ontario Building Code from time to time;
- (i) washrooms shall be equipped with:
 - (i) an adequate supply of hot and cold water;
 - (ii) an adequate supply of liquid soap in a suitable container or dispenser;
 - (iii) hot air dryers or individual towels in a suitable container or dispenser;
 - (iv) a suitable receptacle for used towels and waste material;
- (j) no washroom, toilet, sink or basin used for domestic purposes shall be used in connection with a *Body Rub Parlour*;
- (k) in any shower-bathroom, and in any sauna-bathroom, used in connection with a *Body Rub Parlour*.
 - (i) the floors shall be disinfected at least once a week with a

- disinfecting solution, approved by the *Medical Officer of Health*;
 - (ii) all surfaces and attached accessories of the bath or shower enclosure must be self-draining;
 - (iii) all showers must have removable cleanable drain covers;
 - (iv) floor surfaces inside of and outside of the shower enclosures shall be of a non-slip type;
 - (l) every *Body Rub Parlour Owner* and *Body Rub Parlour Operator* shall provide and maintain at all times within the *Body Rub Parlour* a first aid kit, equipped in a manner satisfactory to the *Medical Officer of Health*;
 - (m) the *Premises* for which the *Body Rub Parlour* licence is required shall be subject to the following criteria:
 - (i) the maximum *Gross Floor Area* of the *Body Rub Parlour* shall be no more than two hundred (200) square meters; and
 - (ii) where a *Body Rub Parlour* is located in a multi-unit building, it shall not exceed fifteen (15) percent of the *Gross Floor Area* of the multi-unit building;
 - (n) every door to a room designated in the licence application as a massage room shall be equipped with a window of a size not less than thirty-six (36) centimetres by thirty-six (36) centimetres and such window shall be free of any obstruction except for a curtain of the same size on the exterior of the door and such window shall be free of any tint or other material;
 - (o) if the room designated in the licence application as a massage room is designed or laid out in a such a way that the entire room is not visible through the window described in subsection 9.0(15)(n), then such window will be at least large enough to allow the entire room to be visible.
- (16) No *Body Rub Parlour* shall be open to the public and no *Owner* or *Operator* of a *Body Rub Parlour* may permit *Services* to be provided and no *Attendant* at a *Body Rub Parlour* may provide *Services*, except on the following days and between the following hours:
- (a) Monday to Friday from 9:00 am to 10:00 pm of the same day;
 - (b) Saturday from 9:00 am to 6:00 pm of the same day;

- (c) Sunday from 10:00 am to 5:00 pm of the same day.
- (17) No *Person* licensed to carry on any business or activity pursuant to this By-law may advertise or promote or carry on such business or activity under any name other than the name endorsed upon the licence issued to that *Person*.

9.1 Body Rub Parlour Attendants

- (1) In addition to the requirements set out in Part 4.2, every application for a *Body Rub Parlour Attendant's* licence or renewal of such licence shall be accompanied by the following:
- (a) a letter of prospective employment from the *Body Rub Parlour Owner* or *Body Rub Parlour Operator*;
 - (b) a medical certificate from a physician qualified to practice medicine in the Province of Ontario, dated within thirty (30) days of the date of the application, indicating that the *Applicant* is free from communicable diseases and shall submit to such tests in relation to communicable or transmissible diseases as the physician may require;
 - (c) proof that the *Applicant* is:
 - (i) at least eighteen (18) years of age at the time of application; and
 - (ii) eligible to work in Canada, which may be evidenced by the production of *Government Issued Identification*, in a manner satisfactory to the *Chief Licensing Officer*.
 - (d) a complete Police Criminal Record Check issued by an *Ontario Police Service*, dated not more than ninety (90) days prior to the date the application for the licence is being made.
- (2) Notwithstanding any other provisions in this By-law, no *Applicant* or *Licensee* for a *Body Rub Parlour Attendant's* licence shall use an *Authorized Agent* or any other *Person* to make an application, renew a licence, or otherwise undertake any action with respect to such licence.
- (3) No *Body Rub Parlour Attendant* shall provide any *Services* at a *Body Rub Parlour* unless such *Attendant* is properly licensed under this By-law.
- (4) No *Body Rub Attendant* shall perform or provide a *Body Rub* at a *Body Rub Parlour*, except in the areas designated as "Subject Lands" in Schedules "E-1" and

“E-2” of this By-law.

- (5) No *Body Rub Parlour Attendant* may provide *Services* at a *Body Rub Parlour* unless there is in attendance a *Person* at the *Premises* holding a *Body Rub Parlour Owner’s* licence or a *Body Rub Parlour Operator’s* licence.
- (6) Every *Body Rub Parlour Attendant* shall, in *Carrying on or Engaging in the Business* of a *Body Rub Parlour* or *Body Rubs*, shall allow a *Person* under the age of eighteen (18) years to enter, remain, be allowed to remain, provide *Services*, or be provided *Services* to, in any part of a *Body Rub Parlour*.
- (7) Every *Attendant* at a *Body Rub Parlour* shall be clothed in a manner in which such *Person’s* pubic area and buttocks, and in the case of a woman, also her breasts, are completely covered by an opaque material.
- (8) Every *Attendant* shall ensure that every *Customer* in a *Body Rub Parlour* is clothed in a manner in which such *Person’s* pubic area and in the case of a woman, also her breasts, are completely covered by an opaque material.

10.0 Driving School Driver Instructor and Driving School Instructor Owner

- (1) In addition to the requirements set out in Part 4.2, every application for a *Driving School Driver Instructor’s* licence or renewal of such licence shall be accompanied by the following:
 - (a) a valid Ontario Class “G” Driver’s Licence;
 - (b) a valid Ontario Driving Instructor’s licence;
 - (c) a “Statement of Driver Record” furnished by the Ministry of Transportation and Communications of the Province of Ontario and dated not more than ninety (90) days preceding the date of application;
 - (d) proof, satisfactory to the *Chief Licensing Officer*, that the *Applicant* is:
 - (i) at least eighteen (18) years of age at the time of application; and
 - (ii) eligible to work in Canada, which may be evidenced by the production of *Government Issued Identification*, in a manner satisfactory to the *Chief Licensing Officer*.
 - (e) a complete Police Criminal Record Check issued by an *Ontario Police Service*, dated not more than ninety (90) days prior to the date application for licence is being made.

- (2) In addition to the requirements set out in Part 4.2, every application for a *Driving School Instructor Owner's* licence or for the renewal of such licence shall be accompanied by the following:
- (a) a complete Police Criminal Record Check issued by an *Ontario Police Service*, dated not more than ninety (90) days prior to the date application for licence is being made;
 - (b) a valid Ontario Class "G" Driver's Licence;
 - (c) a valid Ontario Driving Instructor's Licence;
 - (d) a Safety Standards Certificate for the vehicle in which he intends to carry out the instruction, dated not more than ninety (90) days prior to the date of application or renewal;
 - (e) a certificate of policy of insurance in the amount of two million (2,000,000.00) dollars;
 - (f) if such vehicle is powered by propane, a certificate from an authorized propane inspection station, accounting for such vehicle's mechanical fitness;
 - (h) the *Ownership* of such vehicle;
 - (i) proof, satisfactory to the *Chief Licensing Officer*, that the *Applicant* is;
 - (i) at least eighteen (18) years of age at the time of application; and
 - (ii) eligible to work in Canada, which may be evidenced by the production of *Government Issued Identification*, in a manner satisfactory to the *Chief Licensing Officer*.
- (3) Prior to the issuance of a *Driving School Instructor Owner's* licence:
- (a) the *Applicant* shall produce the *Motor Vehicle* to be licensed for inspection and the *Chief Licensing Officer* or any other *Person* authorized to enforce the provisions of this By-law, shall inspect the vehicle for conformity with this By-law;
 - (b) if the *Motor Vehicle* in question, in the opinion of the *Chief Licensing Officer* or any other *Person* authorized to enforce the provisions of this By-law, does not meet the requirements of this By-law, then the issuance of such

licence shall not be granted until such time as the *Chief Licensing Officer* or any other *Person* authorized to enforce the provisions of this By-law, is satisfied that the *Motor Vehicle* is in conformity.

- (4) No *Person* shall engage in the business of a *Driving School Driver Instructor* or *Driving School Instructor Owner* on any *City* community centre or municipal office *Parking Lot*.
- (5) Every *Driving School Driver Instructor* and *Driving School Instructor Owner* shall:
 - (a) be at least eighteen (18) years of age;
 - (b) be the holder of a licence or licences issued by the Province of Ontario authorizing him or her to carry on the trade, business or calling of teaching persons to operate *Motor Vehicles*;
 - (c) be able to read, write and speak the English and/or French Language with sufficient fluency as to render him or her, in the opinion of the *Licensing Office*, competent to exercise his or her business, trade or calling;
 - (d) not give, permit or cause instruction to be given on a *Motor Vehicle* that is not equipped with dual braking controls;
 - (e) not give, permit or cause instruction to be given on a *Motor Vehicle* that has not first been examined by the Ministry of Transportation and issued with a certificate proving the roadworthiness of said vehicle;
 - (f) not give instruction to any student driver who is unable to produce a valid Class "G1", "G2" or "G" Driver's Licence issued by the Province of Ontario;
 - (g) not give instruction to any student driver when the use of alcohol or drugs by such student driver is apparent;
 - (h) not use any vehicle in the business unless there is securely affixed to the exterior rear of the vehicle, in a location approved by the *Chief Licensing Officer*, a plate bearing an identifying number indicating that the vehicle is used in a business licensed by the *City*;
 - (i) advise the *Licensing Office* of all *Motor Vehicles* to be used in the operation of the business identifying such by make, vehicle identification number, and Ontario provincial plate number;
 - (j) advise the *Licensing Office* of all changes of *Motor Vehicles*, additions to or

- deletions from the existing licences allocated to him;
- (k) return all plates that have been expired more than ninety (90) days;
 - (l) keep a permanent record of all students giving full information as to the commencement of instruction, date and time of each lesson and the *Driving School Driver Instructor's* or *Driving School Instructor Owner's* name;
 - (m) allow the *Licensing Office* to have access to all *Premises, Motor Vehicles*, equipment, books and records used in the operation of the business;
 - (n) display a sign or signs on each *Motor Vehicle*, which comply with the following requirements:
 - (i) the sign or signs are readily legible from a distance of thirty (30) meters from both the front and rear of said *Motor Vehicles* and provide the name, address and telephone number of the *Driving School*; and
 - (ii) the sign or signs shall not be mounted in such a manner so as to obstruct a clear view of either the Provincial Marker Plate or the identifying plate issued by the *City of Vaughan* indicating that such vehicle is used in a *Driving School* business;
 - (o) refrain from employing any *Person* required to be licensed under this By-law that is not duly licensed.
- (6) No *Driving School Driver Instructor* or *Driving School Instructor Owner* shall operate a *Driving School Motor Vehicle* that has not been licensed as a *Driving School Motor Vehicle* by the *City of Vaughan*.

11.0 Dry Cleaning Depots and Laundromats

- (1) No *Owner* or *Operator* of a *Dry Cleaning, Laundry* or *Laundromat Establishment* shall permit:
 - (a) the use of solvents that are flammable and emit odours; and
 - (b) any noise or vibration within or outside the *Premises* that may cause a disturbance or inconvenience.
- (2) All refuse containers shall be of a non-flammable material or as approved by the *Chief Fire Official*.
- (3) The *Premises* and any appurtenances or equipment related to any *Dry Cleaning*,

Laundry or Laundromat Establishment, including any vehicles used in collecting laundry or cleaning equipment, shall be kept in a clean and sanitary condition as required by the *Medical Officer of Health*.

12.0 Eating Establishments

- (1) Notwithstanding any other section of this By-law, every *Owner* and every *Operator* of an *Eating Establishment* shall post a notice of availability of the *Food Safety Inspection Report*.
- (2) Notwithstanding any other section of this By-law, every *Owner* and every *Operator* of an *Eating Establishment* shall, when so requested by any *Person*, produce for inspection the most recent *Food Safety Inspection Report* or Reports.

13.0 Contractors - Fence Installers

- (1) In addition to the requirements set out in Part 4.2, every application for a *Fence Installer's* licence shall include proof, satisfactory to the *Chief Licensing Officer*, that every employee or other *Person* under the *Applicant's* charge is insured in accordance with the Work Safety and Insurance Act, 1997, as amended.
- (2) In addition to the requirements set out in Part 4.2, every application for a *Fence Installer's* licence shall include, by way of certificate of insurance satisfactory to the *Chief Licensing Officer*, proof of a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage;
- (3) Every *Applicant* for an initial *Fence Installer's* licence, who also holds a valid licence in a *Municipality* with requirements that, to the satisfaction of the *Chief Licensing Officer*, similarly meet the licensing requirements of this By-law, may be eligible:
 - (a) to have the similar requirements in this By-law deemed to be satisfied by the *Chief Licensing Officer*; and
 - (b) to pay the renewal (rather than initial) rate for the licence.
- (4) Every *Applicant* for *Fence Installer's* licence, or its renewal, who is a member in good standing of a *City-Approved Professional Associations* representing *Fence Installers*, may be eligible to receive a discount of 20% from the corresponding fee.
- (5) Prior to accepting any payment from a *Customer* or commencing any work for a *Customer*, a *Fence Installer* shall provide a written contract to said *Customer*,

specifying the work to be performed and the schedule of payment and such contract shall be signed by the *Fence Installer* and presented to the *Customer* for acceptance and signature.

- (6) Prior to providing a written contract pursuant to section 13.0(5), a *Fence Installer* shall inform the *Customer* in writing of all local by-laws that affect or may affect the proposed project and shall also inform the *Customer* in writing of any permits required by the *City*. For greater clarity, this information shall be provided in a communication separate and apart from the contract.
- (7) The work performed by a *Fence Installer* shall be in compliance with all *City* by-laws and regulations, and where required shall include a valid permit, granted exemption or supporting decision.
- (8) Every vehicle actively used in connection with the business of a *Fence Installer*, with the exception of a personal vehicle used only for the purposes of visiting a work site to meet a *Customer*, provide a quote or check on the progress of ongoing work, shall have visibly displayed on the dashboard a placard identifying the business name and *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.
- (9) Placards, as provided for in section 13.0(8) are only transferable to other vehicles used primarily in connection with the licensed business, but does not include any vehicles belonging to or used in connection with any sub-contractors of the licensed business.
- (10) Vehicle licensing placards are subject to the fees set out in Fees and Charges By-law 158-2021, as amended, or its successor by-law.
- (11) Every outdoor sign or other advertising or promotional device used in the *City of Vaughan* in connection with the business of a *Fence Installer* shall include its corresponding *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.
- (12) Without limiting 13.0(7), no *Fence Installer*, subcontractor of a *Fence Installer*, or other agent acting on behalf of a *Fence Installer* shall install, erect, alter, or modify a *Fence* that is not in compliance with the *City's* Fence By-law 089-2020, as amended, or its successor by-law.

13.1 Contractors – Pavers

- (1) In addition to the requirements set out in Part 4.2, every application for a *Paver's* licence shall include proof, satisfactory to the *Chief Licensing Officer*, that every employee or other *Person* under the *Applicant's* charge is insured in accordance with the Work Safety and Insurance Act, 1997, as amended.
- (2) In addition to the requirements set out in Part 4.2, every application for a *Paver's* licence shall include, by way of certificate of insurance satisfactory to the *Chief Licensing Officer*, proof of a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage;
- (3) Every *Applicant* for an initial *Paver's* licence, who also holds a valid licence in a *Municipality* with requirements that, to the satisfaction of the *Chief Licensing Officer*, similarly meet the licensing requirements of this By-law, may be eligible:
 - (a) to have the similar requirements in this By-law deemed to be satisfied by the *Chief Licensing Officer*; and
 - (b) to pay the renewal (rather than initial) rate for the licence.
- (4) Every *Applicant* for *Paver's* licence, or its renewal, who is a member in good standing of a *City-Approved Professional Associations* representing *Pavers*, may be eligible to receive a discount of 20% from the corresponding fee.
- (5) Prior to accepting any payment from a *Customer* or commencing any work for a *Customer*, a *Paver* shall provide a written contract to said *Customer*, specifying the work to be performed and the schedule of payment and such contract shall be signed by the *Paver* and presented to the *Customer* for acceptance and signature.
- (6) Prior to providing a written contract pursuant to section 13.1(5), a *Paver* shall inform the *Customer* in writing of all local by-laws that affect or may affect the proposed project and shall also inform the *Customer* in writing of any permits required by the *City*. For greater clarity, this information shall be provided in a communication separate and apart from the contract.
- (7) The work performed by a *Paver* shall be in compliance with all *City* by-laws and regulations, and where required shall include a valid permit, granted exemption or supporting decision.
- (8) Every vehicle actively used in connection with the business of a *Paver*, with the

exception of a personal vehicle used only for the purposes of visiting a work site to meet a *Customer*, provide a quote or check on the progress of ongoing work, shall have visibly displayed on the dashboard a placard identifying the business name and *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.

- (9) Placards, as provided for in section 13.1(8) are only transferable to other vehicles used primarily in connection with the licensed business, but does not include any vehicles belonging to or used in connection with any sub-contractors of the licensed business.
- (10) Vehicle licensing placards are subject to the fees set out in Fees and Charges By-law 158-2021, as amended, or its successor by-law.
- (11) Every outdoor sign or other advertising or promotional device used in the *City of Vaughan* in connection with the business of a *Paver* shall include its corresponding *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.

13.2 Contractors – Landscapers

- (1) In addition to the requirements set out in Part 4.2, every application for a *Landscaper's* licence shall include proof, satisfactory to the *Chief Licensing Officer*, that every employee or other *Person* under the *Applicant's* charge is insured in accordance with the Work Safety and Insurance Act, 1997, as amended.
- (2) In addition to the requirements set out in Part 4.2, every application for a *Landscaper's* licence shall include, by way of certificate of insurance satisfactory to the *Chief Licensing Officer*, proof of a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage;
- (3) Every *Applicant* for an initial *Landscaper's* licence, who also holds a valid licence in a *Municipality* with requirements that, to the satisfaction of the *Chief Licensing Officer*, similarly meet the licensing requirements of this By-law, may be eligible:
 - (a) to have the similar requirements in this By-law deemed to be satisfied by the *Chief Licensing Officer*; and
 - (b) to pay the renewal (rather than initial) rate for the licence.
- (4) Every *Applicant* for *Landscaper's* licence, or its renewal, who is a member in good

standing of a *City-Approved Professional Associations* representing *Landscapers*, may be eligible to receive a discount of 20% from the corresponding fee.

- (5) Prior to accepting any payment from a *Customer* or commencing any work for a *Customer*, a *Landscaper* shall provide a written contract to said *Customer*, specifying the work to be performed and the schedule of payment and such contract shall be signed by the *Landscaper* and presented to the *Customer* for acceptance and signature.
- (6) Prior to providing a written contract pursuant to section 13.2(5), a *Landscaper* shall inform the *Customer* in writing of all local by-laws that affect or may affect the proposed project and shall also inform the *Customer* in writing of any permits required by the *City*. For greater clarity, this information shall be provided in a communication separate and apart from the contract.
- (7) The work performed by a *Landscaper* shall be in compliance with all *City* by-laws and regulations, and where required shall include a valid permit, granted exemption or supporting decision.
- (8) Every vehicle actively used in connection with the business of a *Landscaper*, with the exception of a personal vehicle used only for the purposes of visiting a work site to meet a *Customer*, provide a quote or check on the progress of ongoing work, shall have visibly displayed on the dashboard a placard identifying the business name and *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.
- (9) Placards, as provided for in section 13.2(8) are only transferable to other vehicles used primarily in connection with the licensed business, but does not include any vehicles belonging to or used in connection with any sub-contractors of the licensed business.
- (10) Vehicle licensing placards are subject to the fees set out in Fees and Charges By-law 158-2021, as amended, or its successor by-law.
- (11) Every outdoor sign or other advertising or promotional device used in the *City of Vaughan* in connection with the business of a *Landscaper* shall include its corresponding *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.

13.3 Contractors – Pool Installers

- (1) In addition to the requirements set out in Part 4.2, every application for a *Pool Installer's* licence shall include proof, satisfactory to the *Chief Licensing Officer*, that every employee or other *Person* under the *Applicant's* charge is insured in accordance with the Work Safety and Insurance Act, 1997, as amended.
- (2) In addition to the requirements set out in Part 4.2, every application for a *Pool Installer's* licence shall include, by way of certificate of insurance satisfactory to the *Chief Licensing Officer*, proof of a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage;
- (3) Every *Applicant* for an initial *Pool Installer's* licence, who also holds a valid licence in a *Municipality* with requirements that, to the satisfaction of the *Chief Licensing Officer*, similarly meet the licensing requirements of this By-law, may be eligible:
 - (a) to have the similar requirements in this By-law deemed to be satisfied by the *Chief Licensing Officer*; and
 - (b) to pay the renewal (rather than initial) rate for the licence.
- (4) Every *Applicant* for *Pool Installer's* licence, or its renewal, who is a member in good standing of a *City-Approved Professional Associations* representing *Pool Installers*, may be eligible to receive a discount of 20% from the corresponding fee.
- (5) Prior to accepting any payment from a *Customer* or commencing any work for a *Customer*, a *Pool Installer* shall provide a written contract to said *Customer*, specifying the work to be performed and the schedule of payment and such contract shall be signed by the *Pool Installer* and presented to the *Customer* for acceptance and signature.
- (6) Prior to providing a written contract pursuant to section 13.3(5), a *Pool Installer* shall inform the *Customer* in writing of all local by-laws that affect or may affect the proposed project and shall also inform the *Customer* in writing of any permits required by the *City*. For greater clarity, this information shall be provided in a communication separate and apart from the contract.
- (7) The work performed by a *Pool Installer* shall be in compliance with all *City* by-laws and regulations, and where required shall include a valid permit, granted exemption or supporting decision.

- (8) Every vehicle actively used in connection with the business of a *Pool Installer*, with the exception of a personal vehicle used only for the purposes of visiting a work site to meet a *Customer*, provide a quote or check on the progress of ongoing work, shall have visibly displayed on the dashboard a placard identifying the business name and *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.
- (9) Placards, as provided for in section 13.3(8) are only transferable to other vehicles used primarily in connection with the licensed business, but does not include any vehicles belonging to or used in connection with any sub-contractors of the licensed business.
- (10) Vehicle licensing placards are subject to the fees set out in Fees and Charges By-law 158-2021, as amended, or its successor by-law.
- (11) Every outdoor sign or other advertising or promotional device used in the *City of Vaughan* in connection with the business of a *Pool Installer* shall include its corresponding *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.
- (12) Without limiting 13.3(7), no *Pool Installer*, subcontractor of a *Pool Installer*, or other agent acting on behalf of a *Pool Installer* shall install, erect, alter, or modify a pool without a permit from the *City* relating to such work or carry out work that is otherwise not in compliance with the *City's* Fence By-law 189-2020, as amended, or its successor by-law.

