

**THE CORPORATION OF HALDIMAND COUNTY**

**By-law Number /XX**

Being a by-law to provide for the licensing, regulating and governing of various businesses within Haldimand County.

**WHEREAS** Section 151 of the *Municipal Act, 2001* S.O. 2001, C. 25, as amended (“the Act”), states that a local municipality may provide for a system of licences with respect to a business, wholly or partly carried on within the municipality;

**WHEREAS** Section 154 of the Act, provides that by-laws may be passed by the councils of local municipalities for the licensing, regulating, governing, classifying and inspecting of adult entertainment establishments or any class or classes thereof and for revoking or suspending any such licence and for limiting the number of such licences to be granted;

**WHEREAS** Section 156(1) of the Act provides that a by-law passed under Section 151 with respect to the owners and drivers of Taxicabs may establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality, and may provide for the collection of the rates or fares charged for the conveyance;

**WHEREAS** Section 165 of the Act provides that a local municipality may prohibit or licence, regulate and govern the racing of motor vehicles and the holding of motor vehicle races;

**WHEREAS** the municipality has considered the unique noise issues related to the operation of a Formula Track at 1040 Kohler Road, Cayuga, Ontario, as dealt with in the form of noise related conditions outlined in a decision of the Ontario Municipal Board, dated September 1, 2005;

**WHEREAS** Section 429(1) of the *Act*, provides that the Corporation of Haldimand County municipality may establish a system of fines for offences under a by-law of the municipality;

**WHEREAS** Section 444(1) of the *Act*, as amended, provides that the Corporation of Haldimand County may make an order requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

**WHEREAS** Section 445(1) of the *Act*, as amended, provides that the Corporation of Haldimand County may make an order requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

**WHEREAS** Section 446(3) of the *Act*, as amended, provides that the Corporation of Haldimand County may recover the costs of doing a matter or thing under subsection (1) from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**WHEREAS** Council deems such a system of licences appropriate to address health and safety, consumer protection and nuisance control;

**AND WHEREAS** it is advisable for the Council of The Corporation of Haldimand County to pass a by-law to regulate and licence the carrying on of the business of Adult Entertainment Establishments, the Entertainers performing at Adult Entertainment Establishments, Owners and Drivers of vehicles used for hire, Mobile Food Premises, Motor Vehicle Racing Businesses, Pawnbrokers, Salvage Yards and Scrap Material Collection bins in Haldimand County.

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

## 1. DEFINITIONS

1.1. For the purpose of this By-law:

**“Accessible Taxicab”** means a vehicle that is designed or modified to be used for the purpose of transporting persons who are disabled and that is licenced as a Specialty vehicle by the municipality.

**“Adult Entertainment Establishment”** means any premises or part thereof where entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided, including a body rub parlour.

**“Applicant”** means a person who is required to be licenced pursuant to this by-law, who has made an application for a licence to the Issuer.

**“Application”** means an application for a licence under this by-law.

**“Board of Health”** means the Grand Erie Board of Health.

**“Clearance Certificate”** means a certificate issued by Immigration Canada to a person who is neither a Canadian citizen nor a permanent resident who provides evidence of his or her legal authority to work in Canada.

**“Clerk”** means the Clerk of The Corporation of Haldimand County.

**“Council”** means the Council of The Corporation of Haldimand County.

**“Enclosure”** means a fence constructed of sheet metal, solid wood boards, chain link or a natural barrier in the form of trees or berms, which provides a barrier, and which has a minimum height of 2.13 metres.

**“Entertainer”** means a person who, in pursuance to a trade, business or occupation, provides services designed to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Business.

**“Fare”** means the rates set out in Schedule “E” of this by-law;

**“Fare Card”** means a card issued by the Issuer for display in a Taxicab or Accessible Taxicab Vehicle that sets out in full the rates authorized by this by-law

**“Fire Prevention Officer”** is a person acting under the authority delegated by the Ontario Fire Marshal under the Fire Prevention and Protection Act and authorized by Haldimand County Fire Department to conduct fire inspections.

**“Formula Track”** means a closed course containing both left and right hand turns.

**“Haldimand”** means The Corporation of Haldimand County.

**“Issuer of Licences”** means the Licensing Officer of The Corporation of Haldimand County, or someone designated to act on their behalf.

**“Licence”** means a licence issued pursuant to the provisions of this by-law.

**“Licensee”** means a Person who has been issued and maintains a valid Licence pursuant to the terms of this by-law.

**“Limousine”** shall mean any vehicle, other than a Taxicab, Bus or rental vehicle without a driver, which is kept or used for hire for the conveyance of Passengers solely on an hourly basis, which has an extended wheelbase and a seating capacity greater than 5 persons and is not equipped with a top light or roof sign of any kind.

**“Manager”** means the individual who manages divisions within the Corporation of Haldimand County such as Building, Municipal Enforcement, Emergency Services, Roads, etc.

**“Mobile Food Premises”** shall mean a vehicle, trailer or other itinerant food preparation premise from which food prepared therein is offered for sale to the public and which is parked at an approved location.

**“Motor Vehicle”** includes an automobile, truck, motorcycle, snowmobile and any other vehicle propelled or driven otherwise than by muscular power.

**“Motor Vehicle Racing”** means the operation of a Motor Vehicle over a set course, including a Straight Line Track, an Oval Track, and a Formula Track, whether in competition with other vehicles, for training, lapping, testing or instructional purposes, for recreational purposes, or for any other purpose, and includes any warm up or testing done on the premises in preparation for such operation of a Motor Vehicle.

**“Motor Vehicle Racing Business”** means a business operated on a premises, or any part thereof, which permits or encourages Motor Vehicle Racing.

**“Municipality”** means the geographic area of The Corporation of Haldimand County.

**“Municipal Law Enforcement Officer”** shall mean a Municipal Law Enforcement Officer appointed by Council.

**“Owner”** and/or **“Operator”** includes any person, proprietorship, partnership, corporation or other entity which carries on a business in The Corporation of Haldimand County requesting a licence in pursuant to this by-law.

**“Oval Track”** means a closed course containing only left hand or only right hand returns for vehicles travelling in the same direction.

**“Pawnbroker”** means a person who carries on the business of taking by way of pawn or pledge an article for the repayment of money lent thereon.

**“Pawner”** means a person who delivers an article for pawn to a pawnbroker.

**“Person”** includes individuals, partnerships, associations, trusts, unincorporated organizations and corporations and in the case of partnerships, associations, trusts, unincorporated organizations and corporations, includes individuals employed by, or belonging to, the partnership, association, trust, unincorporated organization and corporation, jointly and severally.

**“Pledge”** means an article pawned with a pawnbroker.

**“Premises”** means any land including all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business.

**“Proof of Insurance”** means a certificate of insurance issued by a company authorized to carry on the business of insurance in the Province of Ontario in accordance with the *Insurance Act*, R.S.O. 1990, c. I.8 as amended, that shows the proof of liability coverage as required by this by-law.

**“Public Health Inspector”** is a person authorized to conduct public health inspections for Grand Erie Public Health.

**“Rural Area”** means the Rural Settlement Area lands located outside the Urban Area and as mapped within the County’s Official Plan.

**“Salvage Yard”** means any land, including buildings or structures thereon or any part thereof, where used merchandise or vehicles, or parts thereof, are dismantled, stored or processed for further use and includes a junk yard, scrap metal yard and automobile or farm machinery wrecking yard or retail sales incidental thereto.

**“Scrap Material Collection Bin”** means a receptacle operated by a charitable organization or in relation to a charitable purpose and used for the collection of scrap material from the public.

**“Service Animal”** means an animal used by a person with a disability where it is readily apparent that the animal is used by the person for reasons relating to their disability or where the person has provided a letter from a physician or nurse confirming that they require the animal for reasons relating to the disability.

**“Specialty Vehicle”** means a vehicle, including, but not limited to, a limousine which is hired for the conveyance of passengers by reservation only and solely on an hourly basis, which has seating for no more than the manufacturer’s specified number of passengers and a sufficient number of seatbelts for each Driver and passenger, and shall not include a Taxicab

**“Straight Line Track”** means a course without turns.

**“Urban Area”** means the Urban Settlement Areas identified in the County’s Official Plan, located outside of Rural Settlement Areas, where municipal water and sewage services exist and where the majority of residential and commercial growth in Haldimand County occurs. The Urban Area includes Caledonia, Cayuga, Dunnville, Hagersville, Jarvis, and Townsend.

## **2. GENERAL ADMINISTRATION PROVISIONS**

- 2.1. Every Person carrying on a Business, as set out in Schedule “B”, is required to obtain and maintain in good standing, a Licence from Haldimand County in accordance with the provisions of this by-law, authorizing him or her to operate the business within the boundaries of Haldimand.
- 2.2. For purposes of this By-law, a Person is deemed to be carrying on a Business if engaged in the Business directly or if employing a person, directly or indirectly as set out in the Employment Act, to carry on, operate, maintain or engage in the Business set out in Schedule “B”.
- 2.3. The requirement of obtaining a Licence under this By-law is in addition to and not in substitution for any regulatory approvals required under any other federal, provincial, or municipal regulation.
- 2.4. Every person required to be licensed under this By-law, in addition to any other provisions or requirements expressed elsewhere in the By-law, shall:
  - (a) at all times maintain and keep safe and clean and in good condition the premise(s) to the standards provided for in any Haldimand County By-law or legislation of the Province of Ontario and repair any object, vehicle, place, or premise for which the licence is issued;
  - (b) ensure that the Business Licence, or duplicate of the Business Licence issued by Haldimand, is posted in a highly visible place within the said Premises or said Vehicle, clearly visible to persons entering the Premises, at all times during the Hours of Operation of the Business; and

- (c) not cause or permit conduct that is considered a nuisance as provided for in the Public Nuisance By-law, including any profane, offensive or abusive language or disorderly conduct, in, on, or in connection with any vehicle, place or premise for which the licence was issued.
- 2.5. Every person who acquires a licence that is issued under this by-law is responsible for the due performance and observance of all the provisions of this by-law by themselves and by their employees and all other persons in or upon the premise which is licensed under the provisions of this by-law.
- 2.6. When a Licensee changes their name or address or any information relating to their Licence, they shall:
  - (a) notify the Issuer within seven (7) business days of the change of address or any other information relating to their Licence;
  - (b) in the case of an Owner, return the Licence within seven (7) business days to the Issuer for amendment; and
  - (c) when there is a change of location of a business, complete an application for a new Licence including submission of all documentation required for a new licence as outlined in this by-law.
- 2.7. All Licensees are required to notify the Issuer within twenty-four (24) hours of convictions under the Criminal Code of Canada, the Narcotic Control Act, the Food and Drug Act, Controlled Drug and Substances Act, the Highway Traffic Act, or the Liquor Licence and Control Act.2.8, which may result in suspension of their business licence.
- 2.8. Any Licence issued is applicable only for the location or person provided for on the Licence and the Licence is not transferable to another location or person.
- 2.9. No Licence shall be issued to operate a business under this By-law while a licence issued under this By-law for the same premises, person or persons, corporation, or officers of a corporation is under suspension, has been withheld, or is under review.
- 2.10. Any person that is licensed under this By-law who intends to withdraw or terminate their services pursuant to such Licence should surrender such Licence to the Issuer of Licences forthwith.

### **3. GENERAL PROHIBITIONS**

- 3.1. No Person shall operate or maintain a business under this By-law unless they first obtain a Licence from Haldimand County.
- 3.2. No person shall operate a business under this By-law at a location other than the location for which a valid licence has been issued.

- 3.3. No person shall operate a business, under this By-law under any name other than the name on the licence issued. As such licences are not transferrable to any other Person, partnership, or corporation.
- 3.4. No person shall fail to keep any records required to be kept by them under the provisions of this By-law.
- 3.5. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising their power or carrying out their duties as described under this By-law, including carrying out an inspection.

#### **4. ADMINISTRATION OF BY-LAW**

- 4.1. The power and authority to administer this By-law is delegated to the Issuer of Licences who shall generally perform all of the administrative functions conferred upon them by this By-law and without limitation may:
  - (a) receive and process all applications for all licences and renewals of licences under this By-law;
  - (b) issue licences in accordance with the provisions of this By-law;
  - (c) impose terms and conditions, including special conditions, on licences in accordance with this By-law; and
  - (d) refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

#### **5. NEW LICENCE APPLICATION, LICENCE RENEWAL, AND FEES**

- 5.1. Any person required to make an application for a Licence as per the provisions of this by-law shall apply using the appropriate application form and the applicable fees in accordance with the User Fees and Service Charges By-law, which are not refundable.
- 5.2. In the case of an application for renewal, a Licensee must initiate the renewal application process at least twenty (20) business days prior to the expiration of an existing licence or the licence renewal cannot be guaranteed complete before expiration date and late fees will apply.
- 5.3. Where the Applicant is a partnership, a list of the names and addresses of the partners and, if a registered partnership, a copy of the registered declaration of partnership, and any changes or corrections thereto, must be submitted to the Issuer.
- 5.4. The applicant shall obtain and submit all required documentation deemed necessary by the Issuer of Licences, and set out within the applicable Schedule for that business licence category, prior to issuance of an approval for any Licence.
- 5.5. There shall be a separate application for each premise to be used or person to be licensed.

- 5.6. The Issuer of Licences, upon receipt of the application for a licence, may make or request, any additional documents, investigations or inspections to be made in respect of such application for a licence as the Issuer of Licences deems appropriate or in the interest of the general public, and any costs incurred for such inspection or documents shall be at the applicant's expense.
- 5.7. The Issuer of Licences will not issue a licence until:
  - (a) all required approvals and inspections have been obtained by the applicant or directly from the inspectors;
  - (b) all required documentation has been provided; and
  - (c) all applicable business licence fees have been paid in full.
- 5.8. In the event the Issuer determines that the licence should not be renewed, the Licensee shall be given notice, and a hearing shall be conducted as set out in Section 11 below.

## **6. GENERAL REQUIREMENTS**

- 6.1. Every application may be subject to investigations by and comments or recommendations from the Manager or their designate of the following municipal or provincial department or agencies as the Issuer of Licences deems necessary including, but not limited to:
  - (a) Haldimand County Building Division;
  - (b) Haldimand County Municipal Enforcement Division;
  - (c) Haldimand County Emergency Services Division;
  - (d) Haldimand County Planning and Development Services Division;
  - (e) Haldimand County Road Operations Division;
  - (f) Grand Erie Public Health;
  - (g) Ontario Provincial Police (O.P.P.); and
  - (h) Ministry of Environment.
- 6.2. Where the Applicant is a sole proprietorship, partnership, or corporation, a copy of the Certificate of Status and a list of the names and addresses of the current directors and officers of the corporation.
- 6.3. Where there is a requirement for a health inspection as outlined in each Schedule, a Licence shall not be issued until a Public Health Inspector has informed the Issuer of Licences that all requirements under the Health Protection and Promotion Act and its regulations have been fully complied with.

- 6.4. Where there is a requirement for a fire inspection for a premises as listed in the Schedules, a Licence shall not be issued until a Fire Prevention Officer has informed the Issuer of Licences that all requirements under the Fire Protection and Prevention Act and its regulations have been fully complied with.
- 6.5. Where there is a requirement for an original Police Record Check as outlined in the Schedules, it must be issued by a municipal police service, First Nations police service, or Ontario Provincial Police dated not more than sixty (60) days, unless otherwise noted, prior to the submission of the licence application.
- 6.6. Where there is a requirement for any additional certifications as listed within the Schedules, a Licence shall not be issued until the required documentation has been filed with Issuer of Licences.

## **7. INSURANCE AND IMDEMNITY**

- 7.1. All insurance required under the provisions of this by-law shall be provided at the time of application in a form acceptable to Haldimand County and in the amount as specified pursuant to the applicable Sections of this by-law.
- 7.2. The Licensee shall maintain liability insurance acceptable to the Issuer throughout the term of their Licence.
- 7.3. The liability insurance shall consist of a comprehensive policy of public liability and property damage insurance in an amount of not less than \$2,000,000 per occurrence.
- 7.4. The Certificate of Insurance shall name The Corporation of the Haldimand County as an Additional Insured with a cross-liability endorsement and severability of interests' provision.
- 7.5. Every Licensee agrees to defend, indemnify and save harmless Haldimand County, its employees and agents from any and all claims, demands, causes or action costs or damages howsoever caused that Haldimand may suffer, incur or be liable for resulting from the issuance of a License under this By-law or from the performance or non-performance of the respective licensee under this by-law whether or not such performance or non-performance arises with or without negligence on the part of the Licensee, its employees, directors or agents.
- 7.6. All liability insurance shall contain an endorsement specifying that Haldimand County shall be given thirty (30) days' written notice of any cancellation, expiration or change in the policy.
- 7.7. Where the Licensee uses or requires a Motor Vehicle to carry on their Business, the Licensee shall obtain and maintain in good standing, in full force and effect for the term of their Licence:

- (a) Standard Automobile Insurance policy in the amount of \$2,000,000.00 per occurrence covering all Motor Vehicles owned or leased by the Licensee providing for the following:
  - i. Third party liability of not less than \$2,000,000 per occurrence insurance coverage for the use designated in the Licence;
  - ii. Endorsement for OCPF 6 A – permission to carry passengers for compensation when applicable; and
  - iii. The vehicle intended for use is specified on such policy.
- (b) Where a hired vehicle owner contracts additional vehicles that they do not own and/or insure, the business owner additionally requires:
  - i. Commercial General Liability in the amount of not less than \$2,000,000 per occurrence; and
  - ii. Non-Owned Automobile Liability in the amount of not less than \$2,000,000 per occurrence.
- (c) A Licensed Owner and a Licensed Driver engaged by them shall produce, in respect of every Licensed vehicle being operated by the Driver, evidence of insurance as required under this by-law immediately upon demand of any individual authorized to enforce this by-law.
- (d) If a Licensed Owner or a Licensed Driver engaged by them does not produce evidence of insurance when demanded pursuant to this section, the Issuer shall suspend the Licence immediately.
- (e) If a Licensed Owner ceases to have a current and valid Ontario standard automobile insurance policy in good standing and properly endorsed in accordance with the provisions of this by-law, the Licence shall be deemed to be suspended and the Licence shall only be reinstated when written proof of insurance, in accordance with the provisions of this by-law, is delivered to the Issuer. The Licensee shall submit a Certificate of Insurance evidencing this insurance and it shall state that coverage will not be suspended, voided, cancelled, reduced in coverage or in limits except after fifteen (15) days (ten (10) days if cancellation is due to non-payment of premium) prior written notice by registered mail to Haldimand County.

- 7.8. In the event of a claim, any deductible or self-insured retention under the insurance shall be the sole responsibility of the Licensee and that the coverage shall preclude subrogation claims against Haldimand County and any other Person insured under the policy and be primary insurance in response to claims. Any insurance or self-insurance maintained by Haldimand County and any other Person insured under the policy shall be considered excess of the Licensee's insurance and shall not contribute with it. The minimum amount of insurance required herein shall not modify, waive or otherwise alter the Licensee's obligation to fully indemnify Haldimand County.
- 7.9. If for any reason such liability insurance is cancelled, expires or for any other reason does not remain in effect, the licence in respect of which the insurance was required shall become void on the final date for which the insurance was valid.

## **8. ISSUANCE OF LICENCES**

- 8.1. The Issuer of Licences shall issue a new licence or renew a licence when they are satisfied that all the requirements, terms, and/or conditions of this By-law have been fulfilled.
- 8.2. Licence effective renewal dates may be extended in the case that a new business application has been submitted and there are less than 90 days remaining until the renewal date for that Business Licensing category.
- 8.3. Notwithstanding any other provision of this By-law, the Issuer of Licences may impose terms and conditions, without limitation, on any licence at issuance, renewal, or any time during the term of the licence, including special conditions, as deemed necessary in the opinion of the Issuer of Licences to give effect to this By-law.
- 8.4. The Issuer of Licences shall make a decision where the Issuer of Licences is of the opinion that:
- (a) an application for a licence or renewal of a licence should be refused
  - (b) a reinstatement should not be made;
  - (c) a licence should be revoked;
  - (d) a licence should be suspended; or
  - (e) a term or condition of a licence should be imposed.
- 8.5. Unless renewed or revoked, a Licence issued or renewed under this By-law shall expire annually in accordance with Schedule "B," except where provided otherwise in the schedules.