13.4 Contractors - Renovators

- (1) In addition to the requirements set out in Part 4.2, every application for a *Renovator's* licence shall include proof, satisfactory to the *Chief Licensing Officer*, that every employee or other *Person* under the *Applicant's* charge is insured in accordance with the Work Safety and Insurance Act, 1997, as amended.
- (2) In addition to the requirements set out in Part 4.2, every application for a *Renovator's* licence shall include, by way of certificate of insurance satisfactory to the *Chief Licensing Officer*, proof of a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage.
- (3) Every *Applicant* for an initial *Renovator's* licence, who also holds a valid licence in

a *Municipality* with requirements that, to the satisfaction of the *Chief Licensing Officer*, similarly meet the licensing requirements of this By-law, may be eligible:

- (a) to have the similar requirements in this By-law deemed to be satisfied by the *Chief Licensing Officer*; and
 - (b) to pay the renewal (rather than initial) rate for the licence.
- (4) Every *Applicant* for *Renovator's* licence, or its renewal, who is a member in good standing of a *City-Approved Professional Associations* representing *Renovators*, may be eligible to receive a discount of 20% from the corresponding fee.
 - (5) Prior to accepting any payment from a *Customer* or commencing any work for a *Customer*, a *Renovator* shall provide a written contract to said *Customer*, specifying the work to be performed and the schedule of payment and such contract shall be signed by the *Renovator* and presented to the *Customer* for acceptance and signature.
 - (6) Prior to providing a written contract pursuant to section 13.4(5), a *Renovator* shall inform the *Customer* in writing of all local by-laws that affect or may affect the proposed project and shall also inform the *Customer* in writing of any permits required by the *City*. For greater clarity, this information shall be provided in a communication separate and apart from the contract.
 - (7) The work performed by a *Renovator* shall be in compliance with all *City* by-laws and regulations, and where required shall include a valid permit, granted exemption or supporting decision.
 - (8) Every vehicle actively used in connection with the business of a *Renovator*, with the exception of a personal vehicle used only for the purposes of visiting a work site to meet a *Customer*, provide a quote or check on the progress of ongoing work, shall have visibly displayed on the dashboard a placard identifying the business name and *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.
 - (9) Placards, as provided for in section 13.4(8) are only transferable to other vehicles used primarily in connection with the licensed business, but does not include any vehicles belonging to or used in connection with any sub-contractors of the licensed business.

- (10) Vehicle licensing placards are subject to the fees set out in Fees and Charges By-law 158-2021, as amended, or its successor by-law.
- (11) Every outdoor sign or other advertising or promotional device used in the *City of Vaughan* in connection with the business of a *Renovator* shall include its corresponding *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.

14.0 Sale of Consumer Fireworks

- (1) In addition to the requirements set out in Part 4.2, every application for a licence for the sale of *Consumer Fireworks*, as defined in this By-law, shall be accompanied by or include:
 - (a) confirmation of the completion of a site inspection, conducted by the *Chief Fire Official*; and
 - (b) the completed relevant sections of the application form by the *Chief Fire Official* and the *Chief Building Official*.
- (2) Prior to the issuance of a licence for the sale of *Consumer Fireworks*, every *Applicant* must successfully complete the awareness training course offered by the Vaughan Fire and Rescue Service, on the safe sale, storage, display, use, and handling of *Consumer Fireworks*.
- (3) No *Person* or *Licensee* shall offer for sale, cause or permit to be sold, or sell any *Prohibited Fireworks* or *Firecrackers*, as defined in this By-law.
- (4) No *Person* or *Licensee* shall offer for sale, cause or permit to be sold, or sell any *Consumer Fireworks* or *Display Fireworks*, as defined in this By-law, to any *Person* under the age of eighteen (18) years.
- (5) No *Person* or *Licensee* shall offer for sale, cause or permit to be sold, or sell any *Consumer Fireworks*, except on the following statutory holidays and on the seven (7) days immediately preceding each such statutory holiday:
 - (a) Victoria Day; and
 - (b) Canada Day.
- (6) Any unsold *Fireworks* must be returned to the manufacturer within seven (7) days immediately following Victoria Day or Canada Day, as applicable.
- (7) No *Person* or *Licensee* shall offer for sale, cause or permit to be sold, or sell any

Consumer Fireworks unless:

- (a) the *Fireworks* are included on the most recent list of authorized explosives as published from time to time by the Explosives Regulatory Division of Natural Resources Canada, or any successor thereto;
 - (b) the *Fireworks* are displayed for sale in lots that do not exceed twenty-five (25) kilograms each in gross weight;
 - (c) the *Fireworks* are displayed for sale in a package, glass case or other suitable receptacle away from inflammable goods; and
 - (d) the *Fireworks* are displayed in a place where they are not exposed to the rays of the sun or to excess heat.
- (8) Notwithstanding any section of this By-law, no *Person* or *Licensee* shall offer for sale, cause or permit to be sold, or sell any *Consumer Fireworks* at any time from an outdoor space, stand, tent, van, trailer or *Motor Vehicle*.
- (9) Every *Person* or *Licensee*, who holds a valid and subsisting licence for the sale of *Consumer Fireworks* under this By-law, may acquire for sale or sell *Consumer Fireworks* without a factory licence or a vendor magazine licence, where it is not required under the Explosives Act, R.S. 1985, c. E-17, as amended, or the Explosives Regulations, C.R.C. c. 599, or any amended Regulations made thereunder, provided that the *Licensee* has no more than one-thousand (1,000) kilograms in gross weight of *Consumer Fireworks* in stock at the retail outlet or *Premises*, including all detached storage units thereon.
- (10) Notwithstanding any section of this By-law, every *Person* or *Licensee* who holds a valid and subsisting licence for the sale of *Consumer Fireworks* is limited to the sale of the following quantities of *Consumer Fireworks*:
- (a) under ten (10) kilograms in gross weight to any *Person* who is at least eighteen (18) years of age; or
 - (b) from eleven (11) kilograms to one-hundred (100) kilograms in gross weight to any *Person* who is at least eighteen (18) years of age and provides to the *Licensee* confirmation in writing of the *Chief Fire Official's* permission to acquire the *Fireworks*.
- (11) Every *Person* or *Licensee* shall, at the *Premises* where *Consumer Fireworks* are

offered for sale, at all times post information on the wall adjacent to any display of *Fireworks* for sale, containing lettering clearly visible and legible for a distance of five (5) feet measured from the base of the display table, counter or other structure, for potential purchasers of *Consumer Fireworks*, setting out information related to the use, handling, setting off and discharge of such *Fireworks*.

- (12) Every *Person* or *Licensee* shall, at the *Premises* where *Consumer Fireworks* are offered for sale, display at all times copies of the brochure produced by the Vaughan Fire and Rescue Service, setting out information related to the regulatory requirements for the use and discharge of *Consumer Fireworks*, as well as their safe handling, setting off and discharging, and shall provide a copy of the said brochure to every purchaser of *Consumer Fireworks*.
- (13) Every retail outlet, shop, store, or other *Premises*, including any detached storage unit, that offers for sale, causes or permits to be sold, or sells *Consumer Fireworks* must be located at least fifteen (15) meters from any of the following structures:
- (a) gas pumps at a gas station or retail outlet;
 - (b) propane dispensing tanks;
 - (c) above-ground storage tanks for flammable liquid or flammable gas; and/or
 - (d) compressed natural gas dispensing facilities, including but not limited to tanks and pumps.
- (14) No *Person* or *Licensee* shall permit *Consumer Fireworks* on display or displayed in any window of a retail outlet, shop, store or other *Premises* to contain any explosive composition or material of any kind whatsoever and such *Consumer Fireworks'* samples on display or displayed shall be mock samples at all times.
- (15) No *Person* or *Licensee* shall keep *Consumer Fireworks* in any location, unless the location at all times is:
- (a) designated and posted as a "non-smoking area";
 - (b) separated from flammable goods; and
 - (c) in a location approved by the *Chief Fire Official*.

15.0 Foodstuffs Establishments

- (1) Notwithstanding any other sections of this By-law every *Owner* and every *Operator* of a *Foodstuffs Establishment* shall post a notice of availability of the *Food Safety*

Inspection Report.

- (2) Every *Owner* of a *Foodstuffs Establishment* shall, when so requested by any *Person*, produce the most recent *Food Safety Inspection Report* or reports.

16.0 Kennels

- (1) In addition to the requirements set out in Part 4.2, every application for a licence for a *Kennel* and every renewal of such licence or licences shall be accompanied by the following:
- (a) in the case of a *Kennel* for *Purebred Dogs*, proof of active membership in the Canadian Kennel Club or other association incorporated under the Animal Pedigree Act, R.S.C., 1985, c. 8 (4th Supp.);
 - (b) in the case of a *Kennel* for sled *Dogs*, proof of active participation or registration in dog sled or similar races within the previous or upcoming twelve (12) months as may be deemed acceptable by the *Chief Licensing Officer*;
 - (c) in the case of a *Kennel* for hunting *Dogs*, proof of active membership in the Canadian Kennel Club for registered hunting *Dogs*; or proof of active membership in an association for the purpose of hunting *Dogs* training or trailing; or a hunting *Dog* licence for each *Dog* issued by the Ministry of Natural Resources within the previous twelve (12) months; or such other proof of active participation or registration in regular hunting activities within the previous or upcoming twelve (12) months, as may be deemed appropriate by the *Chief Licensing Officer*;
 - (d) in all cases, a site plan drawn to scale showing the location of all buildings or structures on the subject property, including the location of all buildings or structures to be used for *Kennel* purposes. The site plan must also specify the distance which separates the *Kennel* buildings, structures, dog runs and facilities from all property lines and all buildings including any residential buildings situated on adjacent properties;
 - (e) in all cases, a list of all *Dogs* to be kept at the subject property, including both *Purebreds* and non-purebreds, and verification of current rabies, distemper, and parvo vaccination for each *Dog*;

- (f) in all cases, a Police Criminal Record Check, from an *Ontario Police Service*, for every *Owner* and every employee indicating that there have been no convictions under section 446 of the Criminal Code of Canada, pertaining to animal cruelty;
 - (g) in all cases, proof of insurance by way of certificate of insurance showing a minimum limit of two million (2,000,000) dollars in commercial general liability;
 - (h) for initial licence application purposes only, written clearance from the York Region District Health Unit or such other agency or department responsible for public health, septic system approvals and/or sewage system approvals, as applicable;
 - (i) In all cases, clearance from *Animal Services*, after having conducted an inspection of the *Premises*, that confirms compliance with the provisions of this By-law and payment for said inspection, in accordance with Fees and Charges By-law 158-2021, as amended, or its successor by-law.
- (2) No *Kennel* shall be located within any part of any *Dwelling Unit* or attached to any *Dwelling Unit* or part thereof.
 - (3) No part of any building or structure enclosing a *Kennel* shall be used for human habitation.
 - (4) Every *Kennel* shall be of sufficient space to allow the *Dogs* or *Domestic Animals* kept therein to stand erect and be comfortable and shall have no less than 2.3 square meters (25 square feet) of floor area per *Dog* or *Domestic Animal* which may be increased in accordance with the size of *Dog* or decreased in accordance with the size of any other *Domestic Animal* using reasonable judgment and subject to approval by *Animal Services*.
 - (5) Each dog run in a *Kennel* shall have a minimum floor area of 3.0 square meters (32 square feet). In the case of runs for *Domestic Animals*, the minimum floor area may be decreased in accordance with the size of the intended *Domestic Animal* using reasonable judgment and subject to approval by *Animal Services*.
 - (6) Every *Kennel* shall provide an adequate constant supply of potable water and food for each animal's consumption.

- (7) Every *Kennel* shall be kept in a sanitary, well lit, ventilated condition and free from offensive odours, diseases and vermin and all animal feces shall be removed daily and disposed of properly in accordance with the *City's Waste Control By-law*.
- (8) The *Owner* of a *Kennel* shall comply with the provisions of the *City's Waste Control By-law* and the Health Protection and Promotion Act at all times.
- (9) All *Dogs, Cats or Domestic Animals* shall be confined inside the *Kennel* building between the hours of 10:00 pm to 7:00 am consecutively.
- (10) The *Owner* of a *Kennel* shall maintain control of all *Dogs, Cats or Domestic Animals* under his care at all times.
- (11) The *Owner* of a *Kennel* shall comply with the provisions of the *City's Noise By-law* at all times.

16.1 Pet Grooming Establishments and Pet Shops

- (1) In addition to the requirements set out in Part 4.2, every application for a licence for a *Pet Grooming Establishment* or *Pet Shop* shall be accompanied by the following:
 - (a) clearance from *Animal Services*, after having conducted an inspection of the *Pet Grooming Establishment* or *Pet Shop*, that confirms compliance with the provisions of this By-law and payment for said inspection, in accordance with Fees and Charges By-law 158-2021, as amended, or its successor by-law;
 - (b) where the *Pet Grooming Establishment* or *Pet Shop* is not operated in a vehicle, a site plan drawn to scale showing:
 - (i) the location of all buildings or structures on the subject property, including the location of all buildings, structures, dog runs or facilities to be used by the *Pet Grooming Establishments* or *Pet Shops*; and
 - (ii) the distance that separates the facility from all property lines and all buildings including any residential buildings situated on adjacent properties;
 - (c) a Criminal Record Check, from an *Ontario Police Service*, for every *Owner* and every employee indicating that there have been no convictions under section 446 of the Criminal Code of Canada, pertaining to animal cruelty;

- (d) proof of insurance by way of certificate of insurance showing a minimum limit of two million (2,000,000) dollars in commercial general liability.
- (2) No *Pet Grooming Establishment* or *Pet Shop* shall be located within any part of any *Dwelling Unit* or attached to any *Dwelling Unit* or part thereof.
- (3) No part of any building or structure enclosing a *Pet Grooming Establishment* or *Pet Shop* shall be used for human habitation.
- (4) Every *Pet Grooming Establishment* or *Pet Shop* shall be of sufficient space to allow the *Dogs* or *Domestic Animals* kept therein to stand erect and be comfortable and shall have no less than 2.3 square meters (25 square feet) of floor area per *Dog* or *Domestic Animal* which may be increased in accordance with the size of *Dog* or decreased in accordance with the size of any other *Domestic Animal* using reasonable judgment and subject to approval by *Animal Services*.
- (5) Each dog run in a *Pet Grooming Establishment* or *Pet Shop* shall have a minimum floor area of 3.0 square meters (32 square feet). In the case of runs for *Domestic Animals*, the minimum floor area may be decreased in accordance with the size of the intended *Domestic Animal* using reasonable judgment and subject to approval by *Animal Services*.
- (6) Every *Pet Grooming Establishment* or *Pet Shop* shall provide an adequate constant supply of potable water and food for each animal's consumption.
- (7) Every *Pet Grooming Establishment* or *Pet Shop* shall be kept in a sanitary, well lit, ventilated condition and free from offensive odours, diseases and vermin and all animal feces shall be removed daily and disposed of properly in accordance with the *City's Waste Control By-law*.
- (8) The *Owner* of a *Pet Grooming Establishment* or *Pet Shop* shall comply with the provisions of the *City's Waste Control By-law* and the *Health Protection and Promotion Act* at all times.
- (9) No *Pet Grooming Establishment* shall:
- (a) devote more than thirty percent (30%) of its *Gross Floor Area* to the retail of accessory products;
- include any overnight boarding; or
- (b) perform any *Services* that are not within a wholly enclosed building.

- (10) All *Dogs, Cats or Domestic Animals* shall be confined inside the *Pet Grooming Establishment or Pet Shop* building between the hours of 10:00 pm to 7:00 am consecutively.
- (11) The *Owner* of a *Pet Grooming Establishment or Pet Shop* shall maintain control of all *Dogs, Cats or Domestic Animals* under his care at all times.
- (12) The *Owner* of a *Pet Grooming Establishment or Pet Shop* shall comply with the provisions of the *City's Noise By-law* at all times.

17.0 Limousine Owner and Drivers

- (1) Every *Limousine Owner* and *Limousine Driver* must be licensed by the *City*.
- (2) No *Person* may operate a *Limousine* unless such *Person* holds either:
 - (a) a valid *City of Vaughan Limousine Driver* licence; or
 - (b) *Limousine Owner* licence with an *Endorsement* to drive such *Limousine*.
- (3) No *Limousine Owner* may permit, allow or cause any other *Person* to operate his or her *Limousine* unless such *Person* holds a valid *City of Vaughan Limousine Driver* licence.
- (4) No *Limousine Driver* or *Limousine Owner* may operate a *Limousine* that has not been licensed by the *City*.
- (5) No *Limousine Owner* or *Limousine Driver* may apply for a licence or renew his or her licence for a period that exceeds one year, unless provided for under this By-law.
- (6) For purposes of this section, an *Applicant* for a *Limousine Driver* or *Limousine Owner* licence who, in the opinion of the *Chief Licensing Officer*, is satisfactorily licensed by another *Municipality* shall be considered licensed by the *City of Vaughan* and may operate within the *City's* boundaries, subject to the following:
 - (a) the *Applicant* is not in breach of the *City's* threshold policy for licences, as per Schedule "I" of this By-law;
 - (b) the *Applicant* owes no amounts to the *City* as a result of outstanding fees or fines;
 - (c) the *Applicant* has paid the required initial licensing fee, which equals the renewal fee for the licence; and
 - (d) once licensed, the *Licensee* continues to either:

- (i) be licensed with the other *Municipality* and meet the requirements of this subsection; or
 - (ii) meet the renewal requirements for the licence, as per section 17.0(7) for *Limousine Drivers* or sections 17.0(9) and 17.0(10) for *Limousine Owner*.
- (7) In addition to the requirements set out in Part 4.2, every application for a *Limousine Driver's* licence or renewal of such licence shall be accompanied by the following:
 - (a) a valid Class "G" driver's licence issued by the Province of Ontario;
 - (b) a 3-Year Statement of Driver Record furnished by the Ministry of Transportation for the Province of Ontario, dated within the ninety (90) days preceding the date of application or renewal;
 - (c) proof satisfactory to the *Chief Licensing Officer* that the *Applicant* is eligible to seek employment in Canada, which may be evidenced by the production of one piece of Canadian federally or provincially issued document that confirms such eligibility;
 - (d) a complete Police Criminal Records Check issued by an *Ontario Police Service*, dated not more than ninety (90) days prior to the date application for licence is being made; and
 - (e) proof, satisfactory to the *Chief Licensing Officer*, that the *Applicant* is at least eighteen (18) years of age;
 - (f) any other documentation or information requested by the *Licensing Office*.
- (8) For purposes of complying with application and renewal provisions of Part 4.2 and the requirements under subsection 17.0(7), a *Limousine Company* or a *Limousine Owner* holding a valid *City of Vaughan* licence may, on behalf of a *Limousine Driver*, submit and maintain the required documents and, under such circumstances, the *Limousine Driver* shall be required to consent to access to those documents by the *City* for purposes of the administration and enforcement of this By-law.
- (9) In addition to the requirements set out in Part 4.2, every application for a *Limousine Owner's* licence or for the renewal of such licence shall be accompanied by the following:

- (a) a Safety Standards Certificate dated not more than ninety (90) days prior to the date of application or renewal for every *Motor Vehicle* to be licensed or *Limousine* to be renewed;
- (b) the provincial *Motor Vehicle* permit issued with respect to every *Limousine* licensed or *Motor Vehicle* to be licensed;
- (c) a certificate of policy of insurance that provides coverage in the amount of two million (\$2,000,000.00) dollars, comprehensive against loss or damage resulting from any one accident, for each *Limousine* licensed or *Motor Vehicle* to be licensed and such policy shall provide for *Passenger* hazard and be endorsed to the effect that the *City* will be given at least ten (10) days notice in writing of any cancellations, expiry or variation in the amount of the policy;
- (d) approval from the *Chief Licensing Officer*, after a vehicle inspection, for all new applications;
- (e) in the case of a natural individual, a complete Police Criminal Records Check issued by an *Ontario Police Service*, dated no less than ninety (90) days prior to the date of application or renewal for a licence is being made;
- (f) in the event the *Limousine Owner* wishes to be licensed to drive his or her *Limousine*, a valid Class "G" Driver's Licence issued by the Province of Ontario;
- (g) in the event the *Limousine Owner* wishes to be licensed to drive his or her *Limousine*, a 3-Year Statement of Driving Record furnished by the Ministry of Transportation for the Province of Ontario, dated not more than ninety (90) days prior to the date of application for a licence or renewal of such licence;
- (h) in the case of a natural individual, proof, satisfactory to the *Chief Licensing Officer*, that the *Applicant* is at least eighteen (18) years of age, which shall be evidenced by the production of one piece of a Canadian federally or provincially issued document that confirms such eligibility;
- (i) in the case of a natural individual, proof satisfactory to the *Chief Licensing Officer* that the *Applicant* is eligible to seek employment in Canada, which

may be evidenced upon request by the production of one piece of Canadian federally or provincially issued document that confirms such eligibility to the satisfaction of the *Licensing Officer*;

- (j) if such *Limousine* is powered by propane, a certificate from an authorized propane inspection station, accounting for such *Motor Vehicle's* mechanical fitness; and
 - (k) any other documentation or information requested by the *Licensing Office*.
- (10) If, pursuant to subsection 17.0(9), the *Motor Vehicle* to be licensed or renewed as a *Limousine*, in the opinion of the *Chief Licensing Officer*, does not meet the criteria of this By-law, then the issuance or renewal of such licence shall not be granted until such time as the *Chief Licensing Officer* is satisfied that the *Motor Vehicle* is in conformity.
- (11) For purposes of complying with application and renewal provisions of section 4.2 and the requirements under subsection 17.0(9) and 17.0(10), a *Limousine Company* holding a valid *City of Vaughan* licence may, on behalf of a *Limousine Owner*, submit and maintain the required documents and, under such circumstances, the *Limousine Owner* shall be required to consent to access to those documents by the *City* for purposes of the administration and enforcement of this By-law.
- (12) Upon suspension or revocation of a *Limousine Driver* or *Limousine Owner* licence issued under this By-law, or upon such a licence issued under this By-law being expired more than ninety (90) days, the *Licensee* shall return to any *Person* authorized to enforce the provisions of this By-law, all plates issued by the *City* with reference to such licences, and any *Person* authorized by this By-law to do so shall have access to any *Premises* or vehicles for the purpose of receiving or taking such plate or plates, and no *Person* shall refuse to deliver the plates to a *Person* authorized by this By-law or hinder or prevent said *Person* from receiving or taking said plates.
- (13) A vehicle may only be licensed as a *Limousine* if it is:
- (a) at least a four-door vehicle; and
 - (b) no older than ten model years old.