## **9. REFUSALS TO LICENCE, SUSPENSIONS AND REVOCATIONS**

- 9.1. The Issuer of Licences may refuse to issue or renew, or revoke, or suspend a licence, and/or impose terms or conditions on a licence on the following grounds:
- (a) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the operation of the business in accordance with the law or with honesty or integrity; or
  - (b) it is determined to be in the public's best interest, for public health or safety reasons; or
  - (c) an Applicant or Licensee is carrying on activities that are in contravention of this, or any other Federal, Provincial, or Municipal law or By-law; or
  - (d) there is reason to believe that the application or any documents provided to the Issuer of Licences by, or on behalf of, the Owner, Applicant, or Licensee contains false information; or
  - (e) that any information provided to the Issue of Licences has ceased to be accurate and the Licensee has not provided current, accurate information to allow the Issuer of Licences to conclude that the licence should be issued or renewed; or
  - (f) If the Issuer, becomes aware of any fact or facts which, if known at the time of the application, may have resulted in the Issuer refusing the licence; or
  - (g) if at any time an Applicant or Licensee does not meet all the requirements of this By-law, or any conditions imposed on the licence; or
  - (h) if the Licensee is convicted for contravening any provisions of this By-law within a 12-month period; or
  - (i) If there are any outstanding fines against the applicant pursuant to any provisions of this By-law that have not been paid; or
  - (j) the Applicant or Licensee has been convicted of a criminal offence for which, in the opinion of the Issuer of Licences, it would not be in the interest of public safety to issue or maintain such a licence; or
  - (k) there are a limited number of licences available for issuance and Haldimand County has issued the permitted number of licenses; or
  - (l) there are a limited number of licences available for issuance and the licensee is not actively operating the business for which the license has been issued.

- 9.2. Where the Issuer of Licences refuses to issue, suspends, or revokes a licence, the Issuer of Licences shall notify the applicant or licensee in writing of such decision, and the said notice:
- (a) shall set out the grounds upon which the licence is refused, suspended, or revoked; and
  - (b) shall state that the Applicant or Licensee may appeal such decision by filing an appeal with the Clerk of the municipality in writing within fifteen (15) days as set out in this by-law.
- 9.3. Where a Licence has been revoked or suspended, the Licensee is not entitled to a refund of any fee paid under this by-law.
- 9.4. When a person has had their licence revoked or suspended under this by-law, they shall not refuse to deliver or in any way obstruct the Issuer of Licences or the Municipal Law Officer from obtaining the licence and the owner's plate.

## **10. EXEMPTIONS**

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

## **11. APPEALS**

- 11.1. Any Person who has been denied a Licence or the renewal of a Licence, has had their Licence suspended or revoked, or has had terms or conditions imposed on a Licence may appeal the decision of the Issuer of Licences to be heard before Council.
- 11.2. If the Applicant or Licensee wishes to request an opportunity to be heard before Council, they must provide notice in writing to the Clerk within fifteen (15) days from the date of the Issuer's notice.
- 11.3. Where the Issuer does not receive notice from the Applicant or Licensee requesting an opportunity to be heard in accordance with subsection 11.4, the Issuer need not process the application further and no further notice is required to be served upon the Applicant or Licensee
- 11.4. Where the Issuer has revoked a Licence and where the Applicant or Licensee has appealed such decision to Council, the Licence shall automatically be suspended until such time as a determination on the issue has been made by Council.
- 11.5. Where the Issuer receives notice from the Applicant or Licensee in accordance with subsection 11.6, the Clerk shall refer the matter to Council and give the Applicant or Licensee notice of the date and time when they will have the opportunity to be heard on the matter.

- 11.6. At the meeting, Council can hear, not only from the Applicant or Licensee, but also from the Issuer, other Haldimand County staff, any governmental or public agency, or the general public.
- 11.7. Council, after consideration of all evidence and all submissions made at the meeting, shall have the authority to:
- (a) order a Licence be granted;
  - (b) refuse to issue a Licence;
  - (c) revoke a Licence;
  - (d) suspend a Licence, including an interim suspension of a Licence pending a rescheduling of a meeting before Council; or
  - (e) impose conditions on a Licence.
- 11.8. The decision of Council shall be final.
- 11.9. Where a Licence has been revoked upon an unsuccessful appeal by the Applicant, no refund of any payment of fees paid by the Applicant shall be made.

## **12. ENFORCEMENT**

- 12.1. This By-law may be enforced by Municipal Law Enforcement Officers, an officer of the Ontario Provincial Police, and any other party contracted by Haldimand to provide such services.
- 12.2. A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual may at all reasonable times enter the premises, facilities, equipment, vehicles and any other personal property used or kept for hire in connection with the carrying on of a business which is licensed, or which is required to be licensed pursuant to this by-law, for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law are being complied with, a direction or order is being complied with, a condition of a licence is being complied with or an Order of the Court is being complied with.
- 12.3. For the purpose of ensuring compliance with this by-law, a Municipal Law Enforcement Officer or Police Officer may at all reasonable times, enter upon and inspect any lands to determine whether or not the following are being complied with:
- (a) this by-law;
  - (b) a direction or order made under this by-law; or
  - (c) a prohibition order made under Section 431 of the Municipal Act, 2001.

- 12.4. A Municipal Law Enforcement Officer or Police Officer may for the purposes of the inspection under this By-law:
- (a) require a Person to produce for inspection any Permit, written contract or other authorization permitting the Person to use the Lot;
  - (b) inspect and remove any Permit, written contract, or other authorization relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information in writing or otherwise as required by the Officer from any Person concerning a matter related to the inspection; or
  - (d) alone or in conjunction with a Person possessing special or expert knowledge, undertake an inspection to determine compliance with this by-law; or
  - (e) No person shall fail to comply with an order issued under this by-law.
- 12.5. A Municipal Law Enforcement Officer has the authority to suspend a licence, if the Municipal Officer is in the opinion that the vehicle contravenes Schedule D to this By-law or public safety is at risk and may:
- (a) remove a taxicab from service;
  - (b) remove the Haldimand County taxi plate from the taxicab;
  - (c) remove the roof sign; and
  - (d) remove the taxicab meter.
- 12.6. A Municipal Law Enforcement Officer or Police Officer may make an Order, sent by prepaid regular mail to the last known address, posted on-site or personally delivered to a Person requiring the Person within the time specified in the Order to:
- (a) discontinue the contravening activity; and/or
  - (b) do work to correct any contravention.
- 12.7. An Order may be served on a Person by handing it to the Person, but where the Order cannot be given or served by reason of the Person's absence from the Person's property or by reason of evasion of service, the order may be given or served:
- (a) by handing it to a Person who appears to be over the age of 16, on the Person's property;
  - (b) by posting it in a conspicuous place upon some part of the Owner's Lot and by sending a copy by prepaid regular mail; or
  - (c) by sending it by prepaid registered mail to the Owner at the address where he/she resides.

12.8. If an Order is served by:

- (d) prepaid regular mail, the service shall be deemed to have been made on the third (3rd) day after the day of mailing; or
- (e) registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of mailing.

12.9. An Order under this Part shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of property on which the contravention occurred;
- (b) the work to be completed; and
- (c) the date(s) by which the work must be complete.

12.10. Every Person who has, who has been served with an Order under this by-law, shall forthwith take all necessary action to ensure that the Order is complied with.

12.11. In default of the work required by this by-law or by an Order not being done by the Person directed or required to do it, Haldimand County, in addition to all other remedies it may have, may do the work or cause the work to be done at the Person's expense to bring the Lot into compliance with the Order, and may enter upon land or Lot, at any reasonable time, for this purpose.

12.12. Haldimand may recover the costs incurred by it in doing the work or causing it to be done from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

12.13. Upon completion of the work by or on behalf of Haldimand, the municipality shall have a lien on the land or Lot for the amount spent on the work and the amount shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the tax roll and collected in the same manner and with the same priority as municipal real property taxes as provided for by statute.

12.14. No person shall fail to comply with an order issued under this by-law.

### **13. PENALTIES**

13.1. Every Person who contravenes any provision of this by-law is guilty of an offence, and upon conviction is liable to a fine, and such other penalties, as provided for pursuant to Part I the Provincial Offences Act and this by-law.

- 13.2. Every person who contravenes any of the provisions of this by-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable:
- (a) on a first conviction, to a fine of not more than \$25,000; and
  - (b) on a subsequent conviction, to a fine of not more than \$10,000 for each day, or part thereof, upon which the contravention has continued after the day on which the person was first convicted.
- 13.3. If the person referenced in subsection 13.1 is a partnership or corporation, the maximum penalty that may be imposed is:
- (a) on a first conviction, a fine of not more than \$50,000; and
  - (b) on a subsequent conviction, a fine of not more than \$25,000 for each day, or part thereof, upon which the contravention has continued after the day on which the corporation was first convicted, and not as provided in subsection 13.1.
- 13.4. If a Person or Individual is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, thereafter, may make an order:
- (a) prohibiting the continuation or repetition of the offence by the Person or Individual convicted; and
  - (b) requiring the Person or Individual convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 13.5. Where a Person or Individual fails to pay any part of a fine for a contravention of this By-law and the fine is due and payable under section 66 of the Provincial Offences Act, including any extension of time to pay the fine provided under that section, the Justice of the Peace, or their delegate may give the Person or Individual a written notice specifying the amount of the fine payable and the final date on which it is payable, the date of which shall not be less than twenty-one (21) days after the date of the notice.

#### **14. SCHEDULES**

- 14.1. The schedules which are attached to this By-law shall form part of this By-law.

#### **15. SEVERABILITY**

15.1. If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law will be considered to be severed from the balance of the by-law, which will continue to operate in full force.