- (14) Despite subsection 17.0(13)(b), a *Limousine Owner* may apply to continue to operate his or her *Limousine* for an additional year by making an application to the *City*. Such an application may not be made if the model year of the *Limousine* is more than eleven (11) years old or for an initial licensing application.
- (15) An application under subsection 17.0(14) must be made at the time of renewal and shall require an inspection by the *Licensing Office*.
- (16) Every *Limousine* shall have a *City of Vaughan Limousine* plate attached to either its front or rear bumper and such plate shall not be obstructed in any manner.
- (17) Every *Limousine Owner*, in respect of each *Limousine* for which the *Limousine Owner* holds a licence, shall produce a policy of insurance endorsed to the effect that the *City of Vaughan* will be given at least ten (10) days prior notice in writing of any cancellation, expiry or variation in the amount of the policy and shall include a provision for *Passenger(s)* hazard in an amount not less than the foregoing. A copy or certificate of such insurance shall be filed with the *Licensing Office* prior to the issuance or renewal of a *Limousine Owner's* licence.
- (18) Every *Limousine Owner* shall:
 - (a) report the loss of a *City* issued plate to the *City* no later than the following business day;
 - (b) in the event such plate is considered to have been stolen, report such theft at the nearest police station and provide such report to the *City* no later than the following day;
 - (c) return to the *Licensing Office*, no later than the following business day, a *City* issued plate that has been defaced or damaged; and
 - (d) pay the prescribed fee for the issuance of a replacement plate.
- (19) Every *Limousine Owner* not operating through a *Limousine Company* shall:
 - (a) file with the *Licensing Office* a schedule of tariff rates and any other charges to be charged;
 - (b) file with the *Licensing Office*, at least seventy-two (72) hours prior to the effective date, all changes in tariff rates.
- (20) *Persons* contracting for conveyance by *Limousine* shall be informed of the rate to be charged, in accordance with 17.0(19)(a) or 17.0(32), at the time of contracting

such conveyance and no greater amount shall be demanded. Upon request, the *Passenger* must be provided with a receipt indicating the amount paid, the name of the driver, and the vehicle plate number.

- (21) A *Limousine Driver* or a *Limousine Owner* driving his or her *Limousine* shall take the shortest possible route to the destination desired, unless the *Passenger* designates another route.
- (22) Every *Limousine Owner* and every *Limousine Driver* shall, upon request by any *Person* authorized to administer or enforce the provisions of this By-law, surrender for inspection his or her *Limousine Owner* or *Limousine Driver* licence, as the circumstances require.
- (23) No *Limousine Owner* or *Limousine Driver* shall operate, or permit or allow to be operated, a *Limousine* unless it is in good mechanical condition and in good repair as to both its exterior and interior.
- (24) No *Person* shall provide *Limousine Services* or allow or permit *Limousine Services* to be provided using a *Limousine* that has been damaged in a *Collision*, without such damage being fully repaired.
- (25) Every *Limousine Owner*, driving his or her *Limousine*, and every *Limousine Driver* shall:
 - (a) only provide *Limousine* service on a pre-arranged basis;
 - (b) keep a daily record in a manner satisfactory to the *Chief Licensing Officer* setting out all trips made by the *Limousine* and such record shall contain the following information:
 - (i) the *Limousine Owner* licence number for the *Limousine*;
 - (ii) the name of the *Limousine Driver*;
 - (iii) the *Limousine Driver* licence number;
 - (iv) the date, time, and place of the beginning and termination of each trip, and the number of *Passengers* carried; and
 - (v) the amount of the fare collected for each trip;
 - (c) retain all records referred to in this section for a minimum of six (6) months and, upon request by any *Person* authorized to enforce the provisions of this By-law, provide such records for inspection, which may include removal

- of such records and their retention for a reasonable time;
- (d) be civil and well-behaved;
 - (e) not carry a greater number of *Persons*, inclusive of the driver, than that indicated by the manufacturer's rating of seating capacity for the *Motor Vehicle*;
 - (f) not operate the *Limousine* with luggage or other material piled or placed in a manner that obstructs the driver's view;
 - (g) not dismiss or discharge any *Passenger* at a point other than the destination without adequate cause;
 - (h) not stop upon a *Highway* unless it is safe to do so and solely for the immediate purpose of:
 - (i) taking on a *Passenger*;
 - (ii) discharging a *Passenger*;
 - (iii) waiting, by request of a *Passenger*, provided such request is in the continuance of the trip;
 - (i) not park or stop on a *Taxicab Stand*.

18.0 Limousine Companies

- (1) No *Limousine Company* may operate without holding a valid *City of Vaughan* licence.
- (2) No *Limousine Company* shall provide or offer to provide the use of its *Platform* to a *Limousine Owner* who is not licensed by the *City* or whose licence has been suspended.
- (3) In addition to the requirements set out in Part 4.2, every application for a *Limousine Company* licence or renewal of such licence shall be accompanied by the following:
 - (a) a complete listing of all *Limousines* being operated through the *Limousine Company*;
 - (b) a description of the *Platform* used in the provision of *Services*, including:
 - (i) means by which *Customers* interact with the *Platform*;
 - (ii) all types of data collected from *Customers*;
 - (iii) all types of data provided to *Customers*;

- (iv) means by which the *Customer* is provided with the fare amount;
 - (v) how payment is made through the *Platform*, if applicable;
 - (vi) any other information the *Licensing Office* may request;
- (c) proof, satisfactory to the *Chief Licensing Officer*, that the *Limousine Company* has appropriate general liability insurance in the amount of \$5,000,000 or more;
- (d) a complete listing of all fares and other fees that may be charged *Customers* for the service provided.
- (4) A *Limousine Company* may only offer or charge *Customers* fares and fees that have been filed with the *City*.
- (5) Prior to undertaking any engagement, a *Limousine Company* shall provide the *Customer* the full fare to be charged for the service.
- (6) Every *Limousine Company* shall notify the *City* in writing, at least seventy-two (72) hours before the effective date, of any changes to its tariff rates or other fees.
- (7) Despite subsection 18.0(4), if a *Customer* requests a change to his or her final destination or route, the *Limousine Company* may authorize *Additional Fees*, provided that:
- (a) such *Additional Fees* are provided in writing to the *Customer* at the conclusion of the engagement; and
 - (b) the *Customer* agrees to the *Additional Fees*.
- (8) No *Limousine Company* shall:
- (a) accept orders for, or in any way dispatch or direct orders to, a *Limousine* licensed under this By-law when doing so would be illegal under another municipal by-law or provincial statute;
 - (b) dispatch or direct orders to a *Limousine* not licensed under this section to a pick-up location within the boundaries of the *City*;
 - (c) charge a *Customer* a tariff rate or other fee not filed with the *City*.
- (9) Every *Limousine Company* shall:
- (a) provide the *Licensing Office*, upon request, with a listing of *Limousines* operating through its *Platform*, showing in numerical order, by plate number, the name of each *Limousine Owner* with which an agreement has been

entered into;

- (b) keep for a minimum of six (6) months a record of every *Limousine* dispatched on a trip, the date and time of dispatch, the place of pick-up and destination of such trip;
- (c) submit, upon request, any such document deemed relevant by the *Chief Licensing Officer* to any *Person* authorized to administer or enforce the provisions of this By-law;
- (d) carry on business only in the name in which the *Limousine Company* licence has been issued.

19.0 Mobile Signs Distributor

- (1) Every *Mobile Sign Distributor* shall ensure that all required permits under *City* by-laws are obtained prior to the placement of any *Mobile Sign* and that any *Mobile Sign* is placed or located in accordance with any such permit.
- (2) In addition to the requirements set out in Part 4.2, an application for a *Mobile Sign Distributor* licence or renewal of such licence shall be accompanied by a certified copy of a policy of insurance in the amount of at least two million (2,000,000.00) dollars exclusive of interest and costs, naming the *City* as coinsured and holding the *City* harmless from any action that may be taken against it resulting from the placement of any *Mobile Sign* in the *City*.
- (3) Every *Mobile Sign Distributor* shall ensure that every *Mobile Sign* that is being leased or rented displays the name and telephone number of the *Licensee*.

20.0 Personal Services Establishments

- (1) No *Person* licensed as the *Owner* of a *Personal Services Establishment* shall employ any *Person* or permit any *Person* to engage in the trade of a *Personal Services Attendant* therein, unless such *Person* employed or engaged in the trade as aforesaid is:
 - (a) if applicable, registered with the Director of Apprenticeship as an apprentice hairdresser or under the Apprenticeship and Tradesmen's Qualification Act;
 - (b) if applicable, the holder of a current certificate to the particular trade issued pursuant to regulations made under the Apprenticeship and Tradesmen's Qualification Act.

- (2) No *Person* licensed as the *Owner* of a *Personal Services Establishment* shall actively engage in the trade of a hairdresser therein unless such *Person* is the holder of a current certificate of qualification, or is registered with the Director of Apprenticeship as an Apprentice Hairdresser.
- (3) Every *Person* licensed under this section as the *Owner* of a *Personal Services Establishment* shall comply with the following requirements in respect of the operation of such shop or establishment:
- (a) adequate facilities shall be provided for a continuous supply of hot water;
 - (b) all razors, scissors, needles, combs and other instruments shall be properly cleaned and disinfected by immersion in water heated to the boiling point or in a solution of a suitable and efficacious recognized germicide before being used on a *Customer* and shall not be used on any other *Customer* without being re-disinfected;
 - (c) all hair brushes shall be immersed in a strong solution of a recognized disinfectant or water heated to the boiling point, rinsed in clean water and properly dried before being used on any *Customer*, and all shaving brushes shall be cleansed in the same manner as hair brushes and shall be rinsed in hot water or disinfected in such a manner as is approved by the *Medical Officer of Health*, before each and every use;
 - (d) for shaving purposes, only powdered or liquid soap, shaving cream or other lathering appliances approved by the *Medical Officer of Health* shall be used and, if prepared in a shaving mug, such mugs shall be thoroughly cleansed before each use;
 - (e) on the back of every chair used for the purposes of his business there shall be placed a roll of clean paper in such a way as to provide a cover for the head rest. A fresh clean section of the said roll of paper shall be used for each *Customer*;
 - (f) fresh, separate, individual, clean neck bands or clean towels shall be placed around the neck of each *Customer*;
 - (g) each towel or steamer used shall be individual and clean and, after being used, such towel or steamer shall immediately be deposited in a receptacle

reserved for that purpose and shall not again be utilized for any purpose before being freshly laundered;

- (h) no caustic or styptic pencils, powder puffs or sponges shall be used;
 - (i) alum or other astringent may be applied but only when in liquid or powdered form;
 - (j) no *Customer* shall be shaved whose neck or face is broken out with a rash, and no *Customer* shall be served when the surface which is to be treated is inflamed or broken out with a rash;
 - (k) no shop or establishment, in respect of which a licence was issued, shall be used for living, dining or sleeping purposes;
 - (l) no sink or basin used for domestic purposes shall be used in connection with any *Personal Services Establishment*;
 - (m) no food or drink shall be offered for sale or sold on the *Premises* and no food or drink shall be served on the *Premises*.
- (4) Every *Person* licensed under this section as the *Owner* of a *Personal Services Establishment* shall in the licensed *Premises* satisfy the *Medical Officer of Health* of the following:
- (a) proper lighting and ventilation;
 - (b) furnishings and equipment kept in a sanitary condition at all times;
 - (c) ample supply of running hot and cold water;
 - (d) proper sanitary conveniences for all employees;
 - (e) any other provision as the *Medical Officer of Health* may require.
- (5) Every *Person* licensed under this section as an *Owner* of a *Personal Services Establishment* who is a hairdresser and every hairdresser shall:
- (a) wash his or her hands with hot water and soap before attending to each *Customer*;
 - (b) satisfy the *Medical Officer of Health* as to his or her freedom from communicable or transmissible disease and submit to such medical examinations and tests as the *Medical Officer of Health* may require and, upon request, provide proof thereof to the *Licensing Officer* in the form of a letter or certificate from the *Medical Officer of Health*.

- (6) Every *Person* licensed under this section as an *Owner* of a *Personal Services Establishment* shall at all times require every employee actively engaged in such shop as a *Personal Services Attendant* to comply with the regulations set out in Part 19.0 and shall not employ or continue to employ any such *Person* who fails to so comply.

21.0 Places of Amusement

- (1) No *Place of Amusement* shall be located in a vehicle as defined in the *Highway Traffic Act*.
- (2) The *Owner* or *Operator* of a *Place of Amusement* licensed under this By-law shall not permit the *Premises* to be open to the public unless:
- (a) a *Person* over the age of eighteen (18) years is present at all times to supervise the use of the facilities; and
 - (b) the *Premises* is and remains in a clean and sanitary condition.
- (3) The *Owner* or *Operator* of any *Premises* licensed under this section shall not permit any disorderly conduct to take place on, in or about the *Premises* and shall not permit any loitering on, in or about the *Premises*.
- (4) No *Person* shall operate or permit to be operated a *Place of Amusement - Class A* at any time between the hours of 11:00 pm and 9:00 am consecutively, provided that this subsection shall not restrict the hours of operation of a *Place of Amusement - Class A* where:
- (a) the *Premises* is licensed pursuant to the Liquor Licence Act, R.S.O. 1990, c. L.19, as amended;
 - (b) the *Premises* is located in a *Place of Amusement - Class B*; and
 - (c) the *Premises* is accessible by a common interior entrance.
- (5) Notwithstanding any other provision of this By-law, no licence shall be issued for any *Place of Amusement* located in the *City of Vaughan* on *Lands* that abut the *Highways* or roads set out in Schedule "B" attached to this By-law.

22.0 Private Transportation Company Drivers

- (1) No *PTC Driver* may provide *Ride-Sharing Services* in Vaughan without being licensed by the *City of Vaughan*.
- (2) For purposes of this section, any *PTC Driver* who in the opinion of the *Chief*

Licensing Officer is satisfactorily licensed by another *Municipality* shall be considered licensed by the *City of Vaughan* and may operate within the *City's* boundaries.

- (3) Part 4.2 of this By-law does not apply to *PTC Drivers*.
- (4) To be licensed by the *City*, every *PTC Driver* must:
 - (a) hold a valid Class "G" driver's licence issued by the Province of Ontario;
 - (b) submit a 3-Year Statement of Driving Record furnished by the Ministry of Transportation of the Province of Ontario, dated not more than ninety (90) days from the date of application, for all new *Applicants*, or upon demand from the *Licensing Office* at any time thereafter;
 - (c) provide proof, satisfactory to the *Chief Licensing Officer*, that the *Applicant* is at least eighteen (18) years of age, which shall be evidenced by the production of one piece of Canadian federally or provincially issued photo identification;
 - (d) provide proof satisfactory to the *Chief Licensing Officer* that the *Applicant* is eligible to seek employment in Canada, which may be evidenced upon request by the production of one piece of Canadian federally or provincially issued document that confirms such eligibility;
 - (e) submit a complete Police Criminal Records Check issued by an *Ontario Police Service*, not more than ninety (90) days old, from the date of application.
- (5) For purposes of complying with section 22.0(4), a *Private Transportation Company* holding a valid *City of Vaughan* licence may, on behalf of a *PTC Driver* using its *Platform*, submit and maintain the required documents and, under such circumstances, the *PTC Driver* shall be required to consent to access to those documents by the *City* for purposes of the administration and enforcement of this By-law.
- (6) For purposes of section 22.0(4), "the date of application" shall be the date that the *PTC Driver* was provided with access to the *Private Transportation Company's Platform*.
- (7) No *PTC Driver* shall be deemed licensed until he or she has met all of the

requirements under section 22.0(4) and has provided *Ride-Sharing Services* within the *City of Vaughan*.

- (8) A *PTC Driver's* licence shall be deemed to continue as long as the associated *Private Transportation Company* pays its licensing fees in full and the *PTC Driver* complies with the provisions of this By-law.
- (9) Every *PTC Driver*, whose licence has been refused, suspended or revoked by the *City* shall not offer or provide *Ride-Sharing Services*.
- (10) No *Motor Vehicle* shall be used to provide *Ride-Sharing Services* if the model year for such *Motor Vehicle* is more than ten (10) years old.
- (11) Despite section 22.0(10), a *PTC Driver* may apply to continue to operate his or her *Motor Vehicle* for an additional year by making an application to the *City*. Such an application may not be made if the model year of the *Motor Vehicle* is more than eleven (11) years old or for an initial licensing application.
- (12) An application under section 22.0(11) must be made at the time of renewal and shall require an inspection by the *Licensing Office*.
- (13) No *PTC Driver* shall operate, or permit or allow to be operated, a *Motor Vehicle* being used to provide *Ride-Sharing Services* unless it is in good mechanical condition and in good repair as to both its exterior and interior.
- (14) No *PTC Driver* shall provide *Ride-Sharing Services* using a *Motor Vehicle* that has been damaged in a *Collision*, without such damage being fully repaired.
- (15) All *PTC Drivers* shall:
 - (a) only provide *Ride-Sharing Services* on a pre-arranged basis;
 - (b) only charge for *Services* in accordance with the tariff rates filed under section 23.0(3)(d);
 - (c) while providing *Ride-Sharing Services*, display in a conspicuous place that is readily and easily viewable by any potential *Passenger*, the *City*-approved decal that identifies the *Private Transportation Company*;
 - (d) when requested to do so by any *Person* authorized to administer and enforce this By-law, surrender for inspection any documents or devices pertaining to the identification or operation of the *Motor Vehicle*, the *PTC Driver*, or the associated *Private Transportation Company*;

- (e) be civil and well-behaved;
- (f) take the shortest possible route to the destination desired, unless the *Passenger* designates another route;
- (g) not carry a greater number of *Persons*, inclusive of the driver, than that indicated by the manufacturer's rating of seating capacity for the *Motor Vehicle*;
- (h) while providing *Ride-Sharing Services*, not operate a *Motor Vehicle* with luggage or other material piled or placed in a manner that obstructs the driver's view;
- (i) not dismiss or discharge any *Passenger* at a point other than the destination without adequate cause;
- (j) not stop upon a *Highway* unless it is safe to do so and solely for the immediate purpose of:
 - (i) taking on a *Passenger*;
 - (ii) discharging a *Passenger*;
 - (iii) waiting, by request of a *Passenger*, provided such request is in the continuance of the trip;
- (k) not park or stop on a *Taxicab Stand*.

23.0 Private Transportation Companies

- (1) No *Private Transportation Company* may operate without holding a valid *City of Vaughan* licence.
- (2) No *Private Transportation Company* shall provide or offer to provide the use of its *Platform* to any *Person* who is not licensed as a *PTC Driver* by the *City* or whose *PTC Driver* licence has been suspended.
- (3) In addition to the requirements set out in Part 4.2, every application for a *Private Transportation Company* licence or renewal of such licence shall be accompanied by the following:
 - (a) a complete listing of all *PTC Drivers* and *Motor Vehicles* that have used its *Platform* to pick up *Passengers* in the *City of Vaughan* in the month previous to application;
 - (b) a description of the *Platform* used in the provision of *Services*, including:

- (i) means by which *Customers* interact with the *Platform*;
 - (ii) all types of data collected from *Customers*;
 - (iii) all types of data provided to *Customers*;
 - (iv) means by which the *Customer* is provided with the fare amount;
 - (v) how payment is made through the *Platform*, if applicable;
 - (vi) any other information the *Licensing Office* may request;
- (c) proof, satisfactory to the *Chief Licensing Officer*, that the *Private Transportation Company* has appropriate general liability insurance in the amount of \$5,000,000 or more;
- (d) either confirmation that the *Passenger*, prior to commencing a trip, receives the full rate to be charged for the trip or a complete listing of all fares and/or basis upon which such fares are calculated, as well as any other fees that may be charged *Customers* for the *Services* provided.
- (4) Despite subsection 23.0(3)(d), if a *Customer* requests a change to his or her final destination or route, the *Private Transportation Company* may authorize *Additional Fees*, provided that:
- (a) such *Additional Fees* are provided in writing to the *Customer* at the conclusion of the engagement; and
 - (b) the *Customer* agrees to the *Additional Fees*.
- (5) Every *Private Transportation Company* is presumed to be responsible for ensuring that:
- (a) every *Motor Vehicle* used to provide *Ride-Sharing Services* is in good mechanical condition and in good repair as to both its exterior and interior;
 - (b) no *Motor Vehicle* is being used to provide *Ride-Sharing Services* that has been damaged in a *Collision*, without such damage being fully repaired;
 - (c) every *Motor Vehicle* that is operating through its *Platform* is properly displaying a *City*-approved decal that identifies the *PTC*;
 - (d) every *Motor Vehicle* used to provide a *Ride-Sharing Service* is only operated by the *PTC Driver* licensed to do so.
- (6) No *Private Transportation Company* shall:
- (a) accept orders for, or in any way dispatch or direct orders to, a *Person*

licensed under this section when doing so would be illegal under another municipal by-law or provincial statute;

- (b) dispatch or direct orders to a *Person* other than a licensed *PTC Driver*;
 - (c) charge to a *Customer* a tariff rate or other fee not filed with the *City*.
- (7) Every *Private Transportation Company* shall:
- (a) provide the *City* on the first day of every third month with a count of the number of rides dispatched through its *Platform* originating in the *City* and shall concurrently, and in accordance with Fees and Charges By-law 158-2021, as amended, or its successor by-law, submit the corresponding quarterly fee;
 - (b) provide the *Licensing Office* on the first day of every third calendar month with a list of *PTC Drivers* and *Motor Vehicles* (including plate numbers) that are using its *Platform* in the *City*;
 - (c) keep for a minimum of six (6) months a record of every *Motor Vehicle* dispatched on a trip, the date and time of dispatch, the place of pick-up and destination of such trip;
 - (d) submit, upon request, any such document deemed relevant by the *Chief Licensing Officer* to any *Person* authorized to administer or enforce the provisions of this By-law;
 - (e) carry on business only in the name in which the licence has been issued;
 - (f) prior to accepting a *Customer's* request for service, provide in writing to the *Customer* the full fare to be charged for the service;
 - (g) notify the *City*, at least seventy-two (72) hours before the effective date, of any changes to its tariff rates or other fees.
- (8) No *Owner*, director, officer or employee of a *Private Transportation Company* shall refuse to provide information requested by the *City* for the purposes of an investigation pertaining to the administration or enforcement of this By-law.
- (9) No *Owner*, director, officer or employee of a *Private Transportation Company* shall refuse to cancel the access to its *Platform* to any *PTC Driver* whose licence has been refused, suspended or revoked by the *City*.

24.0 Public Garages

- (1) No *Owner* or *Operator* of a *Public Garage* shall:
 - (a) store or permit to be stored on the *Premises* any trailer or *Motor Vehicle* for a period of longer than forty-eight (48) hours unless such vehicle is there for the specific purpose of being repaired;
 - (b) notwithstanding subsection 24.0(1)(a), no *Owner* or *Operator* shall store, repair or permit to be stored or repaired on the *Premises* any trailer or *Motor Vehicle* in any area or part of an area designated as a *Fire Route*.
- (2) Every *Owner* or *Operator* of a *Car Wash* shall ensure, where the *Car Wash* abuts a residential zone, as defined in the *City of Vaughan's Zoning By-law*, as amended, that the *Car Wash* is not open for business between the hours of 10:00 p.m. and 7:00 a.m. consecutively, including any vacuum equipment located on the site.
- (3) A *Public Garage* shall at all times be kept free from rubbish and in a clean and neat condition by the *Owner* or *Operator* of such garage.

25.0 Refreshment Vehicles

- (1) In this section, the words *Refreshment Vehicle* refer to *Refreshment Vehicle – Type 1*, *Refreshment Vehicle – Type 2* and *Refreshment Vehicle – Type 3*.
- (2) In addition to the requirements set out in Part 4.2, every application for a *Refreshment Vehicle – Type 1 Owner's* licence or for the renewal of such licence shall be accompanied by the following:
 - (a) a valid Ontario Class "G" Driver's Licence;
 - (b) a certificate of policy of insurance in the amount of two million (2,000,000.00) dollars;
 - (c) if such vehicle is powered by propane, a certificate from an authorized propane inspection station, accounting for such vehicle's mechanical fitness;
 - (d) the *Ownership* certificate of such vehicle;
 - (e) a certificate from the *Medical Officer of Health* indicating that the *Refreshment Vehicle* complies with all regulations regarding food served from vehicles, if the vehicle has not been previously licensed as a *Refreshment Vehicle* by the *City of Vaughan*;
 - (f) a "Statement of Driver Record" furnished by the Ministry of Transportation

for the Province of Ontario, dated not more than ninety (90) days prior to the date of application for licence or renewal of such licence, if the *Owner* operates the vehicle.

(3) In addition to the requirements set out in Part 4.2, every application for a *Refreshment Vehicle – Type 1 Driver’s* licence or for the renewal of such licence shall be accompanied by the following:

- (a) a valid Ontario Class “G” Driver’s Licence;
- (b) a “Statement of Driver Record” furnished by the Ministry of Transportation for the Province of Ontario, dated not more than ninety (90) days prior to the date of application for licence or renewal of such licence;
- (c) proof that the *Applicant* or *Licensee* is eligible to seek employment in Canada, which may be evidenced by which may be evidenced by the production of *Government Issued Identification*, in a manner satisfactory to the *Chief Licensing Officer*;
- (d) a valid Food Handler Certificate recognized by the Ontario Ministry of Health and Long Term Care.

(4) In addition to the requirements set out in Part 4.2, every application for a *Refreshment Vehicle – Type 2* or *Refreshment Vehicle – Type 3 Owner’s* licence or for the renewal of such licence shall be accompanied by the following:

- (a) a certificate of policy of insurance in the amount of two million (2,000,000.00) dollars;
- (b) the *Ownership* certificate of such vehicle;
- (c) a certificate from the *Medical Officer of Health* indicating that the *Refreshment Vehicle* complies with all regulations regarding food served from vehicles, if the vehicle has not been previously licensed as a *Refreshment Vehicle* by the *City of Vaughan*.

(5) In addition to the requirements set out in Part 4.2, every application for a *Refreshment Vehicle – Type 2* or *Refreshment Vehicle – Type 3 Driver’s* licence or for the renewal of such licence shall be accompanied by the following:

- (a) proof satisfactory to the *Chief Licensing Officer* of that the *Applicant* or *Licensee* is eligible to seek employment in Canada, which may be

- evidenced by the production of *Government Issued Identification*, in a manner satisfactory to the *Chief Licensing Officer*;
- (b) a valid Food Handler Certificate recognized by the Ontario Ministry of Health and Long Term Care.
- (6) Prior to the issuance of a *Refreshment Vehicle Owner's* licence, the *Applicant* shall produce the vehicle to be licensed for inspection and the *Chief Licensing Officer*, or any other *Person* authorized to enforce the provisions of this By-law, shall inspect the vehicle for conformity to this By-law.
- (7) Notwithstanding subsection 25.0 (6), if the vehicle in question, in the opinion of the *Chief Licensing Officer*, or any other *Person* authorized to enforce the provisions of this By-law, does not meet the requirements and criteria of this By-law, then the issuance of such licence shall not be granted until such time as the *Chief Licensing Officer*, or any other *Person* authorized to enforce the provisions of this By-law, is satisfied that the vehicle is in conformity.
- (8) Every *Refreshment Vehicle Owner* and *Driver* shall ensure that each *Refreshment Vehicle* is equipped with refuse or litter containers which shall be used for the disposal of all refuse and such containers may be either:
- (a) a metal refuse container with a self-closing lid which shall be kept clean and sanitary at all times and shall be emptied at least once per day; or
- (b) a disposable litter container which shall be replaced at least once per day.
- (9) Every *Person* selling or handling *Refreshments* shall be neat and clean in appearance.
- (10) Every *Owner* and every *Driver* of a *Refreshment Vehicle* shall ensure that:
- (a) when *Refreshments* are being sold or offered for sale from a *Refreshment Vehicle* being operated on a *Highway*, that such *Refreshment Vehicle* not remain stationary for a period of more than ten (10) minutes;
- (b) no *Refreshments* are sold or offered for sale within fifteen (15) meters of any intersection;
- (c) no *Refreshment Vehicle* is operated on any *City Property* except when permission is first obtained in writing, dated not more than seven (7) days old, from the *Chief Licensing Officer*;

- (d) no *Refreshment Vehicle* is operated on any private property without the written consent of the property *Owner* or management company;
 - (e) every *Refreshment Vehicle* at all times, is safe, mechanically sound and free of any defect that may cause damage to the *Refreshment* carried therein;
 - (f) no amplification of any sounds, ringing of any bells or chimes, or other means of recognition shall be conducted:
 - (i) after 8:30 pm;
 - (ii) at intervals of less than five (5) minutes;
 - (iii) not lasting longer than five (5) seconds at a time;
 - (g) no *Person* is served any *Refreshment* while standing on a traveled portion of any *Highway* as defined in the *Highway Traffic Act, R.S.O. 1990, c.H.8*;
 - (h) every *Refreshment Vehicle* is operated in a way that is safe for the public;
 - (i) prior to departing from any stop made for the sale of *Refreshments* or other products that all wrappers or other related refuse, debris or wrappers are disposed of in a proper refuse container;
 - (j) every *Refreshment Vehicle* is in compliance with the *Medical Officer of Health*;
 - (k) no *Refreshment Vehicle* that is pulled or not motorized is operated on any *Highway* as defined in the *Highway Traffic Act, R.S.O. 1990, c.H.8*, or part thereof;
 - (l) for *Refreshment Vehicle – Type 1* licences, the *Refreshment Vehicle* is equipped with a back-up warning device.
- (11) Every *Refreshment Vehicle Owner* and *Driver* shall ensure that every *Refreshment Vehicle* is affixed with the following:
- (a) if such vehicle dispenses ice cream or other similar type of products, it shall have in a conspicuous place on the rear of the vehicle in a colour contrasting the colour of the vehicle the words “WATCH FOR CHILDREN”. Such letters shall be no less than fifteen (15) centimetres in height;
 - (b) such vehicle shall have in a conspicuous place on both sides of the *Refreshment Vehicle* in a colour contrasting the colour of the vehicle the

registered name and address of the *Owner*. Such letters shall be no less than ten (10) centimetres in height.

- (12) No *Owner* or *Driver* of a *Refreshment Vehicle* shall permit any *Person* not licensed under the provisions of this section to assist in driving or operating a *Refreshment Vehicle* while engaged in the business of the *Refreshment Vehicle*, or engage in the sale, dispensing or serving of any *Refreshments*.
- (13) Unless authorized by a permit for a special *Event* organized or sponsored by the *City* or by a *Special Event Permit*, and subject to the conditions therein, no *Owner* or *Driver* of a *Refreshment Vehicle* shall sell or offer for sale *Refreshments* or other products:
 - (a) within one hundred (100) meters of a public park;
 - (b) in any way that impedes or obstructs traffic, private roadways or *Driveways*;
 - (c) from September 1st to June 30th inclusive from 7:00 am to 7:00 pm consecutively within a two hundred (200) meter radius of any school grounds.
- (14) No *Driver* of a *Refreshment Vehicle* shall operate a *Refreshment Vehicle* that has not been licensed as a *Refreshment Vehicle* under the provisions of this By-law.
- (15) The licensee shall affix the original licence to the exterior rear of the vehicle for which such licence was granted.
- (16) Upon suspension of a licence issued under this By-law, or upon a licence issued under this By-law being expired more than ninety (90) days, the licensee shall return to the *Chief Licensing Officer*, or any other *Person* authorized to enforce the provisions of this By-law, all plates issued by the *City* with reference to such licences, and any *Person* authorized by this By-law to do so, shall have access to any *Premises* or vehicles for the purpose of receiving or taking such plate or plates, and no *Person* shall refuse to deliver the plates to a *Person* authorized by this By-law or hinder or prevent said *Person* from receiving or taking said plates.

25.1 Refreshment Vehicles – Temporary Licences

- (1) Subject to sections 25.1(2) to (4), no *Driver* shall operate and no *Owner* shall cause to be operated a *Refreshment Vehicle* as a temporary replacement for a licensed *Refreshment Vehicle* unless:

- (a) prior notification has been received by the *Licensing Office*;
 - (b) the *Licensing Office* has approved the vehicle for use as a *Replacement Vehicle*;
 - (c) the applicable fee as set out in Fees and Charges By-law 158-2021, as amended, or its successor by-law, has been paid;
 - (d) a *Temporary Refreshment Vehicle* licence has been issued by the Licensing Office.
- (2) The *Chief Licensing Officer* may issue a *Temporary Refreshment Vehicle* licence for a maximum period of thirty (30) business days.
- (3) Prior to the use of the *Temporary Refreshment Vehicle* licence, the *Owner* shall provide the *Licensing Office* with information respecting the vehicle to be used and the period of use, and shall notify the *Licensing Office*:
- (a) by telephone, with the date and time noted, followed by submission of the replacement vehicle's *Ownership* certificate and certificate of policy of insurance in the amount of two million (2,000,000.00) dollars in a manner approved by the *Chief Licensing Officer*;
 - (b) by facsimile, with the date and time noted, followed by submission of the replacement vehicle's *Ownership* certificate and certificate of policy of insurance in the amount of two million (2,000,000.00) dollars in a manner approved by the *Chief Licensing Officer*;
 - (c) in *Person*, with the date and time noted, followed by submission of the replacement vehicle's *Ownership* certificate and certificate of policy of insurance in the amount of two million (2,000,000.00) dollars in a manner approved by the *Chief Licensing Officer*.
- (4) The *Licensee* shall affix the original licence to the exterior rear of the vehicle for which such licence was granted.

25.2 Refreshment Vehicles – Event Licences

- (1) Unless licensed under Part 25.0 or Part 25.1, no *Person* shall cause a *Refreshment Vehicle* to be operated at an *Event* without a *Refreshment Vehicle Event Licence*.
- (2) Every *Refreshment Vehicle Owner* who applies for a *Refreshment Vehicle Event*

Licence shall be subject to the applicable fee, as set out in Fees and Charges By-law 158-2021, as amended, or its successor by-law.

- (3) In addition to the requirements set out in Part 4.2, every *Refreshment Vehicle Owner* who applies for a *Refreshment Vehicle Event Licence* shall include proof, satisfactory to the *Chief Licensing Officer*, that all of the application requirements for a *Refreshment Vehicle Owner* under Part 25.0 of this By-law, as amended, have been met.
- (4) Despite section 25.2(3), the requirement under section 25.0(14), to affix the original licence to the exterior rear of the vehicle for which such licence was granted, does not apply to vehicles with a *Refreshment Vehicle Event Licence*.
- (5) In addition to the requirements set out in Part 4.2, every *Refreshment Vehicle Owner* who applies for a *Refreshment Vehicle Event Licence* shall include proof, satisfactory to the *Chief Licensing Officer*, that every *Person* under the *Refreshment Vehicle Owner's* charge during the *Event* meets the requirements of *Refreshment Vehicle Drivers* as set out under Part 25.0 of this By-law, as amended.
- (6) Every *Refreshment Vehicle Owner* who applies for a *Refreshment Vehicle Event Licence*, who also holds a valid licence in a *Municipality* with requirements that, to the satisfaction of the *Chief Licensing Officer*, similarly meet the licensing requirements of this By-law, may be eligible to have the similar requirements in this By-law deemed to be satisfied by the *Chief Licensing Officer*.
- (7) Every *Refreshment Vehicle Owner* licensed under this section and operating at an *Event* shall have for inspection and make available upon request its *Refreshment Vehicle Event Licence* that confirms permission for the *Refreshment Vehicle* and all its *Refreshment Vehicle Drivers* to vend at the *Event*.
- (8) No *Refreshment Vehicle Owner* or *Refreshment Vehicle Drivers* licensed under Part 25.2 of this By-law shall sell or offer to sell any *Refreshments* at any place or time not explicitly provided for under their *Refreshment Vehicle Event Licence*.

26.0 Second Hand Goods

- (1) This By-law shall not apply to any *Second Hand Vendor* solely engaged in the following types of activities:

- (a) the sale of goods for charitable purposes;
 - (b) the sale of goods as part of a *Garage Sale*;
 - (c) where the *Second Hand Goods* consist primarily of used books, maternity wear or infant's accessories;
 - (d) where the *Second Hand Goods* consist of used automobiles;
 - (e) where the *Second Hand Goods* consist of articles purchased new and rented out in the normal course of business by the *Second Hand Vendor*.
- (2) In addition to the requirements set out in Part 4.2, every application for a *Second Hand Goods* licence or renewal of such licence, shall be accompanied by the following:
- (a) where the *Applicant* is a natural individual, two (2) passport size photographs, taken within thirty (30) days of the licence application;
 - (b) where the *Applicant* is a *Partnership*, such photographs shall be taken of one of the partners;
 - (c) where the *Applicant* is a *Corporation*, such photographs shall be taken of an officer of the *Corporation*;
 - (d) without limiting the generality of any other provision in this By-law, persons associated in a *Partnership* applying for a licence under this By-law shall file with their application a statutory declaration, in writing, signed by all members of the *Partnership*, which declaration shall state:
 - (i) the full name of each partner and the address of his or her ordinary residence;
 - (ii) the name or names under which the *Partnership* carries on or intends to carry on business;
 - (iii) that the persons named therein are the only members of the *Partnership*;
 - (iv) the mailing address for the *Partnership*;
 - (e) documentation satisfactory to the *Chief Licensing Officer*, demonstrating the *Applicant's* right to possess or occupy the *Premises* and if any *Applicant* is not the registered *Owner* of the property upon which the business is to be located, such *Person* shall file with the *Licensing Office* a copy of his lease,

if any, and a copy of any other document constituting or affecting the legal relationship relating to the said *Lands* or *Premises* between said *Applicant* and the registered *Owner* or *Owner* in fee simple of said real property;

- (f) a Criminal Record Check, from an *Ontario Police Service*, for:
 - (i) each officer, if the *Applicant* is a *Corporation*;
 - (ii) each partner, if the *Applicant* is a *Partnership*;
 - (iii) the proprietor of a *Sole Proprietorship*.
- (3) If any member of a *Partnership* applying for a licence is a *Corporation*, such *Corporation* shall be deemed to be applying for a licence in place and stead of the *Partnership*.
- (4) No *Person* may be a *Pawnbroker* or a *Second Hand Vendor* or operate a *Second Hand Goods Premises*, except in accordance with the following requirements:
 - (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” as defined in the Interpretation Act, R.S.O. 1990, c. I-11, as amended, or at any time between the hours of 9:00 pm to 9:00 am consecutively;
 - (c) no *Pawnbroker* or *Second Hand Vendor* may permit any employee to work at the *Premises* without first instructing such employee as to the requirements and regulations under this By-law and ensuring that such employee complies with such requirements or regulations;
 - (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 *Licensing Office* with a police clearance letter related to that employee and every *Pawnbroker* and *Second Hand Vendor* shall keep a record of all persons employed by them either for the purpose of acquiring or selling *Second Hand Goods*;
 - (e) in circumstances where a *Seller* refuses to provide identification as required under this By-law, where identifying features of the *Second Hand Goods* presented by the *Seller* have been removed or obliterated or in other

circumstances where a *Person* might believe 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 nearest police station as soon as is practicable to report such circumstances.

- (5) No *Second Hand Vendor* or a *Pawnbroker* may receive any *Second Hand Goods* without maintaining a record containing the following information:
 - (a) the day, month, year and time of the transaction;
 - (b) the price paid by the *Second Hand Vendor* or a *Pawnbroker* or the value of any goods exchanged for each of the *Second Hand Goods*; and
 - (c) the name of the employee who conducted the transaction.
- (6) In circumstances where the *Second Hand Goods* consist of a number of related or similar materials, the *Second Hand Vendor* or a *Pawnbroker* shall record the exact number of articles received and any identifying features of such goods.
- (7) Notwithstanding section 26.0(6), in circumstances where more than ten (10) such related or similar goods are received, the exact number of articles received shall be recorded and the identifying features of the ten (10) most valuable articles in the collection shall be recorded.
- (8) No *Second Hand Vendor* or a *Pawnbroker* may sell, exchange, alter, melt or otherwise dispose of any *Second Hand Good* within the earlier of thirty (30) days from the date of obtaining possession thereof or thirty (30) days after providing an automated transaction record relating to such *Second Hand Good* as required in this By-law and, during this period, such goods shall be kept separate from and not commingled with other *Second Hand Goods* in the same *Premises*.
- (9) Every *Second Hand Vendor* or a *Pawnbroker* shall during the regular operating hours of the *Premises* and at all times when *Second Hand Goods* are provided therein make available for inspection to the *Licensing Officer*, a *Provincial Offences Officer* or a *Peace Officer*, the original of any document or record referred to in this By-law and shall provide a photocopy thereof upon request.
- (10) Every *Second Hand Vendor* or a *Pawnbroker* shall, at all times during the regular operating hours of the *Premises* and at all times when *Second Hand Goods* are

provided therein, permit the entry of a *Municipal Law Enforcement Officer*, a *Provincial Offences Officer*, a Peace Officer, or any other persons authorized to enforce the provisions of this By-law, together with such persons who may be necessary to identify potentially stolen *Second Hand Goods* for the inspection of the *Premises* and of the *Second Hand Goods* and transaction records of the *Pawnbroker* or the *Second Hand Vendor*.

- (11) In circumstances where a Peace Officer suspects that specified *Second Hand Goods* were stolen, the Peace Officer shall be entitled, upon providing a receipt to remove such *Second Hand Goods* for the purpose of criminal investigation, provided such *Second Hand Goods* are either returned within sixty (60) days or further retained by means of a court order.

27.0 Taxicabs

- (1) The provisions of this section shall apply to *Taxicab Owner* and *Taxicab Drivers*, as indicated, who are engaged in the conveyance of *Passengers* within the *City* or to any other conveyance that originates within the *City*.
- (2) Notwithstanding any other provisions in this section, a *Taxicab Driver* licensed by another *Municipality*, and driving a *Motor Vehicle* also licensed by that same *Municipality*, may transport children to and from school or may transport *Persons* with disabilities without first obtaining a licence under this section.
- (3) Every *Taxicab Owner* and *Taxicab Driver* must be licensed by the *City*.
- (4) No *Person* may operate a *Taxicab* unless such *Person* holds either:
 - (a) a valid *City of Vaughan Taxicab Driver* licence;
 - (b) or a *Taxicab Owner* licence with an *Endorsement* to drive such *Taxicab*.
- (5) No *Taxicab Owner* may permit, allow or cause any other *Person* to operate a *Taxicab* unless such *Person* holds a valid *City of Vaughan Taxicab Driver* licence.
- (6) No *Taxicab Driver* or *Taxicab Owner* may operate a *Taxicab* that has not been licensed by the *City*.
- (7) No *Taxicab Owner* or *Taxicab Driver* may apply for a licence or renew his or her licence for a period that exceeds one year, unless provided for under this By-law.
- (8) For purposes of this section, an *Applicant* for a *Taxicab Driver* or *Taxicab Owner* licence who in the opinion of the *Chief Licensing Officer* is satisfactorily licensed

by another *Municipality* shall be considered licensed by the *City of Vaughan* and may operate within the *City's* boundaries, subject to the following:

- (a) the *Applicant* is not in breach of the *City's* threshold policy for licences, as per Schedule "1" of this By-law;
 - (b) the *Applicant* owes no amounts to the *City* as a result of outstanding fees or fines;
 - (c) the *Applicant* has paid the required initial licensing fee, which equals the renewal fee for the licence; and
 - (d) once licensed, the *Licensee* continues to either:
 - (i) be licensed with the other *Municipality* and meet the requirements of this subsection; or
 - (ii) meet the renewal requirements for the licence, as per sections 27.0(9) and 27.0(10) for *Taxicab Drivers* or sections 27.0(11), 27.0(12) and 27.0(13) for *Taxicab Owner*.
- (9) In addition to the requirements set out in Part 4.2, every application for a *Taxicab Driver's* licence or renewal thereof shall be accompanied by the following:
- (a) a valid Class "G" Driver's Licence issued by the Province of Ontario;
 - (b) a 3-Year Statement of Driving Record furnished by the Ministry of Transportation of the Province of Ontario, dated not more than ninety (90) days from the date of application, for all new *Applicants*, or upon demand from the *Licensing Office* at any time thereafter;
 - (c) proof, satisfactory to the *Chief Licensing Officer*, that the *Applicant* is at least eighteen (18) years of age, which shall be evidenced by the production of one piece of Canadian federally or provincially issued photo identification;
 - (d) proof satisfactory to the Licensing Officer that the *Applicant* is eligible to seek employment in Canada, which may be evidenced by the production of one piece of Canadian federally or provincially issued document that confirms such eligibility;
 - (e) a complete Police Criminal Record Check issued by an *Ontario Police Service*, not more than ninety (90) days old, from the date of application;
 - (f) any other documentation or information requested by the *Licensing Office*.