**16. REPEALS**

16.1. The following By-laws shall be repealed on the date this By-law comes into force and effect:

- (a) Adult Entertainment By-law 298-02
- (b) Hired Vehicle Licensing By-law 2139-20
- (c) Mobile Food Premises By-law 1339-13
- (d) Motor Vehicle Racing By-law 1360-13
- (e) Salvage Yard Licensing By-law 1507-15
- (f) Pawnbroker Licence By-law 320-20

**17. ENACTMENTS**

ENACTED this \_\_\_\_ day of Month, Year.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## **Schedule "A"**

### **Inspection Requirements**

#### **1. Hired Vehicle Inspections**

1.1. An inspection conducted by Haldimand County for a hired vehicle will at a minimum include the following:

- (a) engine starts and shuts off properly
- (b) horn is operative
- (c) heater and A/C systems operational
- (d) front warning and indicator lamps are visible and functioning
- (e) back warning lights, brake lights and reverse lights are visible and functional
- (f) emergency brake is functional
- (g) speedometer, odometer, and fuel gauge are operative and clearly visible
- (h) fare card displayed in a conspicuous place
- (i) Taxicab Driver's ID is displayed
- (j) No hanging objects obstruct view
- (k) Battery is secure, free of corrosion
- (l) Windshield wipers and fluid operative
- (m) Fuel cap present and well fitting
- (n) Vehicle is equipped with spare tire and jack
- (o) Tires in good condition
- (p) Doors and windows operational
- (q) Vehicle exterior is in good repair
- (r) Manufacture date sticker and VIN are present and easy to read
- (s) Ontario Licence plate is present and undamaged
- (t) Haldimand County Issued Taxi Plate is attached
- (u) Signs indicating vehicle is a taxi are clearly visible

#### **2. Fire Safety Inspections for Cooking Operations**

- 2.1. An inspection conducted by Haldimand County for a Mobile food premise will include at a minimum the following:
- (a) Hood suppression system;
  - (b) All appliances protected with correct nozzles;
  - (c) Nozzles positioned correctly over appliances;
  - (d) Nozzles are clean with protective covers or blow off caps present;
  - (e) Proper clearance from flame to filters and open flame to fryers;
  - (f) Pressure gauge in proper range;
  - (g) Hydrostat test date current with inspection/certification tag present;
  - (h) Cylinder mounted correctly;
  - (i) Manual activation device clearly identified;
  - (j) Fusible links replaced;
  - (k) Hood ventilation/duct system;
  - (l) Hood correctly covers appliances;
  - (m) Suppression nozzle caps in place;
  - (n) Hood/duct has continuous welds;
  - (o) No voids, hardware or damage to the hood system;
  - (p) Under hood lighting present, intact and listed;
  - (q) Grease drip containers in place/maintained;
  - (r) Filters installed correctly;
  - (s) Cleanliness of hood;
  - (t) Fire Extinguishers;
  - (u) "K" class extinguisher minimum 6L;
  - (v) "ABC" class extinguishers 5lb or 10lb;
  - (w) Monthly inspection tags attached and filled out;
  - (x) Annual inspections completed (K and ABC);
  - (y) Copy of inspection certificate provided;
  - (z) Location of extinguishers signed;
  - (aa) Rated Appliances;
  - (bb) Free of grease accumulation;

- (cc) No grease under or behind appliances;
- (dd) Control functioning properly;
- (ee) Fuel supply hoses in good repair;
- (ff) Appliance secure in place;
- (gg) Fuel shut off accessible; and
- (hh) No combustibles near appliances.

**3. Fire Safety Inspections for Adult Entertainment Premise, Motor Vehicle Racing Businesses and Pawnbrokers**

3.1. An inspection conducted by Haldimand County will include at a minimum, where applicable:

- (a) Fire Safety Planning (FSP)
- (b) Emergency procedures
- (c) Occupant load posted prominently
- (d) Fire access route
- (e) Standpipe
- (f) Storage of combustibles
- (g) Hose cabinet equipment
- (h) Sprinkler system
- (i) Life saving devices present (smoke detector, heat detector, smoke alarm, C.O. alarm, multi-gas detection)
- (j) Portable fire extinguishers present and inspected
- (k) Fire alarm and detection systems check
- (l) Hazard storage (materials stored safely, dispensed safely, safety data sheets present)
- (m) Fire separation and closures
- (n) Hydrants
- (o) Flame resistance testing
- (p) Means of egress
- (q) Controlled/hazardous materials accounted for
- (r) Building services
- (s) HVAC systems

- (t) Electrical panel
- (u) Excess wiring
- (v) Electrical equipment stored correctly
- (w) Outside electrical lighting
- (x) Emergency generator
- (y) Laundry equipment, dryer filters, duct
- (z) TSSA- elevators

#### **4. Salvage Yard Fire Inspection Checklist**

4.1. An inspection conducted by Haldimand County will include at a minimum, where applicable:

- (a) Fire safety plan
- (b) Storage of tires, metals, wood, flammable liquids, flammable gases
- (c) Water supply
- (d) Fence type
- (e) Lighting
- (f) Fire extinguishers (25m apart)
- (g) Landscape maintained
- (h) Scrap pile heights less than 3 metres
- (i) Recovered flammable liquids stored correctly
- (j) Containment systems for fuels and oils

**Schedule “B”**

**Businesses Requiring a Business Licence in Haldimand County**

<b>Type of Business</b>	<b>Annual Renewal Date</b>	<b>Regulations</b>
Adult Entertainment Establishment	<ul style="list-style-type: none"> <li>December 31</li> </ul>	Schedule C
Hired Vehicles	<ul style="list-style-type: none"> <li>March 31</li> </ul>	Schedule D
Mobile Food Premises	<p>Mobile Food Premises on private property operating year-round:</p> <ul style="list-style-type: none"> <li>December 31</li> </ul> <p>Mobile Food Premises on private property operating seasonally:</p> <ul style="list-style-type: none"> <li>30 days before opening for season</li> </ul>	Schedule F
Motor Vehicle Racing	<ul style="list-style-type: none"> <li>May 15</li> </ul>	Schedule G
Pawnbrokers	<ul style="list-style-type: none"> <li>March 31</li> </ul>	Schedule H
Salvage Yard	<ul style="list-style-type: none"> <li>June 30</li> </ul>	Schedule I

## **Schedule "C"**

### **Adult Entertainment**

#### **1. APPLICATION OF THIS SCHEDULE**

- 1.1. This schedule shall apply to those Persons seeking to carry on the operation of an Adult Entertainment Establishment or perform within an Adult Entertainment Establishment.
- 1.2. Every Owner or Operator of an Adult Entertainment Establishment shall procure and maintain, in good standing, a Licence from Haldimand County authorizing him or her to carry on or engage in any trade, calling, business or occupation listed above within the boundaries of Haldimand.

#### **2. GENERAL ADULT ENTERTAINMENT PROVISIONS**

- 2.1. Haldimand County intends to Licence no more than two (2) Licensed Adult Entertainment Establishments providing Adult Entertainment Services in the Municipality, based upon the community's size and population.
- 2.2. In order to procure a valid Licence from Haldimand County, an Applicant must demonstrate on reasonable grounds, the need for an additional Adult Entertainment Establishments providing service in Haldimand County.
- 2.3. Any increase in the number of Adult Entertainment Establishments providing Adult Entertainment Services beyond two (2) will require the approval of Council.
- 2.4. Every Adult Entertainment Establishment Owner and Entertainer Licence issued under this schedule shall be valid for no more than one (1) year, and shall expire on the 31<sup>st</sup> of December of that year, or on a date specified by the Issuer.

#### **3. GENERAL ADULT ENTERTAINMENT ESTABLISHMENT PROHIBITIONS**

- 3.1. No Licence shall be issued or renewed for an Adult Entertainment Establishment unless the Applicant is at least nineteen (19) years of age;
- 3.2. No Licence shall be issued or renewed for an Adult Entertainment Establishment or Entertainer unless the Applicant has provided a satisfactory completed Police record check from an agency listed in section 6.5 of this By-law, dated within 30 days of submitting the Licence application. Satisfactory certification includes, but is not limited to evidence that the Applicant has not received a conviction under one of the following sections of the Criminal Code of Canada or the Controlled Drug and Substances Act, for which a pardon has not been granted:

- (a) Indecent acts;

- (b) Procuring;
  - (c) Commodification of Sexual Activity related offences;
  - (d) Trafficking & Possession; or
  - (e) Any other criminal offence which, in the opinion of the Chief of Police, is material to the issuance of the Licence.
- 3.3. No Licensee, Adult Entertainment Establishment Owner and / or Operator shall permit any Person under the age of nineteen (19) years of age to enter or remain in the Adult Entertainment Establishment.
- 3.4. No Licensee, Adult Entertainment Establishment Owner and / or Operator shall employ a Person under the age of eighteen (18) years of age in an Adult Entertainment Establishment.
- 3.5. No Licensee, Adult Entertainment Establishment Owner and / or Operator shall, in respect of any Adult Entertainment Establishment operated by such Persons, permit any Entertainer, while providing Adult Entertainment Services as an Entertainer, to be touched by any Person for whom the Entertainer is performing Adult Entertainment Services on the breast, pubic area or buttocks and no such Entertainer shall permit any such Person to touch his or her breast, pubic area or buttocks while performing such Adult Entertainment Services.
- 3.6. No Licensee, Adult Entertainment Establishment Owner and / or Operator shall, in respect of any Adult Entertainment Establishment operated by such Persons, permit any Entertainer, while providing Adult Entertainment Services, to touch any Person for whom the Entertainer is performing Adult Entertainment Services on the breast, pubic area or buttocks and no such Entertainer shall touch any such Person on his or her pubic area while performing such Adult Entertainment Services.
- 3.7. No Licensee, Adult Entertainment Establishment Owner and / or Operator shall, in respect of any Adult Entertainment Establishment operated by such Persons, permit any Entertainer, while providing Adult Entertainment Services as an Entertainer, to engage in or permit any oral, anal or vaginal penetration and no such Entertainer shall engage in or permit any anal or vaginal penetration while performing such Adult Entertainment Services.
- 3.8. No Entertainer shall perform any Adult Entertainment Services other than within full view without obstruction of walls, curtains, or other enclosures, devices or objects, and open to all customers.