- (10) For purposes of complying with application and renewal provisions of Part 4.2 and the requirements under section 27.0(9), a *Taxicab Brokerage* or a *Taxicab Owner* holding a valid *City of Vaughan* licence may, on behalf of a *Taxicab Driver*, submit and maintain the required documents and, under such circumstances, the *Taxicab Driver* shall be required to consent to access to those documents by the *City* for purposes of the administration and enforcement of this By-law.
- (11) In addition to the requirements set out in Part 4.2, every application for a *Taxicab Owner's* licence or for the renewal of such licence shall be accompanied by the following:
- (a) the provincial *Motor Vehicle* permit issued with respect to every *Taxicab* licensed or *Motor Vehicle* to be licensed;
 - (b) a Safety Standards Certificate dated not more than ninety (90) days prior to the date of application or renewal for every *Taxicab* licensed or *Motor Vehicle* to be licensed;
 - (c) a certificate of policy of insurance that provides coverage in the amount of two million (\$2,000,000.00) dollars, comprehensive against loss or damage resulting from any one accident, for each *Taxicab* licensed or *Motor Vehicle* to be licensed and such policy shall provide for *Passenger* hazard and be endorsed to the effect that the *City* will be given at least ten (10) days notice in writing of any cancellations, expiry or variation in the amount of the policy;
 - (d) approval from the *Licensing Office*, after a *Motor Vehicle* inspection, for all new applications;
 - (e) in the case of a natural individual, a complete Police Criminal Record Check issued by an *Ontario Police Service*, dated no less than ninety (90) days prior to the date of application or renewal for a licence is being made;
 - (f) in the event the *Taxicab Owner* wishes to be licensed to drive his or her *Taxicab*, a valid Class "G" Ontario Driver's Licence issued by the Province of Ontario;
 - (g) in the event the *Taxicab Owner* wishes to be licensed to drive his or her *Taxicab*, a 3-Year Statement of Driving Record furnished by the Ministry of Transportation of the Province of Ontario, dated not more than ninety (90)

days from the date of application, for all new *Applicants*, or upon demand from the Licensing Officer at any time thereafter;

- (h) in the case of a natural individual, proof, satisfactory to the *Chief Licensing Officer*, that the *Applicant* is at least eighteen (18) years of age, which shall be evidenced by the production of one piece of Canadian federally or provincially issued photo identification;
 - (i) in the case of a natural individual, proof satisfactory to the *Chief Licensing Officer* that the *Applicant* is eligible to seek employment in Canada, which may be evidenced by the production of one piece of a Canadian federally or provincially issued document that confirms such eligibility;
 - (j) if such *Taxicab* is powered by propane, a certificate from an authorized propane inspection station, accounting for such vehicle's mechanical fitness;
 - (k) any other documentation or information requested by the *Licensing Office*.
- (12) If, pursuant to section 27.0(11), the *Motor Vehicle* to be licensed or renewed as a *Taxicab*, in the opinion of the *Chief Licensing Officer*, does not meet the criteria of this By-law, then the issuance or renewal of such licence shall not be granted until such time as the *Chief Licensing Officer* is satisfied that the *Motor Vehicle* is in conformity.
- (13) For purposes of complying with application and renewal provisions of Part 4.2 and the requirements under section 27.0(11), a *Taxicab Brokerage* holding a valid *City of Vaughan* licence may, on behalf of a *Taxicab Owner*, submit and maintain the required documents and, under such circumstances, the *Taxicab Owner* shall be required to consent to access to those documents by the *City* for purposes of the administration and enforcement of this By-law.
- (14) Any *Person* may purchase an existing *Taxicab* and its equipment, but such *Taxicab* shall not be operated until the purchaser has obtained a *Taxicab Owner's* licence and the *Motor Vehicle* has met all of the requirements under this By-law.
- (15) In the event of the death of the holder of a *Taxicab Owner's* licence or a *Taxicab Brokerage's* licence, the heirs, executors, administrators, successors or assigns or other legal representatives shall have a period of six (6) months from the date of

the occurrence within which to arrange for the continuance or sale of the business without the licence being revoked, provided that the death of the licensee is reported to the *Licensing Office* within fourteen (14) days of its occurrence.

- (16) Notwithstanding section 27.0(15), if the licence expires within the aforementioned period of six (6) months, the heirs, executors, administrators, successors, or assigns or other legal representatives may renew the licence on the condition that it will expire on the termination of the aforementioned period of six (6) months or upon conclusion or arrangement of a transfer or sale of the business, if earlier.
- (17) A *Taxicab Owner* who also meets the requirements of a *Taxicab Driver*, and is so endorsed by the *Licensing Office*, may operate any *Taxicab* that he or she *Owns*, but may not operate any other *Taxicab* unless he or she also obtains a *Taxicab Driver's* licence and complies with all the provisions of this By-law that apply to *Taxicab Drivers*.
- (18) Upon suspension or revocation of a *Taxicab Owner* or *Taxicab Driver* licence issued under this By-law, or upon such a licence issued under this By-law being expired more than ninety (90) days, the *Licensee* shall return to any *Person* authorized to enforce the provisions of this By-law, all plates issued by the *City* with reference to such licences, and any *Person* authorized by this By-law to do so, shall have access to any *Premises* or vehicles for the purpose of receiving or taking such plate or plates, and no *Person* shall refuse to deliver the plates to a *Person* authorized by this By-law or hinder or prevent said *Person* from receiving or taking of said plates.
- (19) Every *Taxicab*, even if owned by the same *Person*, shall require a separate licence under this By-law.
- (20) Every *Taxicab Owner* shall ensure that every *Taxicab* licensed under this *By-law*, has a *Trip Meter*, as approved by the *Chief Licensing Officer*, that is in proper working order and either provides total fares, prior to the engagement, or computes them in accordance with the rates filed for that *Taxicab*.
- (21) Every *Taxicab Owner* and every *Taxicab Driver*, when operating a *Taxicab*, shall, ensure the *Taxicab* is equipped with the following:
 - (a) a securely affixed plate supplied by the *City* and bearing an identifying

- number;
- (b) the number referred to in subsection 27.0(21)(a) in easily legible lettering that is not fewer than fifteen (15) centimeters in height, of a colour contrasting to the immediate background, and that is otherwise approved by the *Licensing Office*;
 - (c) a tariff card approved by the *Chief Licensing Officer* that explains how fares are calculated and that is placed in such a manner that the card can be easily read by *Passengers* in the back seat;
 - (d) an electric sign securely affixed to the roof of the *Taxicab* that indicates that the vehicle is a *Taxicab*, and that has been approved by the *Chief Licensing Officer*.
- (22) No *Taxicab Owner* shall apply, permit or allow the application of any external markings on his or her *Taxicab* that obscure, confuse or camouflage any equipment or markings required under this By-law.
- (23) No *Motor Vehicle* shall be used as a *Taxicab* if the model year for such *Motor Vehicle* is more than ten (10) years old.
- (24) Despite section 27.0(23), a *Taxicab Owner* may apply to continue to operate his or her *Taxicab* for an additional year by making an application to the *City*. Such an application may not be made if the model year of the *Taxicab* is more than eleven (11) years old or for an initial licensing application.
- (25) An application under section 27.0(24) must be made at the time of renewal and shall require an inspection by the *Licensing Officer*.
- (26) Every *Taxicab Owner* shall:
- (a) report the loss of a *City* issued plate to the *City* no later than the following business day;
 - (b) in the event such plate is considered to have been stolen, report such theft at the nearest police station and provide such report to the *City* no later than the following day;
 - (c) return to the *Licensing Office*, no later than the following business day, a *City* issued plate that has been defaced or damaged;
 - (d) pay the prescribed fee for the issuance of a replacement plate.

- (27) Every *Taxicab Owner* whose *Taxicab* does not operate under a *Taxicab Brokerage* shall file with the *City* all fares and other charges for *Services* provided from his or her *Taxicabs*.
- (28) Every *Taxicab Driver* or *Taxicab Owner* who operates a *Taxicab* shall, when engaged by a *Passenger*, operate the *Trip Meter* in the manner intended, and in accordance with the fares and charges filed with the *City*.
- (29) No *Taxicab Owner* or *Taxicab Driver* shall charge a *Passenger* an amount that is different than that provided to such *Passenger* in writing prior to the commencement of the trip. Where a discrepancy exists and there is no written confirmation of the fare or its rate, the total charge for the trip shall be based on the rate filed with the *City* for such *Taxicab* that produces the minimum charge.
- (30) All tariff rates shall be computed from the time or place when or at which the *Passenger* or *Passengers* first enter the *Taxicab* to the time or place when or at which the destination is reached.
- (31) A *Taxicab Driver* or a *Taxicab Owner* driving his or her *Taxicab* shall take the shortest possible route to the destination desired, unless the *Passenger* designates another route.
- (32) Every *Taxicab Owner* and every *Taxicab Driver* shall ensure that no *Passenger* is charged for time lost through defects, or inefficiency of the *Taxicab*, or the incompetency of the driver thereof, or for the time consumed by the arrival of the *Taxicab* in response to a call in advance of the time such *Taxicab* has been requested by the *Person* calling same.
- (33) Additional charges for the loading and unloading of luggage or for any other *Services* provided are only permitted if previously filed with the *City* and if such charges have been provided to the *Passenger* in writing prior to the commencement of the trip.
- (34) Every *Passenger* shall be issued a receipt indicating the *Taxicab Driver* or *Taxicab Owner's* name and licence number, the name of the *Taxicab Brokerage*, if applicable, the time and date of the trip, the starting and ending point of the trip, the amount indicated and the amount charged.
- (35) Every *Taxicab Owner* and every *Taxicab Driver* shall, upon request by any *Person*

authorized to administer or enforce the provisions of this By-law, surrender for inspection his or her *Taxicab Owner* or *Taxicab Driver* licence, as the circumstances require.

- (36) No *Taxicab Driver* shall, while having the care and control of a *Taxicab*, permit any *Person* other than the *Taxicab Owner*, or a *Taxicab Driver* engaged by such *Taxicab Owner*, to operate the *Taxicab*.
- (37) No *Taxicab Owner* or *Taxicab Driver* shall operate, or permit or allow to be operated, a *Taxicab* unless it is in good mechanical condition and in good repair as to both its exterior and interior.
- (38) No *Person* shall provide *Taxicab Services* or allow or permit *Taxicab Services* to be provided using a *Taxicab* that has been damaged in a *Collision*, without such damage being fully repaired.
- (39) Despite section 27.0(38), no *Taxicab Owner* or *Taxicab Driver* shall wash, clean or make repairs to his or her *Taxicab* while upon any *Taxicab Stand* unless such tasks are immediately required to render the *Taxicab* operable.
- (40) When operating a *Taxicab*, a *Taxicab Owner* or a *Taxicab Driver* shall not:
- (a) carry a greater number of *Persons*, inclusive of the driver, than that indicated by the manufacturer's rating of seating capacity for the *Motor Vehicle*;
 - (b) operate a *Taxicab* with luggage or other material piled or placed in a manner that obstructs the driver's view;
 - (c) dismiss or discharge any *Passenger* at a point other than the destination without adequate cause;
 - (d) stop upon a *Highway* unless it is safe to do so and solely for the immediate purpose of:
 - (i) taking on a *Passenger*;
 - (ii) discharging a *Passenger*;
 - (iii) waiting, by request of a *Passenger*, provided such request is in the continuance of the trip.
- (41) Every *Taxicab Owner* or *Taxicab Driver* shall at all times when operating a *Taxicab*:
- (a) be civil and well behaved;

- (b) not smoke any cigar, cigarette, tobacco, or other substance while the *Taxicab* is in operation;
 - (c) while on any *Taxicab Stand*, shall:
 - (i) be sufficiently close to his or her *Taxicab* so as to have it under constant observation;
 - (ii) not make any loud noises or create any disturbances;
 - (iii) not obstruct the use of the *Sidewalk* in any manner.
- (42) No *Person* licensed under this section shall, on any public *Highway*, lane, street, common, park or square, *Solicit* or employ or allow any runner or other *Person* to assist or act in concert with him in *Soliciting* any *Person* to take or use his or her *Services*.
- (43) A *Taxicab Driver* or *Taxicab Owner* that is operating a *Taxicab* shall not refuse to serve the first *Person* requesting his or her service unless:
- (a) such *Taxicab Driver* or *Taxicab Owner* is already engaged;
 - (b) the *Person* requesting the service owes such *Taxicab Driver* or *Taxicab Owner* for a previous fare or service;
 - (c) the *Person* requesting the service refuses to disclose his or her final destination;
 - (d) the *Person* requesting the service is unduly obnoxious and abusive;
 - (e) such *Taxicab Driver* or *Taxicab Owner* has grounds to believe that by agreeing to the engagement his or her safety is in peril.
- (44) No *Taxicab Owner* or *Taxicab Driver*, while operating a *Taxicab* other than a *Taxicab* being used for the transportation of children to or from school, shall take on any additional *Passenger* after the *Taxicab* has departed from its starting point, except at the request of the *Passengers* already in the *Taxicab*, or with the approval of the *Licensing Office* due to special emergency conditions.
- (45) A *Taxicab Owner* or *Taxicab Driver* who is operating a *Taxicab*, shall not take on any *Passengers* within thirty (30) meters of a public *Taxicab Stand* when there is a *Taxicab* upon the stand, except where an arrangement has been previously made with such *Passenger*.
- (46) A *Taxicab Owner* or *Taxicab Driver* who wishes to enter a *Taxicab Stand* with his

or her *Taxicab*, shall do so by taking the position at the end of any line formed by *Taxicabs* already on the stand, and when such *Taxicab Owner* or *Taxicab Driver* is either first or second in line, he or she shall remain in the driver's seat of the vehicle ready to be hired.

- (47) No *Person* shall overcrowd or allow or permit a *Taxicab Stand* to be overcrowded, nor push or allow or permit any *Taxicab* already on the stand to be pushed.
- (48) A *Taxicab Driver* or a *Taxicab Owner* operating his or her own *Taxicab* shall keep and maintain trip information for a period of no fewer than six (6) months.

27.1 Accessible Taxicabs

- (1) Every *Accessible Taxicab Owner* and *Accessible Taxicab Driver* must be licensed by the *City*.
- (2) No *Person* may operate an *Accessible Taxicab* unless such *Person* holds either:
 - (a) a valid *City of Vaughan Accessible Taxicab Driver* licence;
 - (b) or an *Accessible Taxicab Owner* licence with an *Endorsement* to drive such *Accessible Taxicab*.
- (3) No *Accessible Taxicab Owner* may permit, allow or cause any other *Person* to operate an *Accessible Taxicab* unless such *Person* holds a valid *City of Vaughan Accessible Taxicab Driver* licence.
- (4) No *Accessible Taxicab Driver* or *Accessible Taxicab Owner* may operate an *Accessible Taxicab* that has not been licensed by the *City*.
- (5) No *Accessible Taxicab Owner* or *Accessible Taxicab Driver* may apply for a licence or renew his or her licence for a period that exceeds one year, unless provided for under this By-law.
- (6) Every *Taxicab Driver* or *Accessible Taxicab Driver* who has been licensed as such by the *City* for at least the five immediately preceding years may apply for a licence as an *Accessible Taxicab Owner*.
- (7) Every *Accessible Taxicab Owner* shall maintain an *Accessible Taxicab* and shall operate such *Taxicab* in accordance with this section for at least four (4) years, at which time such *Accessible Taxicab Owner* may renew his or her licence as a *Taxicab Owner* under Part 27.0 and be subject to the provisions therein.
- (8) Despite section 27.1(7), an *Accessible Taxicab Owner* may, at any time, sell or

transfer his business to any *Person* licensed under Parts 27.0, 27.1 or 27.2.

- (9) In addition to the requirements set out in Part 4.2, every application for an *Accessible Taxicab Driver's* licence or renewal thereof shall be accompanied by the following:
- (a) a valid Class "G" driver's licence issued by the Province of Ontario;
 - (b) a 3-Year Statement of Driving Record furnished by the Ministry of Transportation of the Province of Ontario, dated not more than ninety (90) days from the date of application, for all new *Applicants*, or upon demand from the Licensing Officer at any time thereafter;
 - (c) proof, satisfactory to the *Chief Licensing Officer*, that the *Applicant* is at least eighteen (18) years of age, which shall be evidenced by the production of one piece of Canadian federally or provincially issued photo identification;
 - (d) proof satisfactory to the *Chief Licensing Officer* that the *Applicant* is eligible to seek employment in Canada, which may be evidenced by the production of one piece of Canadian federally or provincially issued document that confirms such eligibility;
 - (e) a complete Police Criminal Records Check issued by an *Ontario Police Service*, not more than ninety (90) days old, from the date of application;
 - (f) a certificate of completion of an Accredited Securement Training course, as approved by the *Chief Licensing Officer*;
 - (g) any other documentation or information requested by the *Licensing Office*.
- (10) For purposes of complying with application and renewal provisions of Part 4.2 and the requirements under section 27.1(9), a *Taxicab Brokerage* or an *Accessible Taxicab Owner* holding a valid *City of Vaughan* licence may, on behalf of an *Accessible Taxicab Driver*, submit and maintain the required documents and, under such circumstances, the *Accessible Taxicab Driver* shall be required to consent to access to those documents by the *City* for purposes of the administration and enforcement of this By-law.
- (11) A *Person* who buys or receives an *Accessible Taxicab* business under section 27.1(8), before operating such business, shall:
- (a) apply and receive an *Accessible Taxicab Owner* licence, as per this section;

- (b) agree, as part of the application in 27.1(11)(a), to operate the *Accessible Taxicab* for the remainder of the four-year period provided for under section 27.1(7) as undertaken by the previous *Accessible Taxicab Owner*.
- (12) In addition to the requirements set out in Part 4.2, every application for an *Accessible Taxicab Owner's* licence or for the renewal of such licence shall be accompanied by the following:
- (a) the provincial *Motor Vehicle* permit issued with respect to every *Accessible Taxicab* licensed or *Motor Vehicle* to be licensed;
 - (b) a Safety Standards Certificate dated not more than ninety (90) days prior to the date of application or renewal for every *Accessible Taxicab* licensed or *Motor Vehicle* to be licensed;
 - (c) a certificate of policy of insurance that provides coverage in the amount of two million (2,000,000.00) dollars, comprehensive against loss or damage resulting from any one accident, for each *Accessible Taxicab* licensed or *Motor Vehicle* to be licensed and such policy shall provide for *Passenger* hazard and be endorsed to the effect that the *City* will be given at least ten (10) days notice in writing of any cancellations, expiry or variation in the amount of the policy;
 - (d) approval from the *Licensing Office*, after a vehicle inspection, for all new applications;
 - (e) in the event the *Accessible Taxicab Owner* wishes to be licensed to drive his or her *Accessible Taxicab*, a valid Class "G" Ontario Driver's Licence issued by the Province of Ontario;
 - (f) in the event the *Accessible Taxicab Owner* wishes to be licensed to drive his or her *Accessible Taxicab*, a 3-Year Statement of Driving Record furnished by the Ministry of Transportation of the Province of Ontario, dated not more than ninety (90) days from the date of application, for all new *Applicants*, or upon demand from the *Licensing Office* at any time thereafter;
 - (g) in the case of a natural individual, proof, satisfactory to the *Chief Licensing Officer*, that the *Applicant* is at least eighteen (18) years of age, which shall

- be evidenced by the production of one piece of Canadian federally or provincially issued photo identification;
- (h) in the case of a natural individual, proof satisfactory to the *Chief Licensing Officer* that the *Applicant* is eligible to seek employment in Canada, which may be evidenced by the production of one piece of a Canadian federally or provincially issued document that confirms such eligibility;
 - (i) a complete Police Criminal Records Check issued by an *Ontario Police Service*, not more than ninety (90) days old, from the date of application;
 - (j) if such *Accessible Taxicab Owner* is operating his or her own *Accessible Taxicab*, a certificate of completion of an Accredited Securement Training course, as approved by the *Chief Licensing Officer*;
 - (k) if such *Taxicab* is powered by propane, a certificate from an authorized propane inspection station, accounting for such *Motor Vehicle's* mechanical fitness;
 - (l) any other documentation or information requested by the *Licensing Office*.
- (13) If, pursuant to section 27.1(12), the *Motor Vehicle* to be licensed or renewed as a *Taxicab*, in the opinion of the *Chief Licensing Officer*, does not meet the criteria of this By-law, then the issuance or renewal of such licence shall not be granted until such time as the *Licensing Office* is satisfied that the *Motor Vehicle* is in conformity.
- (14) For purposes of complying with application and renewal provisions of Part 4.2 and the requirements under section 27.1(12), a *Taxicab Brokerage* holding a valid *City of Vaughan* licence may, on behalf of an *Accessible Taxicab Owner*, submit and maintain the required documents and, under such circumstances, the *Accessible Taxicab Owner* shall be required to consent to access to those documents by the *City* for purposes of the administration and enforcement of this By-law.
- (15) Upon suspension or revocation of an *Accessible Taxicab Owner* or *Accessible Taxicab Driver* licence issued under this By-law, or upon such a licence issued under this By-law being expired more than ninety (90) days, the Licensee shall return to any *Person* authorized to enforce the provisions of this By-law, all plates issued by the *City* with reference to such licences, and any *Person* authorized by this By-law to do so, shall have access to any *Premises* or vehicles for the purpose

of receiving or taking such plate or plates, and no *Person* shall refuse to deliver the plates to a *Person* authorized by this By-law or hinder or prevent said *Person* from receiving or taking said plates.

- (16) A holder of an *Accessible Taxicab Owner's* licence shall be permitted to operate a *Motor Vehicle* that, in addition to satisfying the vehicle requirements set out in Part 27.1 has received approval from the Ministry of Transportation as an accessible vehicle.
- (17) Every *Accessible Taxicab Owner* shall:
- (a) report the loss of a *City* issued plate to the *City* no later than the following business day;
 - (b) in the event such plate is considered to have been stolen, report such theft at the nearest police station and provide such report to the *City* no later than the following day;
 - (c) return to the *Licensing Office*, no later than the following business day, a *City* issued plate that has been defaced or damaged;
 - (d) pay the prescribed fee for the issuance of a replacement plate.
- (18) Every *Accessible Taxicab Owner* whose *Accessible Taxicab* does not operate under a *Taxicab Brokerage* shall file with the *City* all fares and other charges for *Services* provided from his or her *Accessible Taxicabs*.
- (19) Every *Accessible Taxicab Owner* or *Accessible Taxicab Driver* who operates an *Accessible Taxicab* shall, when engaged by a *Passenger*, operate the *Trip Meter* in the manner intended, and in accordance with the fares and charges filed with the *City*.
- (20) No *Accessible Taxicab Owner* or *Accessible Taxicab Driver* shall charge a *Passenger* an amount that is different than that provided to such *Passenger* in writing prior to the commencement of the trip. Where a discrepancy exists and there is no written confirmation of the fare or its rate, the total charge for the trip shall be based on the rate filed with the *City* for such *Accessible Taxicab* that produces the minimum charge.
- (21) All tariff rates shall be computed from the time or place when or at which the *Passenger* or *Passengers* first enter the *Accessible Taxicab* to the time or place

when or at which the destination is reached.

- (22) An *Accessible Taxicab Driver* or an *Accessible Taxicab Owner* driving his or her *Accessible Taxicab* shall take the shortest possible route to the destination desired, unless the *Passenger* designates another route.
- (23) Every *Accessible Taxicab Owner* and every *Accessible Taxicab Driver* shall ensure that no *Passenger* is charged for time lost through defects, or inefficiency of the *Accessible Taxicab*, or the incompetency of the driver thereof, or for the time consumed by the arrival of the *Accessible Taxicab* in response to a call in advance of the time such *Accessible Taxicab* has been requested by the *Person* calling same.
- (24) Additional charges for the loading and unloading of luggage or for any other *Services* provided are only permitted if previously filed with the *City* and if such charges have been provided to the *Passenger* in writing prior to the commencement of the trip.
- (25) Every *Passenger* shall be issued a receipt indicating the *Accessible Taxicab Driver* or *Accessible Taxicab Owner's* name and licence number, the name of the *Taxicab Brokerage*, if applicable, the time and date of the trip, the starting and ending point of the trip, the amount indicated and the amount charged.
- (26) Every *Accessible Taxicab Owner* and every *Accessible Taxicab Driver* shall, upon request by any *Person* authorized to administer or enforce the provisions of this By-law, surrender for inspection his or her *Accessible Taxicab Owner* or *Accessible Taxicab Driver* licence, as the circumstances require.
- (27) Every *Accessible Taxicab Owner* that drives his or her *Accessible Taxicab* and every *Accessible Taxicab Driver* shall, within the intended context, comply with the provisions of 27.0(35) to 27.0(48).
- (28) Every *Accessible Taxicab Owner* that drives his or her *Taxicab* or every *Accessible Taxicab Driver* shall serve the first *Person* unable to board a regular *Taxicab* due to a disability, as defined in the Accessibility for Ontarians with Disabilities Act, who has requested the service of the *Accessible Taxicab* at any place within the *City* and at any time of day or night, except where the provisions of section 27.0(43) apply.

- (29) Every *Person* operating an *Accessible Taxicab* shall:
- (a) offer such assistance as required to facilitate the entry or exit of a physically disabled *Person* into or out of an *Accessible Taxicab*;
 - (b) where a wheelchair is being used by a *Passenger*, ensure that the wheelchair and occupant restraint system is properly secured in the area so provided;
 - (c) ensure that the *Passenger's* seatbelt is properly secured.

27.2 Taxi Brokerage

- (1) No *Person* shall operate a *Taxicab Brokerage* without first obtaining a licence from the *City* to do so.
- (2) No *Taxicab Brokerage* shall engage or otherwise enter into any agreement to provide *Services* with a *Person* who does not hold a valid licence but is required to do so for the provisions of such *Services*.
- (3) As a condition of holding a *Taxicab Brokerage* licence, every *Taxicab Brokerage* shall operate at least one *Accessible Taxicab* plus the equivalent of 5% of its fleet (rounded down to the nearest whole number), as follows:

| Fleet Size | <i>Accessible Taxicabs</i> Required |
|-------------|--|
| 1 – 19 | 1 |
| 20 – 39 | 2 |
| 40 – 59 | 3 |
| 60 – 79 | 4 |
| 80 – 99 | 5 |
| 100 – 119 | 6 |
| 120 – 139 | 7 |
| 140 – 159 | 8 |
| 160 – 179 | 9 |
| 180 – 199 | 10 |
| 200 or more | 1+ (the total number of licensed <i>Taxicabs</i> and <i>Accessible Taxicabs</i> in the <i>Taxicab Brokerage</i> X 5%, rounded |

| | |
|--|--------------------------------------|
| | down to the nearest whole number) |
|--|--------------------------------------|

- (4) No *Taxicab Brokerage* may obtain or renew a licence without providing proof, satisfactory to the *Chief Licensing Officer*, that the requirements under section 27.2(3) have been met.
- (5) In addition to the requirements set out in Part 4.2 every application for a *Taxicab Brokerage* licence or renewal of such licence shall be accompanied by the following:
- (a) a complete listing of all *Taxicabs* and *Accessible Taxicabs* being operated from the *Taxicab Brokerage*;
 - (b) a description of any *Platform* and/or *Trip Meter* used in the provision of *Services*, including as applicable:
 - (i) means by which *Customers* interact with the *Platform*;
 - (ii) all types of data collected from *Customers*;
 - (iii) all types of data provided to *Customers*;
 - (iv) means by which the *Customer* is provided with the fare amount;
 - (v) how payment is made through the *Platform* and/or what forms of payment are accepted;
 - (vi) the basis upon which the *Trip Meter* calculates fares;
 - (vii) any other information the *Licensing Office* may request;
 - (c) proof, satisfactory to the *Chief Licensing Officer*, that the *Taxicab Brokerage* has appropriate general liability insurance in the amount of \$5,000,000 or more;
 - (d) a complete listing of all fares and fees that may be charged to *Customers* for the *Services* provided.
- (6) A *Taxicab Brokerage* may only offer or charge *Customers* fares and fees that have been filed with the *City*.
- (7) Prior to undertaking any engagement, a *Taxicab Brokerage* shall provide the *Customer* the full fare to be charged for the service.
- (8) Every *Taxicab Brokerage* shall notify the *City* in writing, at least seventy-two (72)

hours before the effective date, of any changes to its tariff rates or other fees.

(9) No Taxicab Brokerage shall:

- (a) accept orders for or in any way dispatch or direct orders to a *Taxicab* licensed under this section when the activity would be illegal under another municipal taxi by-law or similar licensing by-law or provincial statute;
- (b) dispatch or direct orders to a *Taxicab* not licensed under this section to a pick-up location within the boundaries of the *City*.

(10) Every Taxi Brokerage shall:

- (a) provide the *Licensing Office*, upon request, with a listing of *Taxicabs* operating from its *Taxicab Brokerage*, showing in numerical order, by plate number, the name of each *Taxicab Owner* and each *Accessible Taxicab Owner* with whom an agreement has been entered into;
- (b) keep a record of every *Motor Vehicle* dispatched on a trip, the date and time of dispatch, the place of pick-up and destination of such trip;
- (c) the records referred to in subsection 27.2(10)(b) shall be retained for a minimum of six (6) months, and shall be immediately available upon request of any *Person* authorized to enforce the provisions of this By-law, and such *Person* shall be permitted to remove such records and retain same for a reasonable period of time;
- (d) upon request, inform any *Customer* of the anticipated length of time required for a *Taxicab* to arrive at the requested pick-up location;
- (e) dispatch a *Taxicab* to any *Person* or business requesting service, unless the *Person* or business requesting service has not paid for a previous trip;
- (f) carry on business only in the name in which the licence has been issued;
- (g) not dispatch any calls to any *Taxicab* where privileges have been suspended under this By-law, upon being notified by the *Licensing Office* of such suspension.

(11) Despite section 27.2(5)(b), if a *Customer* requests a change to his or her final destination or route, the *Taxicab Brokerage* may authorize *Additional Fees*, provided that:

- (a) such *Additional Fees* are provided in writing to the *Customer* at the

conclusion of the engagement; and

(b) the *Customer* agrees to the *Additional Fees*.

28.0 Tobacco Shops

- (1) Every *Tobacco Shop Keeper* shall ensure compliance with all provincial and federal statutes.
- (2) No *Person* licensed under this section shall sell or allow the sale of tobacco, cigarette and cigar products to persons under the age of nineteen (19) years.
- (3) Every *Licensee* to whom this section applies shall at all times post in a conspicuous place in the *Tobacco Shop* in a manner satisfactory to the *Chief Licensing Officer* appropriate signage stating:

“NO TOBACCO, CIGARETTE, E-CIGARETTE OR OTHER CIGAR PRODUCT SHALL BE SOLD TO A *PERSON* UNDER NINETEEN (19) YEARS OF AGE”.

29.0 Tow Trucks

- (1) In addition to the requirements set out in Part 4.2, every application for a *Tow Truck Brokerage* licence or for the renewal of such licence shall be accompanied by the following:
 - (a) a complete Police Criminal Record Check, issued by an *Ontario Police Service*, dated not more than ninety (90) days prior to the date application for licence is being made, for each of the officers of the *Tow Truck Brokerage*;
 - (b) if such *Tow Truck Brokerage* is located in the *City of Vaughan*, approval from the *Chief Building Official* and the *Chief Fire Official*;
 - (c) if such *Tow Truck Brokerage* is operated from a *Public Garage* as defined in this By-law, the name, address, telephone number and a copy of the *Public Garage* licence issued to such *Public Garage* by the *Licensing Office*;
 - (d) if such *Tow Truck Brokerage* is operated from a *Public Garage* that is located outside the boundaries of the *City of Vaughan*, the name, address and telephone number of the *Public Garage* and a copy of the agreement entered into by both parties;
 - (e) a list of all *Tow Truck Owner* that operate out of such *Tow Truck Brokerage*.
- (2) In addition to the requirements set out in Part 4.2, every application for a *Tow Truck*

Owner's licence or for the renewal of such licence shall be accompanied by the following:

- (a) the agreement or contract between the *Tow Truck Owner* and *Tow Truck Brokerage*, if applicable;
 - (b) the Provincial Motor Vehicle Permit;
 - (c) a Safety Standards Certificate dated not more than ninety (90) days prior to the date application for licence is being made;
 - (d) a certificate of insurance including:
 - (i) commercial/comprehensive general liability of two million (2,000,000.00) dollars;
 - (ii) cargo liability insurance of not less than one hundred thousand (100,000.00) dollars to indemnify the licensee against loss by reason of its legal liability for direct physical loss or damage to vehicles and goods accepted by the licensee for towing or conveyance;
 - (e) a complete Police Criminal Record Check, issued by an *Ontario Police Service*, dated not more than ninety (90) days prior to the date application for licence is being made;
 - (f) a "Statement of Driver Record", furnished by the Ministry of Transportation, dated not more than ninety (90) days prior to the date application for licence is being made;
 - (g) proof that the *Applicant* is:
 - (i) at least eighteen (18) years of age at the time of application; and
 - (ii) eligible to work in Canada, which may be evidenced by the production of *Government Issued Identification*, in a manner satisfactory to the *Chief Licensing Officer*.
 - (h) proof, satisfactory to the *Chief Licensing Officer*, of a valid Commercial Vehicle Driver's Registration issued by the Ontario Ministry of Transportation.
- (3) Prior to the issuance of a *Tow Truck Owner's* licence:
- (a) the *Applicant* shall produce the vehicle to be licensed for inspection and the *Chief Licensing Officer*, or any other *Person* authorized to enforce the

provisions of this By-law, shall inspect the vehicle for conformity to this By-law;

- (b) if the vehicle in question, in the opinion of the *Chief Licensing Officer*, or any other *Person* authorized to enforce the provisions of this By-law, does not meet the criteria of this By-law, then the issuance of such licence shall not be granted until such time as the *Chief Licensing Officer*, or any other *Person* authorized to enforce the provisions of this By-law, is satisfied that the vehicle is in conformity.
- (4) In addition to the requirements set out in Part 4.2, every application for a *Tow Truck Driver's* licence or for the renewal of such licence shall be accompanied by the following:
- (a) a valid Ontario Class "G" Driver's Licence issued by the Province of Ontario;
 - (b) a "Statement of Driver Record", furnished by the Ministry of Transportation, dated not more than ninety (90) days prior to the date application for licence is being made;
 - (c) a complete Police Criminal Record Check, issued by an *Ontario Police Service*, dated not more than ninety (90) days prior to the date application is being made;
 - (d) proof that the *Applicant* is:
 - (i) at least eighteen (18) years of age at the time of application; and
 - (ii) eligible to work in Canada, which may be evidenced by the production of *Government Issued Identification*, in a manner satisfactory to the *Chief Licensing Officer*; and
 - (e) any other documentation or information as may be required by the *Licensing Office*.
- (5) Where a *Tow Truck Brokerage* or *Tow Truck Owner* operates from a *Public Garage* as defined in this By-law, and the *Public Garage* does not hold a valid *Public Garage* licence, the *Licensing Office* shall not issue a licence to the *Tow Truck Brokerage* or *Tow Truck Owner* until such garage has received its *Public Garage* licence.
- (6) No *Tow Truck Brokerage* licence shall be issued where each and every *Tow Truck*

being operated from such *Tow Truck Brokerage* is not validly licensed as a *Tow Truck* in the *City of Vaughan*.

- (7) Every *Tow Truck Driver* and every *Tow Truck Owner* operating his or her own *Tow Truck* shall have and maintain in good standing at all times a licence issued by the Province of Ontario of a class authorizing him to drive a *Tow Truck*.
- (8) A *Tow Truck Owner* who is an individual *Person* and who has complied with the provisions of this By-law, and whose licence has been so endorsed by the *Licensing Office*, may act as a *Tow Truck Driver* of any *Tow Truck* of which he is the Owner.
- (9) No *Tow Truck Driver* shall operate any *Tow Truck* for the towing or otherwise conveying of a vehicle unless the *Tow Truck Owner* of such *Tow Truck* is licensed under this By-law as a *Tow Truck Owner* in respect of such *Tow Truck*.
- (10) No *Tow Truck Owner* shall permit any *Person* other than a *Tow Truck Driver* licensed under this By-law to use such *Tow Truck Owner's Tow Truck* for the towing or otherwise conveying of a vehicle.
- (11) No *Tow Truck Driver*, while having the care and control of a *Tow Truck*, shall permit any *Person* other than a *Tow Truck Driver* licensed under this By-law to use it for the towing or otherwise conveying of a vehicle.
- (12) Every *Tow Truck Driver* and every *Tow Truck Owner* who operates a *Tow Truck* shall carry his licence issued under this By-law with him at all times while he is operating a *Tow Truck* and shall produce same for inspection when requested to do so by any *Person* authorized to enforce the provisions of this By-law.
- (13) No *Tow Truck Owner* shall, by arrangement or agreement or otherwise, permit the use of the *Tow Truck Owner's* licence in respect of any *Tow Truck* not owned by such *Tow Truck Owner*.
- (14) A *Tow Truck Owner* selling or otherwise disposing of his *Tow Truck*, or replacing his *Tow Truck*, shall give written notice thereof to the *Licensing Office* within thirty (30) days of such transaction.
- (15) A *Tow Truck Owner* selling or otherwise disposing of his *Tow Truck* shall return the licence as referred to in subsection 29.0(33)(b) of this By-law to the *Licensing Office* within thirty (30) days of such transaction.

- (16) No *Tow Truck Owner* shall use or permit to be used a *Tow Truck* found unsafe or defective upon examination and inspection as hereinafter provided.
- (17) The *Tow Truck Owner* or *Tow Truck Driver* shall at all times while the vehicle is being used as such, keep in the vehicle the original or legible copy of the *City of Vaughan*-issued identification card relating to the *City of Vaughan* licence issued by the *Licensing Office* for both the *Tow Truck Owner* and *Tow Truck Driver*.
- (18) Where a *Corporation* is the holder of a *Tow Truck* licence or licences, the *Corporation* shall notify the *Licensing Office* of all transfers of existing shares and of the issue of all new shares of the capital stock of the *Corporation*, and the *Licensing Office* shall recommend to the *Chief Licensing Officer* that such licence or licences be revoked forthwith, and the *Licensing Office* may issue a new licence or new licences upon payment of the prescribed fee.
- (19) No *Tow Truck Owner's* licence shall be transferred, but subject to the provisions of this By-law, a *Tow Truck Owner* may sell his or her *Tow Truck* and its equipment to any *Person* and upon such sale the *Tow Truck Owner's* licence issued in respect of such *Tow Truck* shall be terminated, and the *Licensing Office* may, issue a new licence to the purchaser of the *Tow Truck*.
- (20) Every *Tow Truck Owner* shall keep a daily record of all *Services* provided by each *Tow Truck* owned by such *Tow Truck Owner*, as follows:
 - (a) such records shall show the name of every *Hirer*, a description of the vehicle towed or conveyed including the provincial motor vehicle permit number or vehicle identification number of any such vehicle and the rate charged;
 - (b) such daily records shall be kept for a period of not less than two (2) years from the date of service; and
 - (c) the *Licensing Office* or any *Person* authorized to enforce the provisions of this By-law shall at all times have access to such records to review and verify the records, and shall be permitted to remove any such records and retain the records for a reasonable period of time to inspect and complete such review.
- (21) Prior to any towing service being provided, a *Tow Truck Owner* or *Tow Truck Driver* shall complete a *Towing Authorization Form* issued by the *Chief Licensing Officer*

and provide a copy to the *Hirer*. Subsections 29.0(20)(b) and 29.0(20)(c) of this By-law apply to this subsection, with necessary modifications.

- (22) Every *Tow Truck Owner* shall upon demand, provide proof satisfactory to the *Chief Licensing Officer* that the *Tow Truck* for which a licence was issued was actively and consistently engaged in the business as a *Tow Truck*.
- (23) Upon suspension of a licence issued under this By-law, or upon a licence issued under this By-law being expired more than ninety (90) days, the licensee shall return to the *Licensing Office* or any other *Person* authorized to enforce the provisions of this By-law, all plates issued by the *City* with reference to such licences, and any *Person* authorized by this By-law to do so, shall have access to any *Premises* or vehicles for the purpose of receiving or taking such plate or plates, and no *Person* shall refuse to deliver the plates to a *Person* authorized by this By-law or hinder or prevent said *Person* from receiving or taking said plates.
- (24) Every *Tow Truck Owner* shall provide a run sheet to the *Tow Truck Driver* in charge of the vehicle or, if the *Tow Truck Owner* also acts as the *Tow Truck Driver*, shall himself or herself carry a run sheet, upon which shall be recorded the name and address of such *Tow Truck Driver* and *Tow Truck Owner*, the name of the *Hirer*, the date, origin and destination of each trip or service to be performed, the rate or charge assessable under the schedule of rates applicable, and the provincial motor vehicle permit number, with respect to every vehicle towed or conveyed, provided further that:
 - (a) run sheets shall be made in duplicate, in a form approved by the *Chief Licensing Officer*, and shall be dated and numbered consecutively;
 - (b) every *Tow Truck Owner* shall keep the original copy of all run sheets referred to in this subsection for a minimum of three (3) months after the *Services* recorded in them have been provided.
- (25) Every licence furnished by the *Licensing Office* shall be returned forthwith upon demand by the *Licensing Office*.
- (26) Every *Tow Truck Owner* who, pursuant to any agreement or arrangement gives up to some other *Person* the right to possession and control of the *Tow Truck* by such *Tow Truck Owner* for a period of more than one (1) normal *Tow Truck Driver's* shift

or permits the use of the said *Tow Truck* by any other *Person* for a period longer than one (1) day in any seven (7) day period, shall forthwith notify the *Licensing Office* in writing of the particulars of such agreement or arrangement and, where such agreement or arrangement is in writing, shall file the said Agreement with the *Licensing Office*.

- (27) Every *Person* who, as a *Tow Truck Owner*, applies for a licence under this By-law, shall, before receiving such licence, procure a policy of insurance endorsed to the effect that the *Licensing Office* shall be given at least ten (10) days notice in writing of the cancellation or expiration of the policy or policies.
- (28) Every *Tow Truck Owner* and every *Tow Truck Driver* who *Owns*, or has any interest either directly or indirectly, in a motor vehicle pound, a yard, or building used for the storage or impounding of *Motor Vehicles*, a motor vehicle body shop, or other kind of *Public Garage*, or any other yard, shop, building or place used for the storage, repair or servicing of *Motor Vehicles*, shall, before receiving a licence as a *Tow Truck Owner* or *Tow Truck Driver*, provide and file with the *Licensing Office* full information as to the location and size of such yard, shop, building or place, and the facilities provided therein, and as to the kind and extent of any interest therein, and shall provide to the *Licensing Office* full particulars of any contract, arrangement, agreement or understanding giving such *Tow Truck Owner* or *Tow Truck Driver* such interest.
- (29) Where the *Tow Truck Owner* resides, or has his or her head office or any other business office outside the boundaries of the *City of Vaughan*, or *Owns* or has an interest in any *Public Garage*, yard, shop or other place referred to in this Part, outside the boundaries of the *City of Vaughan*, such *Tow Truck Owner* shall, in addition to the other information required by this By-law to be furnished, notify the *Licensing Office* of the number and type of any licence issued by any other *Municipality* or licensing authority.
- (30) No *Tow Truck Owner* or *Tow Truck Driver* shall demand, request, accept or receive, directly or indirectly, any charge, gift, payment, *Drop Fee*, thing or other consideration from any *Person* who *Owns* or has interest, direct or indirect, in any motor vehicle compound, motor vehicle body shop, *Public Garage* or any other

yard, shop, building or place used for the storage, repair or servicing of *Motor Vehicles*, in respect of or in consideration for the towing or conveying of a vehicle to such pound, body shop, *Public Garage*, yard, shop, building or place, and no *Tow Truck Owner* or *Tow Truck Driver* shall be a party to any transaction by which any such charge, gift, payment, drop-fee, thing or other consideration is paid or given or is required to be paid or given.

(31) No *Hirer* of a *Tow Truck* shall be required or requested, directly or indirectly, to pay any *Drop Fee* or any payment or transaction made or done in contravention of section 29.0(43) of this By-law.