#### **4. ADULT ENTERTAINMENT ESTABLISHMENT OWNER / OPERATOR REQUIREMENTS**

- 4.1. In addition to all the requirements set out in this by-law, a completed Application for an initial Licence shall be accompanied by:

- (a) an approval from Haldimand County Emergency Services;
  - (b) an approval from Grand Erie Public Health;
  - (c) an approval from Haldimand County Municipal Enforcement Services;
  - (d) an approval from Haldimand County Building Services, stating that the operation of the business is in compliance with the Zoning By-law;
  - (e) where an application is made for the renewal of a Licence and where a site plan has been received, approving the use of the property for that which the renewal application has been made, no new site plan is required;
  - (f) an approved site plan under Section 41 of the Planning Act in respect of the premises, if applicable and if required by the County;
  - (g) Proof of liability insurance as outlined in Section 7 of this By-law;
  - (h) Provide two pieces of government issued identification. One piece of ID must be photo identification, such as an Ontario driver's licence, Canadian passport or Ontario photo card;
  - (i) Provide an original Police Record Check from a police service as referenced in section 3.2 of this Schedule, dated not more than thirty (30) days prior to the submission of the licence application;
  - (j) Colour photograph (headshot, blank background, no hats or glasses) taken within six months;
- 4.2. If the Person or Persons is a Corporation, a copy of the incorporating document and a copy of the last annual information filed or, if a registered partnership, a copy of the registered declaration of partnership and a copy of the business name registration;
- 4.3. Every Person applying for an Owner's licence shall file with the Issuer, documentation satisfactory to the Issuer, and demonstrating the Applicant's right to possess or occupy the premises used by the Applicant as an Adult Entertainment Establishment and if such Applicant is not the registered Owner or Owner in fee simple of the property upon which the Adult Entertainment Establishment is located, such Applicant shall file with the Issuer of Licences, at the same time a copy of the lease, if any, and of any other document constituting or affecting the legal relationship between the said Applicant and the said registered owner or owner in fee simple of the real property;

- 4.4. Every Person who is applying for an Owner's licence that is not the registered owner or owner for the property, that Person must also provide a letter of acknowledgement from the registered owner or owner that the said owner is aware of the intended use of the property as an Adult Entertainment Establishment; and
- 4.5. In the case of a Partnership or a corporation a copy of the registered declaration of partnership, a copy of the business name registration and a list of all current partners, officers, directors, and shareholders of the corporation together with their addresses and phone numbers.

## **5. ADULT ENTERTAINER REQUIREMENTS**

- 5.1. In addition to all the requirements set out in this by-law, any person wishing to make an application for an Adult Entertainer to provide Adult Entertainment Services within a licensed Adult Entertainment Establishment must show proof that they are at least nineteen (19) years of age by providing:
  - (a) two pieces of government issued identification. One piece of ID must be photo identification, such as an Ontario driver's licence, Canadian passport, or Ontario photo card;
  - (b) If born outside Canada, proof of eligibility to work in Canada, such as a Canadian passport, permanent resident card or valid work permit;
  - (c) an original Police Record Check as listed in Section 6.5 of this By-law, dated not more than sixty (60) days prior to the submission of the licence application; and
  - (d) a colour photograph (headshot, blank background, no hats or glasses) taken within six months.

## **6. ADULT ENTERTAINMENT ESTABLISHMENT OWNER / OPERATOR DUTIES**

- 6.1. Every Licensee, Adult Entertainment Establishment Owner and / or Operator shall have a system in place at the Adult Entertainment Establishment that determines that each Person entering the Adult Entertainment Establishment is nineteen (19) years of age or older.
- 6.2. No Licensee, Adult Entertainment Establishment Owner and / or Operator shall permit any Person who has not obtained an Adult Entertainer Licence to provide Adult Entertainment Services at the Adult Entertainment Establishment.
- 6.3. All Adult Entertainment Establishments must be kept in a clean sanitary condition and maintain compliance with all requirements of Grand Erie Public Health.

- 6.4. The Licensee, Adult Entertainment Establishment Owner and / or Operator shall, at the request of the Issuer of Licences or an Officer, provide evidence as to the age of any Attendant in the Adult Entertainment Establishment.
- 6.5. No Person shall place or cause to be placed any sign, advertising or advertising device, including any printed material, posted or used outside the Premises for the purpose of promoting the Adult Entertainment Establishment, or any photograph, drawing or other artistic rendering Adult Entertainment Services designed to appeal to erotic or sexual appetites or inclinations.

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## **Schedule “D”**

### **Hired Vehicles**

#### **1. APPLICATION OF THIS SCHEDULE**

- 1.1. This schedule shall apply to those Persons seeking to carry on the operation of hired vehicles.
- 1.2. Every Owner or Driver of any Taxicab or Specialty Vehicle shall procure and maintain, in good standing, a Licence from the County authorizing him or her to carry on or engage in any trade, calling, business or occupation listed above within the boundaries of Haldimand County.
- 1.3. For the purposes of this by-law, a Person is carrying on or engaging in any of the trades, callings, businesses, or occupations listed in section 1.2 where:
  - (a) Passengers are conveyed wholly within Haldimand County or from any point in the municipality to any point outside the municipality; or
  - (b) If, in respect of the Persons referred to in section 1.2, their usual business address is within Haldimand County.
- 1.4. Vehicles utilized by the Haldimand Norfolk Community Senior Support Services for the transportation of residents aged 60 and over and disabled adults for medical and social appointments are exempt from this by-law.

#### **2. GENERAL HIRED VEHICLE PROVISIONS**

- 2.1. Every Hired Vehicle Owner and Hired Vehicle Driver Licence issued under this schedule shall be valid for no more than one (1) year, and shall expire on the 31<sup>st</sup> of March the following year, or on a date specified by the Issuer.
- 2.2. Failure to apply for a Hired Vehicle Licence by the expiry date of the following year, or by the date specified by the Issuer, will result in the immediate suspension of all privileges and rights to Operate as a Driver or Owner, which privileges and rights will not be restored until the Licence is applied for in accordance with this schedule.

#### **3. OWNER'S LICENCE REQUIREMENTS**

- 3.1. In addition to all the requirements set out in this by-law, any person wishing to make an application for an Owner's Licence shall file with the Issuer:
- 3.2. Every Owner of more than one Taxicab required to be licensed under this by-law shall obtain a separate Licence for each vehicle;

- 3.3. If the Driver owns their own Taxicab, the Driver is responsible for obtaining both a Drivers and Owners Licence;
- 3.4. proof of ownership of the vehicle to be licensed, or where the vehicle is leased, a copy of the vehicle lease;
- 3.5. a current Safety Standards Certificate dated not more than thirty-six (36) days prior to the submission of the licence application;
- 3.6. in respect of an Accessible Taxicab, a certificate dated not more than sixty (60) days prior to the submission of the licence application from a qualified person to the effect that the equipment which renders the vehicle an Accessible Taxicab is safe and in proper working order; and
- 3.7. proof of insurance in the amounts prescribed in Section 7 of this by-law.
- 3.8. A Haldimand County vehicle inspection must be arranged through the Issuer to ensure that the vehicle inspection requirements set out in Schedule "A" in this by-law are met.

#### **4. OWNER'S DUTIES**

- 4.1. Every Licensed Owner of a Vehicle Licensed under this by-law shall:
  - (a) engage only the services of Drivers Licensed under this by-law;
  - (b) display the Fare Card on the visor above the front passenger's seat and on the back of the driver's seat or front passenger's seat;
  - (c) where the Vehicle is a Taxicab, affix a suitable sign on the roof of the Taxicab indicating that the vehicle is a Taxicab;
  - (d) where the Vehicle is a Taxicab, affix a suitable sign on the side doors of the Taxicab indicating the name of the Taxicab company;
  - (e) submit the Licensed Vehicle and the Owner's Licence for examination or inspection at any time by a Municipal law Enforcement Officer or police officer upon demand of that person;
  - (f) maintain every Licensed Vehicle in a safe driving condition and in accordance with the Vehicle inspection requirements of this by-law as to its interior and exterior condition;
  - (g) require and ensure that each driver keeps a record of all trips made by the driver recording:
    - i. the name of the driver;
    - ii. the time available for hire;
    - iii. the date, time and location of the commencement and termination of the fare;
    - iv. the total fare collected for each trip; and

- v. a separate trip record for each day and each driver
  - (h) and collecting such records from the drivers on a daily basis for each vehicle driven, and retaining such records for a period of 12 months;
  - (i) upon request, submit trip records for review by the Issuer or Municipal law Enforcement Officer;
  - (j) where the Vehicle is a Taxicab, place the numbered Owner's Taxi Plate issued by the County for each Licensed Vehicle on the rear of the Vehicle in plain sight, excluding rear window;
  - (k) be required to replace any numbered Owner's Taxi Plate issued by the County that is defaced, destroyed, stolen, or lost and pay a replacement fee;
  - (l) report by the next business day, to the Issuer, all accidents or collisions connected with the operation of the Licensed Vehicle; and
  - (m) ensure that vehicle registration and identification information are made available in an accessible format to persons with disabilities who are passengers.
- 4.2. An accessible taxicab must obtain bi-annual safety according to the Ministry of Transportation's Commercial Vehicle Safety Requirements.
- 4.3. The Issuer may require, at any time, that an Owner submit their Vehicle or trip records for inspection at an appointed place.

## **5. OWNER'S PROHIBITIONS**

- 5.1. No Licensed Owner shall:
- (a) permit a Licensed Vehicle, in respect of which a mechanical defect has been reported to them, to be operated until they have inspected and ensured that the defect, if any, has been corrected;
  - (b) permit a Vehicle, not owned by them, to be Operated under the authority of their Owner's Plate;
  - (c) permit a Licensed Vehicle, of which they are the Owner, to be Operated unless it is insured as prescribed in Section 7 of this by-law;
  - (d) operate a Licensed Vehicle, or permit a Licensed Vehicle to be Operated under this by- law, without the Owner's Plate attached;
  - (e) operate a Vehicle, or permit a Vehicle to be Operated, that is not Licenced under this by- law;

- (f) permit their Owner's Plate to be used with respect to any other vehicle other than the vehicle for which the Owner Plate was issued;
- (g) operate a Licenced Vehicle until they have first procured the required Driver's Licence under this by-law;
- (h) permit any person, other than a Licenced Driver under their engagement, to Operate their Licensed Vehicle;
- (i) operate a Licensed Vehicle that is not clean and in good repair as to its interior and exterior;
- (j) prevent or hinder a person authorized by this by-law from entering a Licensed Vehicle owned by them for the purpose of inspecting the Vehicle;
- (k) permit a Driver to Operate the Licensed Vehicle unless the Driver complies with the provisions of this by-law;
- (l) where the Vehicle is a Taxicab, put any name, address, or telephone number or identification other than that of the Taxi business on their Taxicab roof sign; or
- (m) fail to submit to the Issuer or a Municipal law Enforcement Officer the original trip records, immediately or as otherwise requested.