(32) This section does not prohibit:

(a) any payment for the towing or otherwise conveying of a vehicle owned by the *Person* making such payment, provided that such payment is authorized by this By-law to be charged to such *Person as Hirer*;

(b) where the *Person* making the payment is the *Tow Truck Owner* or is a *Tow Truck Brokerage*, the payment by such *Tow Truck Owner* or *Tow Truck Brokerage* to the *Tow Truck Driver* of a *Tow Truck* owned or provided by such *Person*, provided that:

(c) full disclosure in writing of such payment and of the *Services* in respect of which it is made, is made to the *Hirer* before any charge is made to such *Hirer* in respect of such *Services*;

(d) no charge is made to the *Hirer* in respect of such *Services* other than as authorized by Part 29.0 of this By-law for the *Services* referred to therein;

(e) any payment to a *Tow Truck Owner* or *Tow Truck Driver* for towing or other *Services*, provided that such payment is authorized by this By-law to be charged to the *Hirer* of the *Tow Truck* in respect of such *Services*, and is paid on behalf of and at the request of such *Hirer*.

(33) Every *Tow Truck Owner* who has been issued a licence under this By-law in respect of a *Tow Truck* shall:

(a) have permanently affixed on both sides of the body of the *Tow Truck*, in a clearly visible position:

(i) a *Sign* permanently affixed showing his name in letters and figures

- of not less than ten (10) centimetres in height;
 - (ii) the number of the plate referred to in subsection 29.0(33)(b) preceded by the letter “V” permanently affixed in numbers at least fifteen (15) centimetres high and of a contrasting colour to the immediate background;
 - (b) have at all times prominently affixed to the rear portion on the exterior of the *Tow Truck*, in respect of which the same was issued, the *City of Vaughan* licence plate.
- (34) Every *Tow Truck Owner* licensed under this By-law shall keep every *Tow Truck* owned by him or her and all of its equipment in a clean and fit condition, in good repair and free from mechanical defect, provided further that:
- (a) should the *Licensing Office* forward a notice to a *Tow Truck Owner* that a *Tow Truck* or its equipment is not in a clean and fit condition, in good repair or free of mechanical defects, and a brief outline of the items complained of, the *Tow Truck Owner* shall within the time stated in such notice put the same in a fit and proper condition; and
 - (b) the *Chief Licensing Officer* may summarily suspend the *Tow Truck Owner's* licence in accordance with Part 4.9 of this By-law, or suspend the *Tow Truck Owner's* licence until such a time as the *Tow Truck Owner* complies with the notice under subsection 4.9(1)(d) to the satisfaction of the *Chief Licensing Officer*.
- (35) Every *Tow Truck Owner* and *Tow Truck Driver* shall provide and maintain on or in every *Tow Truck* the following equipment:
- (a) a hoisting device of sufficient capacity to safely lift the vehicle to be towed and a tow cradle, tow bar or tow sling equipped and maintained in a manner to ensure the safe lifting and conveying of towed vehicles, provided that tow cradles, tow bars and/or tow slings are not required on flatbed-type *Tow Trucks*;
 - (b) one (1) device for securing the steering wheel of a vehicle;
 - (c) one (1) 1.25 kilogram dry chemical fire extinguisher of a type capable of functioning at -40 degrees Celsius;

- (d) at least two (2) safety chains having a minimum length of 2.7432 meters (nine(9) feet), each comprised of links of at least 7.9375 millimetres (three-eighths (3/8) inch) steel;
 - (e) one (1) broom and one (1) shovel;
 - (f) one (1) general-purpose first aid kit;
 - (g) at least four (4) safety flares or reflector kits or safety pylons, or any combination of each totalling four (4);
 - (h) wheel wrenches;
 - (i) at least two (2) wheel blocks;
 - (j) dollies, except that dollies are not required on flatbed-type *Tow Trucks*.
 - (k) an intermittent warning light system consisting of at least one light which when activated is clearly visible from three hundred sixty (360) degrees for a distance of at least one hundred (100) meters;
 - (l) any other equipment or provisions as may be required under the *Highway Traffic Act*, as amended;
 - (m) absorbent material capable of absorbing or removing any vehicle fluid product from the road surface;
 - (n) a garbage container of a minimum capacity of ten (10) litres.
 - (o) a pry bar at least 1.5 meters in length;
 - (p) wheel straps; and
 - (q) safety vest.
- (36) No *Person* shall operate and no *Tow Truck Owner* shall permit the use for hire of a *Tow Truck* owned by such *Tow Truck Owner* unless the said *Tow Truck* is fully equipped with the equipment required by section 29.0(35).
- (37) No *Tow Truck Owner* or *Tow Truck Driver* shall operate or permit to be operated a *Tow Truck* with a gross vehicle weight rating of less than four thousand five hundred thirty-six (4536) kilograms.
- (38) No *Tow Truck Owner* or *Tow Truck Driver* shall operate or permit to be operated a *Tow Truck* without a *Wrecker Body* approved by the *Licensing Office*.
- (39) No *Tow Truck Owner* and no *Tow Truck Driver* shall operate or permit to be operated any *Tow Truck* unless the *Tow Truck* and its equipment are:

- (a) in a clean and fit condition, as to its exterior; and
 - (b) in good repair and free from mechanical defects.
- (40) A *Tow Truck Owner* or *Tow Truck Driver* who fails to submit a *Tow Truck* and its equipment for examination by a *Mechanic* licensed by the Province of Ontario to perform safety inspections as required by this section is guilty of an offence.
- (41) When a *Tow Truck* and its equipment is examined by a *Mechanic* licensed by the Province of Ontario to perform safety inspections and such *Mechanic* reports in writing that the *Tow Truck* or its equipment is mechanically defective, the *Tow Truck Owner* shall not operate or permit to be operated, such *Tow Truck* until such *Mechanic* certifies in writing that the physical or mechanical defects so reported are corrected.
- (42) Every *Tow Truck Owner* and *Tow Truck Driver* shall, before commencing each work shift, examine for defects any *Tow Truck* owned by such *Tow Truck Owner* which is to be operated by such *Owner* or *Driver* during the shift, and shall similarly examine the same at the end of each shift, and every *Driver* shall report forthwith to the *Tow Truck Owner* of such *Tow Truck* any defects therein of which he is or becomes aware.
- (43) Every *Tow Truck Owner* shall file with the *Licensing Office* a schedule of rates to be charged to *Hirers* for all *Services* excluding rates prescribed by this By-law, which schedule of rates shall only be applicable once submitted to the *Licensing Office*, and further:
- (a) a copy of the schedule of rates filed with the *Licensing Office* in accordance with this subsection shall be kept in the licensed vehicle at all times and made available upon request of every *Hirer* or *Person* authorized to enforce the provisions of this By-law;
 - (b) the schedule of rates filed with the *Licensing Office* in accordance with this subsection may not be altered or amended without the prior written consent of the *Licensing Office*.
- (44) Every *Tow Truck Owner* and every *Tow Truck Driver* who tows or otherwise conveys a vehicle not exceeding two thousand seventy-one (2271) kilograms in towing weight from a *Collision Scene* in the *City of Vaughan* to any point within the

City or any point outside the *City*, shall only charge or cause to be charged an all-inclusive, flat-rate fee of two hundred and fifty (250.00) dollars, with no additional charges other than applicable federal and provincial taxes, a maximum *Additional Fee* of one hundred (100.00) dollars for an *Off-Road Recovery*, the mileage rate in section 29.0(46) of this By-law, or the Collision Reporting Centre wait time rate in section 29.0(47) of this By-law.

(45) Every *Tow Truck Owner* and every *Tow Truck Driver* who tows or otherwise conveys a vehicle not exceeding two thousand seventy-one (2271) kilograms in towing weight from any point in the *City of Vaughan*, other than from a *Collision Scene*, to any other point within the *City* or any point outside the *City*, shall only charge or cause to be charged an all inclusive, flat-rate fee of one hundred and twenty-five (125.00) dollars with no additional charges other than the applicable federal and provincial taxes and the mileage rate in section 29.0(46) of this By-law.

(46) A *Tow Truck Owner* or *Tow Truck Driver* who tows or otherwise conveys a vehicle beyond the limits of the *City* may charge no more than three dollars and fifty-eight cents (\$3.58) per kilometer for the distance travelled beyond the limits of the *City*.

(47) Where a *Tow Truck Owner* or *Tow Truck Driver* is ordered to tow or otherwise convey a vehicle from a *Collision Scene* in the *City* to a Collision Reporting Centre, the *Tow Truck Owner* or *Tow Truck Driver* may charge a maximum of sixty-seven (\$67.00) dollars per hour, calculated in 15 minute increments, for wait time at the Collision Reporting Centre after the first hour of wait time.

(48) This By-law does not prohibit the entering into of a written contract or agreement between the *Tow Truck Owner* or a *Tow Truck Brokerage*, and an auto mobile association, motor league, any government or local board thereof, or any limited *Corporation*, containing a schedule providing for the provision of towing *Services* at rates lower than those shown in the schedule of rates referred to in sections 29.0(43) as filed by the *Tow Truck Owner* under this By-law, provided that:

(a) a copy of such written schedule of rates and the contract or agreement relating thereto is filed with the *Licensing Office* at least thirty (30) days before any *Services* to which such contract or agreement applies are to be provided;

- (b) any *Hirer* to which such schedule of rates or such contract or agreement applies is a party to such contract or agreement or is a member or employee of such party at the time at which the *Services* are performed;
 - (c) No *Tow Truck Owner* or *Tow Truck Driver* to whom such contract or agreement applies shall demand or request payment for his *Services* other than in accordance with the applicable schedule of rates filed with the *Licensing Office* pursuant to section 29.0(43) of this By-law except to the extent to which such rates are modified by the schedule of rates set out in such contract or agreement, in which case the rates contained therein shall be charged;
 - (d) The rates set out in the schedule in any such contract or agreement shall be calculated in the same manner and on the same basis and factors as are authorized to be charged to a *Hirer* under section 29.0(43) of this By-law;
 - (e) The provision of this By-law relating to the calculations of rates and to the filing and amending of schedules of rates, shall apply to the rates and schedules of rates set out in any contract or agreement referred to in this Part.
- (49) Notwithstanding the provisions of any other section of this By-law, where an estimate is given to the *Hirer* of the cost of *Services* or equipment to be provided by a *Tow Truck Owner* or *Tow Truck Driver*, the charge to the *Hirer* shall not exceed the lesser of the total charge authorized according to the *Tow Truck Owner's* schedule of rates filed with the *Licensing Office* pursuant to the provisions of this By-law or the amount of the estimate plus fifteen percent (15%) of the amount of such estimate.
- (50) Every *Tow Truck Owner* or *Tow Truck Driver* hired to perform or provide *Services* shall, before demanding payment for such *Services*, present to the *Hirer* an itemized bill for such *Services* setting out the cost of all *Services* and equipment provided or to be provided on the basis of the rate set out in the schedule of rates filed by the *Tow Truck Owner* with the *Licensing Office*.
- (51) Every *Tow Truck Brokerage*, *Tow Truck Owner* and *Tow Truck Driver* is required to

accept payment by credit and debit card from a *Hirer*.

- (52) No *Tow Truck Owner* or *Tow Truck Driver* shall, except as otherwise provided in this By-law, be entitled to recover or receive any fee or charge or amount from any *Person* or persons from whom he demanded other than those set out in the applicable schedule of rates filed with the *Licensing Office* pursuant to this By-law, or to whom such *Tow Truck Owner* has refused to show a schedule of rates, pursuant to this By-law.
- (53) No *Tow Truck Owner* or *Tow Truck Driver* shall make any charge under this By-law for time lost through defects or inefficiency of the *Tow Truck*, or the incompetence of the *Tow Truck Owner* or *Tow Truck Driver* thereof.
- (54) When a dispute arises between a *Tow Truck Owner* or *Tow Truck Driver* and a *Hirer* as to the amount or rates to be paid for towing, other *Services* or otherwise conveying of a vehicle other than at a *Collision Scene*, the *Tow Truck Owner* or *Tow Truck Driver* may, if such *Hirer* agrees, refer the dispute to the officer in charge of the nearest York Region Police Station or to such police officer as the parties may agree upon, and if the *Tow Truck Owner* or *Tow Truck Driver* was correct in the demand for payment made by such *Tow Truck Owner* or *Tow Truck Driver*, may add thereto an amount equal to the proper charge under the schedule of rates filed with the *Licensing Office* for the distance traveled from the place where the dispute arose to the police station, and any reasonable waiting time while the dispute was being investigated.
- (55) Every *Tow Truck Owner* or *Tow Truck Driver* shall, upon the request of a *Hirer* or of a *Person* who may become a *Hirer*, provide such *Person* with a copy of the applicable schedule of rates for *Services* or towing or otherwise conveying of a vehicle filed with the *Licensing Office*.
- (56) Every *Tow Truck Owner* and *Tow Truck Driver* shall take due care of all vehicles and property delivered or entrusted to such *Tow Truck Owner* or *Tow Truck Driver* for towing, conveying or safekeeping.
- (57) Every *Tow Truck Driver* or *Tow Truck Owner* operating his own *Tow Truck* shall tow or otherwise convey a hired vehicle by the most direct route reasonably possible in the circumstances, and in the most expeditious manner, unless

otherwise directed by the *Hirer*.

- (58) No *Tow Truck Driver* or *Tow Truck Owner* operating his own *Tow Truck* shall commence to tow or otherwise convey any vehicle, or to hook, lift or connect the vehicle to the *Tow Truck*, or to perform any other *Services*, unless first requested so to do by one of the following:
- (a) a *Hirer*;
 - (b) any peace officer, as defined in the Criminal Code of Canada;
 - (c) any member of a municipal fire department; or
 - (d) any *Person* authorized by *Council* to direct the removal of the vehicle from private or municipal property.
- (59) Every *Tow Truck Owner* or *Tow Truck Driver*, upon being hired to tow or convey any vehicle or to perform any *Services* in respect of such vehicle, by the request of one of the persons referred to in section 29.0(58), shall comply with all reasonable instructions from said *Person*, and, without limiting the generality of the foregoing, shall tow or convey the vehicle in respect of which such *Tow Truck Owner* or *Tow Truck Driver* is hired to the place designated by the said *Person*.
- (60) Notwithstanding section 29.0(59), if the place designated by the *Hirer* is closed for business, the *Tow Truck Driver* shall tow or convey the vehicle to the *Tow Truck Driver's* storage facility, and the *Tow Truck Driver* shall cause the vehicle to be towed or conveyed to the place designated by the *Hirer* on the next day that the place designated is open for business.
- (61) No *Tow Truck Owner* or *Tow Truck Driver* shall charge or permit to be charged by or on behalf of any other *Person* a fee for the storage of a vehicle exceeding fifty-five dollars (\$55.00) per day for outside storage or sixty dollars (\$60.00) per day for indoor storage at any building or place where the vehicle is stored, including a *Public Garage*, storage facility, pound facility, or salvage yard.
- (62) No *Tow Truck Owner* or *Tow Truck Driver* shall suggest or recommend to any *Hirer* or other *Person* requesting its *Services* that any vehicle in respect of which *Services* are given or requested, be towed, conveyed, driven or delivered to any particular body shop, storage yard, or any other *Public Garage*, building or place not properly licensed as such by the *City*, unless requested to do so by such *Hirer*.

- (63) No *Tow Truck Owner* or *Tow Truck Driver* shall, within thirty (30) meters of the scene of an accident or of any vehicle involved in such accident or apparent accident, *Solicit* or permit any other *Person* to *Solicit* any *Person* to hire or otherwise use the *Services* of such *Tow Truck Owner* or *Tow Truck Driver* or the *Services* of any *Tow Truck*.
- (64) Subject to section 29.0(65), no *Tow Truck Owner* or *Tow Truck Driver* or *Tow Truck* shall be within thirty (30) meters of the scene of an accident or apparent accident or of a vehicle involved or apparently involved in such accident or apparent accident, for the purpose of receiving a request referred to in section 29.0(58).
- (65) Every *Tow Truck Owner* and *Tow Truck Driver* shall, unless summonsed by one of the persons referred to in section 29.0(58), not be within thirty (30) meters of any accident or apparent accident.
- (66) Notwithstanding any other section of this By-law, there shall be no more *Tow Trucks* within one hundred (100) meters of any accident or apparent accident than the number of vehicles that require the *Services* of a *Tow Truck*.
- (67) Every *Tow Truck Owner* shall ensure that all the stationary, forms, bills, invoices, statements and any other printed or written advertising material including any published advertisement in a newspaper, periodical, directory or other publication used by such *Owner* in the course of such business, bears in clearly legible figures and letters the name, address, telephone number and *City of Vaughan* licence number of such *Tow Truck Owner*, and the name of any *Tow Truck Brokerage* offering the *Services* of the said *Tow Truck*.
- (68) Every *Tow Truck Owner* shall retain, for a period of sixty (60) days, copies of all advertising matter used by such *Owner* and shall produce the same to the *Licensing Office* prior to the publication or distribution.
- (69) Every *Tow Truck Owner* and *Tow Truck Driver* shall, in carrying on his trade, calling, business or occupation be properly dressed in a uniform shirt displaying the company business name and shall be civil and well behaved.
- (70) Where any *Person* has hired or indicated an intention to hire any *Tow Truck* or the *Services* of any *Tow Truck Owner* or *Tow Truck Driver* in respect thereof, no other *Tow Truck Owner* or *Tow Truck Driver* shall knowingly interfere in any way with

any such contract or hiring or the implementation of such intention, except under the direction of a police officer directing the removal of a vehicle by another *Tow Truck Owner* or *Tow Truck Driver* in order to assist in an investigation.

- (71) Every *Tow Truck Owner* and *Tow Truck Driver* carrying on the trade, calling, business or occupation to which this By-law relates, shall, upon a request made by any police officer or anyone authorized to enforce the provisions of this By-law provide such *Tow Truck Owner* or *Tow Truck Driver's* name, residential address, business address and licence to such officer.
- (72) No *Tow Truck Owner* or *Tow Truck Driver* shall induce any *Person* to employ or hire a *Tow Truck* by knowingly misleading or deceiving such *Person* as to the location or distance of any place or as to any other thing, or by making false representation to such *Person*.
- (73) No *Tow Truck Owner* or *Tow Truck Driver* shall remove any vehicle from the scene or immediate vicinity of an accident in respect of which a report is required by law to be made to a police officer, until such has been made and the investigating officer has completed his investigation in respect of such vehicle, or has stated that the presence of such vehicle is no longer required for the investigation.
- (74) Nothing contained in section 29.0(73) of this By-law shall prevent the removal or moving of a vehicle for the purpose of preventing injury or damage to any *Person* or property, or for the purpose of avoiding undue interference with traffic on a *Highway*.
- (75) No *Tow Truck Driver* shall operate a *Tow Truck* that has not been licensed as a *Tow Truck* by the *City of Vaughan*.
- (76) Every *Tow Truck Driver* shall clean up and remove any and all debris, fragments of glass, vehicle parts or other materials from any *Highway*, excluding trailer or dump-truck loads spilled, dispersed or dumped on or adjacent to the *Highway* during a *Collision*, prior to the towing or conveying of any vehicle from the scene, except where there is an ongoing police investigation at the scene and in such cases the *Tow Truck Driver* shall ensure the clean-up and removal of debris, fragments of glass, vehicle parts or other materials from the *Highway* is carried out within eight (8) hours immediately following the time of the accident.

30.0 Adult Video Stores

- (1) Subject to sections 30.0(2) and 30.0(3), a maximum of three (3) *Adult Video* or *Adult Videotape Store* licences may be issued by the *City*.
- (2) An *Owner* or *Operator* of an *Adult Video Store* shall comply with the *City's* Zoning By-law, as amended, or any successor thereto, related to the restrictions of *Video Store* uses to specified areas of the *City*, which prohibits *Adult Video Stores* from locating or operating in any areas of the *City* except as identified in the Zoning By-law, as amended, and Schedules thereto, as reprinted in Schedules "E-1" and "E-2" attached to this By-law.
- (3) Any description of an area or areas contained in or attached to the *City's* Zoning By-law, as amended, shall be deemed to define an area for the purposes of this By-law.
- (4) Subject to the provisions of the *City's* Zoning By-law, as amended, every *Owner* of an *Adult Videotape Store* shall provide a minimum of five and one-half (5.5) vehicle parking spaces per one hundred (100) square metres *Gross Floor Area* for the use of persons making use of the store.
- (5) In addition to the requirements set out in Part 4.2, every application for an *Adult Video Store* licence or for the renewal of such licence shall be accompanied by the following:
 - (a) a complete Police Criminal Record Check issued by an *Ontario Police Service*, dated not more than ninety (90) days prior to the date application for licence is being made for:
 - (i) the *Applicant*, if the *Applicant* is an individual;
 - (ii) each partner, if the *Applicant* is a *Partnership*;
 - (iii) each director, officer and shareholder, if the *Applicant* is a *Corporation*;
 - (b) the measurements including the vertical and horizontal dimensions of the area in the *Premises* in which videotapes are or are to be provided, and of the area, if such is smaller, used or to be used for the provision of *Adult Videotapes*.
- (6) Every *Licensee* shall:

- (a) keep the *Premises* in a clean and sanitary condition;
 - (b) maintain on the *Premises* available for inspection by a *Municipal Law Enforcement Officer* or any *Person* authorized to enforce the provisions of this By-law, during all business hours, a current list of all *Adult Videotapes* available on the *Premises*;
 - (c) carry on business only in the name in which the licence is issued, or such other business or trade name provided to the *Licensing Office* and shown on such licence;
 - (d) advertise, promote and carry on such business only under the name in which the licence is issued, or such other business or trade name provided to the *Licensing Office* and shown on such licence.
- (7) No *Owner, Operator* or any *Person* employed in an *Adult Video Store* shall permit any *Person* under the age of eighteen (18) years to enter or remain in an *Adult Videotape Store*.
- (8) No *Owner, Operator* or any other *Person* shall be employed in an *Adult Video Store* unless such *Person* is of the age of eighteen (18) years or older.
- (9) Every *Owner* and *Operator* and any *Person* employed in an *Adult Video Store* shall post and keep posted at every entrance to any *Adult Video Store* operated by such *Owner* or *Operator* or any *Person* employed in an *Adult Video Store*, in a prominent location inside such store, signs sufficient to indicate clearly to any *Person* approaching or entering the store, and to every *Person* in the store, that no *Person* under the age of eighteen (18) years is permitted to enter or remain in such store or any part thereof.
- (10) Notwithstanding any other By-law of the *City* regulating the erection of signs, every *Owner* and *Operator* of an *Adult Video Store* shall ensure that exterior signs and advertisements relating to *Adult Video Stores* or to the provision of *Adult Videotapes*, shall be restricted to the words "adult videos", "adult videotapes", or "adult videotape sales or rentals" and shall not include pictorial representations of *Specified Body Areas* or *Specified Sexual Activities*.