## **6. DRIVER'S LICENCE REQUIREMENTS**

- 6.1. In addition to all the requirements set out in this by-law, any person wishing to make an application for a Driver's Licence shall:
- (a) hold in their name, at minimum, a valid Class G licence issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation;
  - (b) provide an original Police Record Check as listed in Section 6.5 of this By-law, dated not more than sixty (60) days prior to the submission of the licence application;
  - (c) provide to the Issuer an original current driver's abstract from the Ministry of Transportation, dated within sixty (60) days of the date of the application for a Driver's Licence under this by-law;
  - (d) provide a colour photograph (headshot, blank background, no hats or glasses) taken within six months;
  - (e) be permitted to work in Canada; and
  - (f) be at least eighteen (18) years of age.

- 6.2. Every Applicant for a Driver's Licence, upon approval from the Issuer of Licences, will be photographed (unless already provided with application), and receive their taxi Driver's Licence identification card. Drivers will be required to renew their Driver's Licence identification card annually once the renewal application has been approved.

## **7. DRIVER'S DUTIES**

7.1. Every Licensed Driver shall:

- (a) maintain, in good standing, a current Driver's Licence issued by the Province of Ontario;
- (b) submit the Licensed Vehicle in their care and / or their Driver's Licence and photo identification issued under this by-law for examination or inspection at any time by the Issuer or a Municipal law Enforcement Officer or Police Officer upon demand of that person;
- (c) comply with section 2.6 of this by-law in regard to providing notification of change of information;
- (d) be civil and behave courteously and professionally, refraining from using profanity, and turn off any radio or other sound producing device in their vehicle upon the request of a passenger;
- (e) offer to assist any passenger when it is evident that the Passenger is a Person with a Disability, elderly or in need of assistance;
- (f) where the Vehicle is a Taxicab, give a Passenger a receipt on an authorized form, showing the Driver's name and Licence number and an identifying number for the Vehicle, when requested, or whenever there is a dispute over the Fare;
- (g) when a passenger enters the Vehicle that is a Taxicab and gives the Driver the desired destination, take the shortest possible route to the destination desired, unless the Passenger designates otherwise;
- (h) where the Vehicle is a Taxicab, display a current Fare Card setting out the rates to be charged in a conspicuous place in the Vehicle;
- (i) where the Vehicle is a Taxicab, charge rates to passengers in accordance with the rates set out on the Fare Card using fares outlined in Schedule "E";
- (j) display the Driver's Licence on the visor above the Driver's seat;
- (k) ensure that the vehicle registration and identification information are made available in an accessible format to persons with disabilities who are passengers;

- (l) report, by the next business day, to the Issuer, all accidents or collisions connected with the operation of a Licensed Vehicle in which the Driver or a passenger was involved;
- (m) transport all passengers who are accompanied by Service Animals;
- (n) where the Vehicle is a Taxicab, serve the first Person requiring the service of the Vehicle except when the Person:
  - i. is aggressive or disorderly;
  - ii. refuses to give their destination;
  - iii. has not paid a previous fare;
  - iv. is intending to smoke in the vehicle; or
  - v. is not obeying the law; and
- (o) keep a record of all trips made recording:
  - i. the name of the driver;
  - ii. the time available for hire;
  - iii. the date, time and location of the commencement and termination of the fare;
  - iv. the total fare collected for each trip; and
  - v. maintaining a separate trip record for each vehicle driven each day and submitting such record to the Owner on a daily basis.

7.2. When a Licensed Driver has had their Province of Ontario driver's licence cancelled, suspended or revoked, or where the licence has expired, the Licence issued under this by-law shall be deemed to be suspended as of the date of cancellation, suspension or revocation of the Province of Ontario driver's licence, and the Driver shall immediately return the Licence issued under this by-law to the Issuer.

## **8. DRIVER PROHIBITIONS**

8.1. A licence cannot be issued to an applicant who:

- (a) has been convicted of a criminal offence during the preceding five (5) years;
- (b) has been convicted of an indictable offence within the past ten years or an indictable offence for which a term of imprisonment is imposed under any statute of Canada including, but not limited to, the *Criminal Code of Canada*, or the *Controlled Drugs & Substances Act*;

- (c) has had his driving privileges suspended for any reason during the preceding three (3) years; or
- (d) is the subject of outstanding criminal or *Highway Traffic Act* charges at the date of the application; and
- (e) any outstanding fines that have been imposed against the applicant, pursuant to any provision of this by-law, have been paid.

8.2. No Licensed Driver shall:

- (a) operate any Vehicle required to be a Licensed Vehicle unless it is a Licensed under this Bylaw;
- (b) while having care and control of a Licensed Vehicle, permit any person other than another Driver Licensed under this by-law, to Operate the Vehicle;
- (c) operate a Licensed Vehicle unless the Licence issued by the Issuer containing their name and photograph is affixed to the visor above the Driver's seat and in such manner that the same is plainly visible to and readable by passengers;
- (d) operate a Licensed Vehicle unless the Vehicle is in a state of good repair;
- (e) operate a Licensed Vehicle that is not insured as required by section 7 of this by-law;
- (f) prevent or hinder the Issuer or a Municipal law Enforcement Officer or Police Officer from entering the Licensed Vehicle, in the care and control of the Driver, for the purpose of inspecting the Vehicle or its equipment;
- (g) carry a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such vehicle and for which the corresponding number of seat belts have been provided;
- (h) drive with luggage or any object placed in, hung on or attached to the Vehicle in such a manner as to obstruct the Driver's view of the road;
- (i) take, consume, or have in their possession any alcohol, drugs prohibited by law, prescription or non-prescription drugs or intoxicants which impair the Driver's ability to Operate a Vehicle;
- (j) where the Vehicle is a Taxicab, use any Fare card, other than that obtained from the Issuer, or remove, exchange, lend or otherwise dispose of the Fare Card;

- (k) where the Vehicle is a Taxicab, take on any additional passengers after the Licensed Vehicle has departed with one or more passengers from any one starting point, except under the following circumstances:
  - i. when done at the request of a passenger already in the Vehicle; or
  - ii. in an emergency situation;
- (l) where the Vehicle is a Taxicab, operate a Licensed Vehicle without an Owner's Plate, roof and door signs affixed in the required locations per this by-law;
- (m) contravene or permit the contravention of the *Smoke Free Ontario Act*;
- (n) where the Vehicle is a Taxicab, Operate such Licensed Vehicle unless:
  - i. it meets the standards required for the issue of an acceptance under the Ontario Ministry of Transportation regulations, as well as the standards for the issue of a Safety Standard Certificate of mechanical fitness; and
  - ii. it is in good repair as to its interior and exterior per this by-law;
- (o) recover or receive any Fare or charge from any passenger which is greater or less than the Fare or charge authorized by this by-law except for a tip, gratuity, or toll highway charge;
- (p) where the Vehicle is a Taxicab, recover or receive any Fare or charge from any Person from whom the Driver has refused to show the Fare Card;
- (q) make any charge for time lost through defects or inefficiency of the Vehicle or the incompetence of the Driver;
- (r) make any charge for the time elapsed due to early arrival of the Vehicle in response to a call for the Vehicle to arrive at a fixed time;
- (s) fail to submit trip records to the Owner on a daily basis;
- (t) fail to submit to the Issuer or a Municipal law Enforcement Officer the original trip records, immediately or as otherwise requested.

## 9. ACCESSIBLE TAXICABS

- 9.1. Every person to whom a Taxicab Owner's Licence and Owner's Plate is to be issued for the purposes of providing an Accessible Taxicab service, shall provide the Issuer with proof that the Accessible Taxicab meets the requirements of Ontario Regulation 629 – Accessible Vehicles under the *Highway Traffic Act*, as amended.

## **10. ACCESSIBLE TAXICAB DRIVER'S DUTIES**

- 10.1.** Every Driver of an Accessible Taxicab shall serve the first Person with a Disability requesting the serve of their Accessible Taxicab at any place within the County, except where the provisions of subsection 7.1(n) of this by-law apply.
- 10.2.** When not engaged as an Accessible Taxicab, the Licensed Vehicle may Operate as a regular Taxicab.
- 10.3.** Every Licensed Driver operating an Accessible Taxicab shall:
- (a) notify the passenger upon arrival at the pickup point;
  - (b) offer such assistance as required to facilitate the entry or exist of a Person with a Disability into or out of an Accessible Taxicab;
  - (c) properly and safely handle passenger mobility aids and, where a wheelchair is being used by a Passenger, secure the wheelchair in the area so provided so that the wheelchair is prevented from moving when the Accessible Taxicab is in motion;
  - (d) ensure that the seatbelt is properly secured;
  - (e) only recover fares as authorized in this by law for all taxicabs in accordance with the rates set out on the Fare Card; and
  - (f) comply with all other requirements of a Driver under this by-law.

## **11. SPECIALTY VEHICLES**

- 11.1.** A Limousine, as defined under this By-law, shall have a manufacturer's rated seating capacity of not less than six (6) adult persons, a minimum of four doors and a wheelbase of not less than 2.92 metres (114 inches).
- 11.2.** A Limousine shall obtain a Specialty Vehicle licence.

## **12. REQUIREMENT TO RETURN A LICENCE**

- 12.1.** Where a Licence has been suspended or revoked, the holder of the Licence shall return the Licence, and Owner's Plate, where applicable, to the Issuer or a Municipal law Enforcement Officer within twenty-four (24) hours of receipt of written notification of the suspension or revocation.
- 12.2.** The Issuer or a Municipal law Enforcement Officer may enter upon the premises of the Owner for the purpose of receiving or taking the said Licence and Owner's Plate, where applicable, and no person shall refuse to deliver or in any way obstruct or prevent the Issuer or a Municipal law Enforcement Officer from obtaining the Licence and Owner's Plate.
- 12.3.** When a Licensed Owner has had their Licence suspended under Section 9 of this by-law, they shall immediately remove the Owner's Plate from the vehicle and return it to the Issuer.

### **13. LOST, DAMAGED OR STOLEN LICENCES AND PLATES**

13.1. When a Licence or Owner's Plate is defaced, damaged, stolen or lost, the Licensee shall:

- (a) apply to the Issuer for a replacement;
- (b) pay the required fee as set out in the Haldimand County User Fee and Service Charges By-law; and
- (c) return their damaged Owner's Licence or Plate to the Issuer, if applicable.

### **14. OWNERS PLATE NON-TRANSFERABLE**

14.1. No owner shall permit any Licence issued under this by-law to be used on a vehicle where ownership of the vehicle is retained by a party other than the Licensed Owner or the Licensed Driver, except in the case of a vehicle leased through a leasing firm, in which case a copy of the lease shall be filed with the Issuer.

14.2. When a Licensed Owner has had their Licence suspended under Section of this by-law, they shall immediately remove the Owner's Plate from the vehicle and return it to the Issuer.

14.3. In the event a replacement/substitute vehicle is required, see Section 16 of this schedule.

### **15. INSPECTION OF VEHICLES**

15.1. The inspection of the Vehicle conducted by Haldimand County staff includes inspection of all items as listed in Schedule "A".

15.2. The Issuer may require, and the Owner or Driver shall submit the Vehicle at any time for inspection by a licensed mechanic.

15.3. In the event the Owner or Driver does not attend a random inspection or an inspection by a mechanic as described in this by-law, the Owner's Licence or Driver's Licence shall be suspended by the Issuer until the Vehicle has passed said inspections.

15.4. For the purposes of the inspection required under subsection 15.1, the Vehicle shall be submitted for inspection during normal business hours and shall not be used again until approval is given as to the condition of the Vehicle.

### **16. SUBSTITUTE AND REPLACEMENT VEHICLES**

- 16.1. An Owner may apply for permission to maintain a substitute Taxicab to temporarily replace vehicles which are in need of significant repair; removed from service by the Issuer, a Municipal law Enforcement Officer, Police Officer, or a Provincial Offences Officer; or are seriously damaged, during the period of repair or replacement. Authorization to operate a substitute vehicle may be granted subject to the following conditions:
- (a) the Owner shall attend at the Haldimand County Administration Office and provide the Issuer verification that the substitute vehicle meets all requirements of this by-law regarding insurance and mechanical fitness prior to the use of the substitute vehicle;
  - (b) the Owner shall be required to advise the Issuer when the substitute vehicle has been activated and is in service, the vehicle for which the substitution is made and when the service has ceased;
  - (c) the temporary transfer of an Owner's Licence to a substitute vehicle shall not exceed sixty (60) days; and
  - (d) the fee for the temporary transfer of an Owner's Licence to a substitute vehicle, as set out in Haldimand County's User Fee and Service Charges By-law, shall be paid prior to the use of the substitute vehicle.
- 16.2. No Owner shall operate a substitute Taxicab unless it is to temporarily replace an existing licensed Taxicab during the period of repair or replacement.
- 16.3. No owner shall operate a replacement vehicle without first obtaining a Licence for the replacement through standard licensing procedures as outlined in Section 3 of this Schedule. Regular fees apply to licensing the replacement vehicle.

## **17. DISPOSAL OF VEHICLES**

- 17.1. When the Licensed Owner disposes or otherwise ceases to use, as a Taxicab Vehicle, the Vehicle registered, the Owner shall immediately:
- (a) remove the roof light;
  - (b) return the Haldimand County issued Fare Card;
  - (c) remove all identifying decals or markings;
  - (d) return the Owner's Plate; and
  - (e) remove any corresponding numbers and items displayed on the Vehicle that identify it to the public as a Taxicab.

**Schedule “E”**

**Fares for Licenced Hired Vehicles**

The following maximum regular tariffs shall apply to Taxicabs operating within Haldimand County (last amended through by-law 2506/24 – March 24, 2025):

- (a) By Area / Location
- (b) Urban Area Flat Rate: \$11.75
- (c) Rural Area: \$6.25 + \$2.75/km
- (d) Discretionary option of charging for pick up at halfway point between where the cab is coming from and the pick-up destination
- (e) Standing / Waiting Time: \$0.50/minute
- (f) Handling Luggage / Groceries: No Charge
- (g) Seniors and Students Discount: Discretionary 10%
- (h) Surcharge: Discretionary \$2.25 on fares consisting of four (4) or more people at any time of day

## **Schedule “F”**

### **Mobile Food Premises**

#### **1. APPLICATION OF THIS SCHEDULE**

- 1.1. This schedule shall apply to those Persons seeking to carry on the operation of a Mobile Food Premises.
- 1.2. Every Mobile Food Premises shall procure and maintain, in good standing, a Licence from Haldimand County authorizing them to carry on or engage in any trade, calling, business or occupation listed above within the boundaries of Haldimand.

#### **2. GENERAL MOBILE FOOD PREMISE PROVISIONS**

- 2.1. Every Licence issued to a mobile food premises operating year-round, under this schedule of the by-law, shall expire on the 31st of December in the year it is issued. Seasonal licences shall obtain their licence no later than 30 days before opening for the season.
- 2.2. Notwithstanding any other provision of this by-law, a Mobile Food Premises licence shall not be necessary for sales that take place at an approved Community Special Event or Farmers Market located on Municipal Property.

#### **3. GENERAL MOBILE FOOD PREMISE PROHIBITIONS**

- 3.1. No Licensee shall conduct sales on:
  - (a) any municipal property; or
  - (b) any municipal road allowance, boulevard, or sidewalk.
- 3.2. The provision in section 3.1 does not apply with respect to non-motorized pedal driven ice cream vehicles.
- 3.3. Every Licensee shall not cause, suffer, or permit any obstruction on a highway lane or public place including a sidewalk and boulevard or adjoining the place or premises for which their Licence was issued unless specifically authorized to do so by Council.
- 3.4. Every Licensee shall not prevent or hinder the Issuer, a Municipal law Enforcement Officer, or Police Officer at all reasonable times, from entering the Mobile Food Premises to inspect the premises, facilities, equipment, vehicle and any other personal property used or kept for hire in connection with the carrying on of a business which is licenced, or which is required to be licenced pursuant to this bylaw.

- 3.5. No Licence issued under this by-law may be transferred to any other Person.

#### **4. MOBILE FOOD PREMISE REQUIREMENTS**

- 4.1. In addition to all the requirements set out in this by-law, a completed Application for an initial Licence shall be accompanied by:
- (a) an approval from Haldimand County Fire Services Division that the mobile food premises has passed the fire inspection;
  - (b) an approval from Grand Erie Public Health that the mobile food premises has passed the food safety health inspection;
  - (c) an approval from Haldimand County Building Division, for the first application for the fixed location, that the operation of the business is in compliance with the Zoning By-law;
  - (d) an approval from Haldimand County Municipal Enforcement Division;
  - (e) proof of liability insurance as outlined in Section 7 of this By-law;
  - (f) a certified combustible fuel authority, where the Mobile Food Premises is equipped with combustible fueled appliances;
  - (g) a certified electrical safety authority, where the Mobile Food Premises is equipped with electrical food preparation appliances;
  - (h) written permission of the Owner of the property consenting to the use of their property for the Mobile Food Premises, in the event that the applicant is not the owner of the proposed location of the business use; and
  - (i) written permission of the Owner of the Mobile Food Premises vehicle consenting to the use of their Mobile Food Premises vehicle (i.e. lease agreement), in the event that the applicant is not the owner of the Mobile Food Premises vehicle.
- 4.2. An applicant shall complete a separate application and pay the required fee for each premises from which a business is to be operated.
- 4.3. Every applicant shall ensure that the requirements of the applicable zoning by-law are complied with prior to making application for a Licence.

#### **5. MOBILE FOOD PREMISE DUTIES**

- 5.1. Every Licensee shall be responsible for the performance and observance of all provisions of this by-law.
- 5.2. Every licence for a Mobile Food Premises shall be prominently displayed at the location of the licenced business at all times when the licensee is engaged in the activity for which the licence has been issued.

- 5.3. Every Licensee shall ensure that there is provided on site and accessible to patrons, a non-combustible garbage container complete with a litter and recycling container, both sides to accommodate at least one day's waste. All waste is to be removed from the site upon the close of business daily.
- 5.4. Every Licensee shall, at all times, maintain and keep in a safe, clean and good condition any object, vehicle, place or premises for which the Licence has been issued. Failure to do so shall be a breach of the Licence by the Licensee and deemed to be an offence.
- 5.5. Everyone operating a Class B food service vehicle shall ensure it is equipped with an operational fire extinguisher.

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## **Schedule "G"**

### **Motor Vehicle Racing**

#### **1. APPLICATION OF THIS SCHEDULE**

- 1.1. This schedule shall apply to those Persons seeking to carry on the operation of motor vehicle racing as it relates to three types of courses, namely Formula Track, Oval Track and Straight Line Track.
- 1.2. Every Owner or Operator of a Motor Vehicle Racing business shall procure and maintain, in good standing, a Licence from Haldimand County authorizing him or her to carry on or engage in any trade, calling, business or occupation listed above within the boundaries of Haldimand.