31.0 General Video Stores

- (1) In addition to the requirements set out in Part 4.2, every application for a *General*

Video Store licence or for the renewal of such licence shall be accompanied by the measurements including the vertical and horizontal dimensions of the area in the *Premises* in which videotapes are or will be provided, and of the area, if such is smaller, used or to be used for the provision of *Adult Videotapes*.

- (2) No *Owner* or *Operator* of a *General Video Store* shall permit any *Person* under the age of eighteen (18) years to enter or remain in any part of such store where *Adult Videotapes* are provided, unless such *Adult Videotapes* are located in an *Adult Videotape Area*.
- (3) Every *Owner* and *Operator* of a *General Video Store* in which any *Adult Videotape* is provided, shall affix, in a prominent location inside such store and at every entrance to any *Adult Videotape Area*, a *Sign* or *Signs* sufficient to indicate clearly to persons in the store, that no *Person* under the age of eighteen (18) years is permitted to enter or remain in any *Adult Videotape Area* in accordance with this *By-law*.
- (4) Every *Operator* of a *General Video Store*, and every *Person* employed in such store, shall ensure that no *Person* under the age of eighteen (18) years is permitted to enter or remain in any *Adult Videotape Area*.
- (5) Every *Operator* of a *General Video Store* and every *Person* employed in such store shall ensure that no *Adult Videotape*, or container for an *Adult Videotape* shall be displayed in such a manner so as to be visible from outside the store.
- (6) Every *Operator* of a *General Video Store* and every *Person* working in such store shall ensure that no *Adult Videotape*, or container for an *Adult Videotape*, shall be displayed in a location where it can be seen by persons in the store, unless such *Adult Videotape* or container is in an *Adult Videotape* area, and such *Adult Videotape* or container is displayed in a location where it cannot be seen from outside such area.

32.0 Reserved.

33.0 Reserved.

34.0 Reserved.

35.0 Reserved.

36.0 Reserved.

37.0 Reserved.

38.0 Reserved.

39.0 Reserved.

40.0 Repeal and Amendment of Other By-laws

- (1) The following by-laws, or their relevant sections, are hereby repealed: 315-2005, 70-2006, 262-2008, 158-2009, 156-2010, 177-2011, 116-2012, 183-2012, 174-2013, 019-2015, 204-2015, 124-2016, 194-2016, 016-2017, 024-2017, 035-2017, 038-2017, 053-2017, 054-2017, 123-2017, 019-2018, 044-2018, 138-2018, 025-2019, 045-2019, 063-2019, 165-2019, 194-2019, 064-2020, 098-2020, 187-2020, 196-2020, 133-2021, 158-2021, as well as any other by-law amendments not listed herein that applied to By-law 315-2005.
- (2) Schedule 1 of the Administrative Monetary Penalties By-law is hereby amended by deleting By-law 315-2005 and including this By-law in its place as a Designated By-law.

41.0 Force and Effect

- (1) This By-law shall come into force and effect on the day enacted by *Council*.

Enacted by City of Vaughan Council this 28th day of June, 2022.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

SCHEDULE "A"
Classes of Business Licences

Every *Person* who undertakes any of the activities listed below must, prior to commencing operation of the business or undertaking the business activity, apply for a business licence from the *City*, pay all applicable fees, and be granted and hold such valid business licence.

Accessible Taxicab Owner and Accessible Taxicab Drivers;
Adult Entertainment Attendants, Adult Entertainment Operators, and Adult Entertainment Parlour Owner;
Arcade Owner;
Auction Hall Owner, and Auctioneers;
Banquet Hall Owner;
Billiard Hall Owner;
Body Rub Parlour Attendants, Body Rub Parlour Operators, and Body Rub Parlour Owner;
Charitable Clothing Drop Box Owner;
Commercial Dog Walker Business Owner, and Commercial Dog Walkers;
Driving School Instructor Owner, and Driving School Driver Instructors;
Dry Cleaners/Laundromat Owner
Eating Establishment Owner
Fence Installers (Owner)
Fire Works Vendors (Owner)
Foodstuffs Establishment Owner
Kennels (Owner)
Landscapers (Owner)
Limousine Company Owner
Limousine Owner
Limousine Drivers
Mobile Sign Providers (Owner)
Pavers (Owner)
Pawn Shop / Second Hand Goods Store Owner
Personal Services Establishment Owner
Pet Grooming Establishment Owner
Pet Shop Owner
Place of Amusement (A) – Arcade (Owner), Place of Amusement (B) – Theatre (Owner), and Place of Amusement (C) – Bowling Alley (Owner)
Pool Installers (Owner)
Private Transportation Companies (Owner), and Private Transportation Company Drivers
Private Garages (Owner)
Refreshment Vehicle Owner (Class A), Refreshment Vehicle Owner (Class B)\,
Refreshment Vehicle Owner (Class C), and Refreshment Vehicle Drivers
Refreshment Vehicles (Temporary), and Refreshment Vehicles (Events)
Renovators (Owner)
Taxicab Brokerages (Owner), Taxicab Owner, and Taxicab Drivers
Tobacco Outlets (Owner)
Tow Truck Brokerages, Tow Truck Owner, and Tow Truck Drivers
Video Stores – General (Owner), and Video Stores – Adult (Owner)

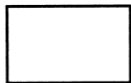
SCHEDULE "B"
Subject Lands – Place of Amusement

| HIGHWAY | FROM | TO |
|-------------------|-----------------------------------|-----------------------------------|
| Glen Shields | Dufferin Street (North Branch) | Dufferin Street (South Branch) |
| Clark Avenue West | Bathurst Street | Yonge Street |
| Chabad Gate | Bathurst Street | York Hill Boulevard |
| Bathurst Street | Steeles Avenue W | Chabad Gate |
| Centre Street | Bathurst Street | Yonge Street |
| Tall Grass Trail | Birch Meadow Outlook | Pine Valley Drive |

SCHEDULE "C-1"



**THIS IS SCHEDULE C-1
TO BY-LAW 122-2022**



**SUBJECT
LANDS**

SIGNING OFFICERS

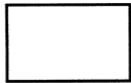
Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

SCHEDULE "C-2"



**THIS IS SCHEDULE C-2
TO BY-LAW 122-2022**



**SUBJECT
LANDS**

SIGNING OFFICERS

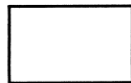
Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

SCHEDULE "D-1"



**THIS IS SCHEDULE D-1
TO BY-LAW 122-2022**



**SUBJECT
LANDS**

SIGNING OFFICERS

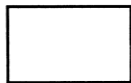
Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

SCHEDULE "D-2"



**THIS IS SCHEDULE D-2
TO BY-LAW 122-2022**



**SUBJECT
LANDS**

SIGNING OFFICERS

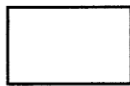
Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

SCHEDULE "E-1"



**THIS IS SCHEDULE E-1
TO BY-LAW 122-2022**



**SUBJECT
LANDS**

SIGNING OFFICERS

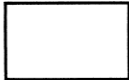
Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

SCHEDULE "E-2"



**THIS IS SCHEDULE E-2
TO BY-LAW 122-2022**



**SUBJECT
LANDS**

SIGNING OFFICERS

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

SCHEDULE "F"

Threshold Policy for Licences

SYNOPSIS:

The *Municipal Act 2001*, S.O. 2001, c.25, as amended provides for a municipality to license, regulate and govern any business, activity or undertaking wholly or partly carried on within the municipality. Licensing is intended to be a vetting and monitoring process for certain business activities that are deemed to represent a higher than normal risk to the public. Licensing requires that the subject business meet minimum standards of health and safety, and demonstrate compliance with requirements to ensure consumer protection and mitigate public nuisances.

The Thresholds are intended to identify those *Applicants* and *Licensees* who have been convicted of offences which demonstrate behaviours that are incompatible with the type of business activity licensed and regulated under this By-law. The thresholds are intended to provide an objective and transparent way of identifying businesses that and individuals who do not operate with due consideration for the health and safety of the public, in the interest of consumer protection, or in a manner that mitigates public nuisances. The thresholds provide criteria to assess both the level of potential risk that a business may pose to the public and the corresponding degree of enforcement action to be taken by the *City*.

PROCESS:

The following sections provide maximum thresholds for various types of offences, based on the severity of the offences and how long ago they occurred. Offences are classed into categories, referred to as codes. The codes are described in the table, including a list of the offences that each code includes. *Convictions* listed on an *Applicant's* or *Licensee's* Police Criminal Record Checks are matched against those on the table to determine within what code each falls. In turn, the number of convictions under each code is then applied to the thresholds listed for the corresponding type of licence being sought or renewed. If an *Applicant* or *Licensee* exceeds a threshold, the corresponding action is then imposed and may include the issuance of a warning letter to a *Licensee*, the placing of conditions on a licence, the refusal of a licence or its renewal, or the suspension or revocation of a licence.

DEFINITIONS:

For purposes of this Schedule:

"Conviction" means a formal declaration that a person has been found guilty of a summary conviction offence or an indictable offence, and shall also include an administrative monetary penalty once such penalty has been affirmed in accordance with the *City's* Administrative Monetary Penalties By-law.

Driving Schools, Refreshment Vehicles, Limousines, Taxicabs.

1.A. If an *Applicant* has:

- 1) any code 01 *Conviction*;
- 2) any code 02 *Conviction* within the last ten (10) years;
- 3) any code 03 *Conviction* in the last seven (7) years;
- 4) two or more code 03 *Convictions* in the last ten (10) years;
- 5) any code 04 *Conviction* within the last three (3) years;
- 6) two or more code 04 *Convictions* within the last five (5) years;
- 7) any code 05 or 07 *Convictions* within the last year;
- 8) any code 06 *Conviction* within the last three (3) years;
- 9) nine (9) or more demerit points, as defined in the *Highway Traffic Act*, on the driver's abstract provided to the *Licensing Office*;
- 10) six (6) or more by-law related* *Convictions* within the last twelve (12) months concerning the licensed business or individual, or any other of the individual's businesses, whether current or former, that are licensed or are required to be licensed;

- 11) four (4) or more by-law and related* Convictions within the twelve (12) months immediately preceding the date of issuance; or
- 12) overdue by-law fines, unless the *Applicant* or *Licensee* provides proof that such fines have been subsequently paid,

despite an application being complete, including all fees paid, the *Licensing Office* shall refuse to issue or renew the licence. In the case of an existing licence, the *Licensing Office* shall suspend the licence and such licence shall not be eligible to be reinstated until the Licensee is again below the prescribed thresholds and therefore in compliance with this By-law.

- 1.B. The *Chief Licensing Officer* may, upon a new application for a licence or renewal, as the case may require, issue, renew or reinstate a licence, if at the time of the said application for a licence or renewal, the *Licensee's* record of convictions has fallen below the prescribed thresholds and therefore is in compliance with this By-law.
- 1.C. The *Chief Licensing Officer* may place conditions and/or issue a warning letter on a licence if he or she has reasonable grounds or otherwise believes that a *Licensee* may be at risk of exceeding a threshold prescribed in this schedule or may otherwise be conducting his or her business in a manner that is not in accordance with this By-law, other *City* by-laws, legislation and its regulations, or with honesty and integrity, and a warning letter under this section shall set out the specific applicable threshold.

* By-law related *Convictions* include those arising from the violation of by-laws other than the *City's* Business Licensing By-law, but that are relevant to the subject business (e.g., violation of the Sign By-law by a *Mobile Sign Provider*), and may include violations by the subject business of the by-laws of other municipalities.

Adult Entertainment Parlours, Auctioneers, Body-Rub Parlours, Second Hand Goods

2.A. If an *Applicant* has:

- 1) any code 01 *Conviction*;
- 2) any code 02 *Conviction* within the last ten (10) years;
- 3) any code 03 *Conviction* within the last seven (7) years;
- 4) two or more code 03 *Convictions* within the last then (10) years;
- 5) any code 04 *Conviction* within the last three (3) years;
- 6) two or more code 04 *Convictions* within the last five (5) years;
- 7) any code 05 *Conviction* within the last year;
- 8) six (6) or more by-law related* *Convictions* within the last year concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or were required to be licensed;
- 9) four (4) or more by-law related* *Convictions* within the twelve (12) months immediately preceding the date of issuance; or
- 10) overdue by-law fines, unless the *Applicant* of *Licensee* provides proof that such fines have been subsequently paid,

despite the application being complete and all fees paid, the *Licensing Office* shall refuse to issue or renew a licence. In the case of an existing licence, the *Licensing Office* shall suspend the licence.

- 2.B. The *Chief Licensing Officer* may, upon a new application for a licence or renewal, as the case may require, issue, renew or reinstate a licence, if at the time of the said application for a licence or renewal, the *Licensee's* record of convictions has fallen below the prescribed thresholds and therefore is in compliance with this By-law.
- 2.C. The *Chief Licensing Officer* may place conditions and/or issue a warning letter on a licence if he or she has reasonable grounds or otherwise believes that a *Licensee* may be at risk of exceeding a threshold prescribed in this schedule or may otherwise be conducting his or her business in a manner that is not in accordance with this By-law, other *City* by-laws, legislation and its regulations, or with honesty

and integrity, and a warning letter under this section shall set out the specific applicable threshold.

* By-law related *Convictions* include those arising from the violation of by-laws other than the *City's* Business Licensing By-law, but that are relevant to the subject business (e.g., violation of the Sign By-law by a *Mobile Sign Provider*), and may include violations by the subject business of the by-laws of other municipalities.

Commercial Dog Walkers

3.A. If an *Applicant* has:

- 1) any code 01 *Conviction*;
- 2) any code 02 *Conviction* within the last ten (10) years;
- 3) any code 03 *Conviction* within the last seven (7) years;
- 4) two or more code 03 *Convictions* within the last ten (10) years;
- 5) any code 04 *Conviction* within the last three (3) years;
- 6) two or more code 04 *Convictions* within the last five (5) years;
- 7) any code 05 *Conviction* within the last year;
- 8) any code 08 *Conviction*;
- 9) six (6) or more by-law related* *Convictions* within the last year concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or were required to be licensed;
- 10) four (4) or more by-law related* *Convictions* within the last twelve (12) months immediately preceding the date of issuance; or
- 11) Overdue by-law fines or penalties, unless the *Applicant* or *Licensee* provides proof that such fines or penalties have been subsequently paid,

despite the application being complete and all fees paid, the *Licensing Office* shall refuse to issue or renew a licence. In the case of an existing licence, the *Licensing Office* shall suspend the licence.

3.B. The *Chief Licensing Officer* may, upon a new application for a licence or renewal, as the case may require, issue, renew or reinstate a licence, if at the time of the said application for a licence or renewal, the *Licensee's* record of convictions has fallen below the prescribed thresholds and therefore is in compliance with this By-law.

3.C. The *Chief Licensing Officer* may place conditions and/or issue a warning letter on a licence if he or she has reasonable grounds or otherwise believes that a *Licensee* may be at risk of exceeding a threshold prescribed in this schedule or may otherwise be conducting his or her business in a manner that is not in accordance with this By-law, other *City* by-laws, legislation and its regulations, or with honesty and integrity, and a warning letter under this section shall set out the specific applicable threshold.

* The *Chief Licensing Officer*, in her or his sole discretion, may determine whether a conviction is a related conviction.

Pet Shops, Kennels and Pet Grooming Establishments

4.A. If an *Applicant* has:

- 1) any code 08 *Conviction*,

despite the application being complete and all fees paid, the *Licensing Office* shall refuse to issue or renew a licence. In the case of an existing licence, the *Licensing Office* shall suspend the licence.

4.B. The *Chief Licensing Officer* may place conditions and issue a warning letter on a Licence if an investigation of a licensee reveals circumstances that may in the future cause the licensee to be in contravention of any of the business licensing thresholds listed;

4.C. The *Chief Licensing Officer* may issue a warning letter to be placed in an *Applicant's* file if, at the time of an application for a licence or renewal, the *Applicant* has four (4) or more by-law and related* *Convictions* concerning the licensed business or individual, or any other of the individual's businesses that

are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or required to be licensed, within the twelve (12) months immediately preceding the date of issuance or renewal, and a warning letter under this section shall set out the specific applicable threshold.

- * The *Chief Licensing Officer*, in his or her sole discretion, may determine whether a *Conviction* is a related *Conviction*.

Tow Trucks

5.A. If an *Applicant* has:

- 1) any code 01 *Conviction*;
- 2) any code 02 *Conviction* within the last ten (10) years;
- 3) any code 03 *Conviction* in the last seven (7) years;
- 4) two or more code 03 *Convictions* in the last ten (10) years;
- 5) any code 04 *Conviction* within the last three (3) years;
- 6) two or more code 04 *Convictions* within the last five (5) years;
- 7) any code 05 or 07 *Convictions* within the last year;
- 8) any code 06 *Conviction* within the last three (3) years;
- 9) nine (9) or more demerit points, as defined in the *Highway Traffic Act*, on the driver's abstract provided to the *Licensing Office*;
- 10) three (3) or more by-law related* *Convictions*, including any offences carried out under the Provincial Offences Act or any monetary penalties administered through the Administrative Monetary Penalties By-law, as amended or its successor by-law, within the last year concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's proper businesses that were licensed or were required to be licensed; four (4) or more by-law and related* *Convictions* within the twelve (12) months immediately preceding the date of issuance; or
- 11) overdue by-law fines, unless the *Applicant* or *Licensee* provides proof that such fines have been subsequently paid,

despite an application being complete, including all fees paid, the *Licensing Office* shall refuse to issue or renew the licence. In the case of an existing licence, the *Licensing Office* shall suspend the licence and such licence shall not be eligible to be reinstated until the *Licensee* is again below the prescribed thresholds and therefore in compliance with this By-law.

- 5.B. The *Chief Licensing Officer* may, upon a new application for a licence or renewal, as the case may require, issue, renew or reinstate a licence, if at the time of the said application for a licence or renewal, the *Licensee's* record of convictions has fallen below the prescribed thresholds and therefore is in compliance with this By-law.
- 5.C. The *Chief Licensing Officer* may place conditions and issue a warning letter on a licence if an investigation of a *Licensee* reveals circumstances that may in the future case the *Licensee* to be in contravention of any of the business licensing thresholds listed.
- 5.D. The *Chief Licensing Officer* may issue a warning letter to be placed in an *Applicant's* file if, at the time of an application for a licence or renewal, the *Applicant* has four (4) or more by-law and related* *Convictions* concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or required to be licensed, within the twelve (12) months immediately preceding the date of issuance or renewal, and a warning letter under this section shall set out the specific applicable threshold.

- * By-law related *Convictions* include those arising from the violation of by-laws other than the *City's* Business Licensing By-law, but that are relevant to the subject business (e.g., violation of the Sign By-law by a *Mobile Sign Provider*), and may include violations by the subject business of the by-laws of other municipalities.

| Criminal Code Offences | Description | Code |
|---|---|-------------|
| Sexual Offences (minors) | Interference, invitation, exploitation, procuring sexual activity (parent or guardian), permitting sexual activity (householder) corrupting children, luring a child, exposure, incest (with minor) | 01 |
| Terrorism | Providing, collecting property, using, possessing property, providing, making available property | 02 |
| Homicide | Homicide, manslaughter, infanticide, murder, attempt to commit, accessory | 02 |
| Major Assault and Sexual Assault Offences | Sexual assault with a weapon, causing bodily harm, aggravated assault with weapon, causing bodily harm | 02 |
| Sexual Offences (against person other than minor) | Exploitation of persons with a disability, incest, indecent act, sexual assault | 03 |
| Confinement | Kidnapping, hostage taking, abduction | 03 |
| Hate Propaganda | Advocating genocide, public incitement of hatred | 03 |
| Robbery, extortion | All offences | 03 |
| Criminal Organization | Participating in activities of | 03 |
| Criminal negligence | Criminal negligence, causing death, causing bodily harm | 04 |
| Assault | Assault of a peace officer | 04 |
| Noxious thing, poison | Administering to harm | 04 |
| Harassments, threats | Criminal harassment, uttering threats | 04 |
| Explosives | Using, possession | 04 |
| Weapons | Possession, carrying trafficking | 04 |
| Firearms | Using in commission of offence, careless use, pointing, possession, acquisition without certificate, causing bodily harm with intent, (firearm, air gun or pistol) | 04 |
| Theft Offences | All offences | 04 |
| Forgery offences | All offences | 04 |
| Traps | Setting | 05 |
| Break and Enter | Break and enter | 04 |
| Crime - possession of property | Possession of property obtained by crime | 04 |
| Fraud | Fraud offences, falsifying documents | 04 |
| Arson | All offences | 04 |
| Counterfeit money | Uttering, advertising, dealing | 04 |
| Proceeds of Crime | Laundering | 04 |
| Noxious thing, poison | Administering to annoy, to aggrieve | 05 |
| Mischief | Mischief | 05 |
| Conspiracy | Conspiracy to commit an indictable offence | 05 |
| Prostitution | Offences related to | 05 |
| Bawdy houses | Keeping, transporting person to, procuring | 05 |

| | | |
|--|---|----|
| Operation of <i>Motor Vehicles</i> , vessels or aircraft | Dangerous operation, failing to stop for police, failure to stop at scene of accident, operation while impaired, operation with more than 80 milligrams of alcohol in blood, driving while disqualified | 06 |
| Other | All other Criminal Code Convictions (Including Assault- section 266) | 07 |
| Animal cruelty | Killing, injuring or endangering animals, causing unnecessary suffering to animals, failure to exercise reasonable care of an animal, participation in fighting or baiting of animals. | 08 |

| Controlled Drugs and Substances Act Offences | Description | Code |
|---|--|----------------------|
| Possession | Possession | 05 |
| Trafficking | Of Schedule I or II substance Of Schedule III substance Of Schedule IV substance | 03 04 05 |
| Importing Exporting | Of Schedule I or II substance Of Schedule III substance Of Schedule IV substance | 03 04 05 |
| Production | Of Schedule I or II substance Of Marijuana Of Schedule III substance Of Schedule IV substance | 03 04 04 05 |

| Highway Traffic Act | Description | Code |
|----------------------------|--|-------------|
| 36 | Driving while licence suspended | 07 |
| 43(1) | Driving while licence suspended | 06 |
| Speeding | Exceeding speed by 50 km/hr | 06 |
| Careless | Careless driving | 06 |
| Fail to remain | Fail to remain at the scene of an accident | 06 |
| Fail to stop | Fail to stop when signaled or required by a police officer | 06 |
| Racing | Racing | 06 |
| Fail to stop | Fail to stop for a school bus | 06 |