#### **2. GENERAL MOTOR VEHICLE PROVISIONS**

- 2.1. Every Licence issued under this schedule of the by-law shall expire on the 15<sup>th</sup> of May in the year it is issued.
- 2.2. The application for renewal shall be in the form provided by the Issuer, including the approvals listed in Subsections 3.1 (a) through to (e) and the application shall be deemed to be received by Haldimand County on the date that a complete application is filed.
- 2.3. If the completed renewal application is filed later than the time specified in paragraph 2.1 above, the Licence shall expire effective May 15<sup>th</sup> of that year until such time as the Licence is renewed.
- 2.4. If a renewal application is not filed within 60 days of expiry of the previous licence, it shall be considered lapsed with no option of renewal. Any subsequent application will be considered under section 4 - Initial Applications and Renewal Applications with Material Changes.
- 2.5. Upon receipt of an Application for Renewal, the Issuer shall:
  - (a) In the event that there is no material change in the circumstances of the Licensee which would affect any of the conditions of the Licence imposed pursuant to sections 3 and 5, recommend to Council that the Licence be renewed with conditions in the existing Licence, or
  - (b) In the event that there is a material change in the circumstances of the Licensee which affects any of the conditions of the Licence Imposed pursuant to section 3 and 5, recommend to Council that the Licence be renewed with conditions, or that the Licence not be renewed.

#### **3. MOTOR VEHICLE RACING OWNER REQUIREMENTS**

- 3.1. In addition to all the requirements set out in this by-law, any person wishing to make an application in relation to a Motor Vehicle Racing Business premises shall file with the Issuer:
- (a) an approval from the Haldimand County Building Division to the effect that there is no objection to the operation of the business, for initial application;
  - (b) an approval from Haldimand County Municipal Enforcement Division;
  - (c) an approval from Haldimand County Emergency Services to the effect that the operation of the business is unobjectionable on fire safety grounds and has passed a fire inspection;
  - (d) an approval from Grand Erie Public Health that the seasonal opening of a small drinking water system has passed a health inspection;
  - (e) an approval from Haldimand County Roads Division;
  - (f) an approval from the Haldimand County Planning and Development Services Division to the effect that the operation of the business is unobjectionable on zoning grounds for initial applications or renewals with substantial changes to the premises or the site plan;
  - (g) an approved site plan under Section 41 of the Planning Act in respect of the premises, if applicable and if required by the County;
  - (h) the documentation listed under Section 3.1 (g) shall not be required in the case where an application for renewal is made and there is no material change in circumstances of the Licensee which would affect any of the conditions of the licence imposed pursuant to section 5.3 through section 5.6 below;
  - (i) Insurance as per section 7 of this bylaw;
  - (j) an annual schedule of events and activities to be conducted by the Applicant during the season; and
  - (k) in the event that an Agent for the Applicant makes application for the owner of the premises, a written letter of authorization from the owner.

#### **4. INITIAL APPLICATIONS AND RENEWAL APPLICATION WITH MATERIAL CHANGES**

- 4.1. Upon receipt of a completed application referenced above, the Issuer shall make a report to Council with respect to the application for an initial or a renewal application with material changes. This report shall contain a recommendation to issue or refuse the licence.
- 4.2. The following provisions apply when the Issuer reports to Council:

- (a) Upon receipt of the recommendation of the Issuer to grant a licence, the Clerk shall place the matter before Council for ratification in accordance with Council procedures;
  - (b) Upon receipt of the recommendation of the issuer to refuse a licence, or refuse to renew a licence, the Clerk shall place the matter before Council for hearing in accordance with Council procedures and the applicant shall be given notice and shall be entitled to attend the hearing and make submissions either personally or through a representative, unless the grounds for refusal are because of non-compliance with the Municipality's Zoning By-law; and
  - (c) Council shall hear and consider the recommendation of the Issuer, and the evidence provided in support thereof and shall hear and consider the evidence from the applicant in the event that the applicant or their representative attends. Council, after consideration of the evidence provided and all submissions made at the hearing, shall make a decision to grant the Licence to the applicant or to refuse the Licence to the applicant and the Clerk shall provide written notice and reasons for Council's decision.
- 4.3. In considering an Application for a Licence, Council shall consider the provisions of this by-law, and the following factors:
- (a) whether or not the Applicant, the premises and the proposed use of the premises are in compliance with all requirements of this by-law and other applicable laws;
  - (b) whether or not the Applicant has breached any provision of this by-law, or any condition of a licence issued under this by-law, and has failed to remedy the breach;
  - (c) whether or not the Applicant has outstanding fines in respect of this by-law; and
  - (d) whether or not the information contained in the Application is complete and accurate.
- 4.4. Council's decision with respect to approval of the licence will be based on the factors set out in section 4.3. Council shall provide reasons for any refusal with reference to the factors set out in section 1.3.

## **5. MOTOR VEHICLE RACING OWNER DUTIES**

- 5.1. Every Owner of a Motor Vehicle Racing Business shall ensure that all persons using the premises for purposes related to Motor Vehicle Racing comply with the provisions of this By-law.
- 5.2. This by-law relates to three types of courses for motor vehicle racing, namely Formula Track, Oval Track and Straight Line Track.

- 5.3. All Licences issued to Motor Vehicle Racing Businesses pursuant to this by-law shall be subject to the following conditions:
- (a) the Licensee shall maintain, or cause to be maintained, a log of all racing activities conducted on the premises disclosing the time and date of the activities, weather conditions, the number and type of vehicles involved in the activities, the number of attendees and participants on the site during the activities, the noise levels of the vehicles and shall provide a copy of the log to Haldimand County upon request;
  - (b) the Licensee shall provide to the Issuer amendments to the annual schedules of activities, as required in this by-law;
  - (c) the Licensee shall provide fire services as are required by the Licensee's insurers;
  - (d) the Licensee shall provide on-site parking for Persons attending events or activities on the premises;
  - (e) every Licensee shall permit that a Municipal law Enforcement Officer, the Manager of Building and Municipal Enforcement, the Fire Chief, or any other Haldimand County employee authorized by the Chief Administrative Officer of Haldimand County may at all reasonable times, attend on the premises for the purpose of inspecting the premises and investigating any matter relating to this by-law;
  - (f) the Licensee shall file with the Issuer any approved amendments to the site plan filed with the Application, if such site plan under section 41 of the *Planning Act* is applicable and required by Haldimand County;
  - (g) the Licensee shall ensure that all schedules of events, including all amendments to such schedules, are posted on the website of the business, immediately upon such schedules being set or amended; and
  - (h) the Licensee shall include in all their promotional material, a caution for people to respect the community and drive with courtesy when en route to and from the premises.
- 5.4. In addition to the conditions listed under section 5.3, any licence issued to operate a Formula Track at 1040 Kohler Road, Cayuga, Ontario, shall be subject to the following conditions, as outlined in a decision of the Ontario Municipal Board, dated September 1, 2005:
- (a) with respect to the days of operation, the Licensee shall observe one race free day per week, being Tuesday;

- (b) with respect to hours of operation, the Licensee shall be licensed to race beginning at 9:00 a.m. to a maximum of 11:00 p.m.;
- (c) the Licensee shall ensure that no drifting events are conducted;
- (d) the Licensee shall ensure that all vehicles be pretested and screened prior to use of the formula track;
- (e) the Licensee shall ensure that the required sound meter has been calibrated prior to the issuance of this licence and that it be calibrated daily;
- (f) the Licensee shall ensure that two-stroke engines are not allowed to operate; and
- (g) notwithstanding any other municipal by-law, the Licensee shall ensure that the number and type of vehicles permitted on the formula track up to 7 p.m. and from 7 p.m. onwards in accordance with condition (b), regarding hours of operation, are as follows:

<b>Vehicle Category</b>	<b>Lmax levels at 15 m</b>	<b>Number vehicles before 7 p.m.</b>	<b>Number vehicles after 7 p.m.</b>
Regular (un-modified) Street Cars	83 dBA	14	4
Street Legal Motorcycles or 4 -stroke silenced Go Karts	87 dBA	6	2
High Performance Street Cars	88 dBA	5	1
Racing Motorcycles including Street Legal Motorcycles Note: Two stroke engines are not allowed on the Formula Track	89 dBA	4	1
Reasonably Muffled Racing Vehicles	95 dBA	1	0
F-2000 Racing Cars (<200 ho)	89 dBA	4	1

5.5. In addition to the conditions listed under section 5.3, any licence issued to operate a Straight Track at 1040 Kohler Road, Cayuga, Ontario, shall be subject to the following conditions:

- (a) the Licensee shall ensure that adequate blockades are in place at the end of the straight track at the northerly point where the track and return road meet, to prevent trespass onto the track when the track is not in use; however, that this secondary access shall remain open during racing events for emergency purposes;

- (b) the Licensee shall confirm that the loudspeakers have been positioned and aimed downwards to minimize sound and that such written confirmation be provided to the Issuer by a sound system contractor prior to the issuance of the licence;
  - (c) the Licensee shall limit the volume of the loudspeakers by installing a sound limiter and zoning of speakers, and written confirmation of these adjustments be provided to the Issuer by a sound system contractor prior to issuance of the licence;
  - (d) with respect to the days of operation, the Licensee shall be required to observe one race free day on the straight track per week, being Tuesday, save and except for 4 events to be determined by the Licensee to allow for weather cancellations the previous day. Such exceptions to be provided to Haldimand in writing and posted on the Licensee's business website; and
  - (e) with respect to hours of operation, the Licensee shall be licensed to race on the straight track, beginning at 9:00 a.m. to a maximum of 11:00 p.m.
- 5.6. In addition to the conditions listed under section 5.3, all licences issued to a motor vehicle racing business operating a racing track, at a location other than 1040 Kohler Road, Cayuga, Ontario, shall be subject to the following conditions unless otherwise required by law:
- (a) with respect to hours and days of operation, the Licensee shall be licensed to race seven (7) days per week from 9:00 a.m. until midnight;
  - (b) the Licensee shall ensure that the interior of an oval track be modified where required with physical barricades to prevent the track from being used as a formula track

## **Schedule "H"**

### **Pawnbrokers**

#### **1. APPLICATION OF THIS SCHEDULE**

- 1.1. This schedule shall apply to those Persons seeking to carry on the operation of a Pawnshop.
- 1.2. Every Owner or Operator of a Pawnbroker Shop shall procure and maintain, in good standing, a Licence from Haldimand County authorizing him or her to carry on or engage in any trade, calling, business or occupation listed above within the boundaries of Haldimand.
- 1.3. Where two or more persons carry on business as pawnbrokers in partnership in the same shop, only one licence is necessary.

#### **2. PAWNBROKER PROVISIONS**

- 2.1. Every Licence issued under this schedule of the by-law shall expire on the 31<sup>st</sup> of March.
- 2.2. Every licensee shall comply at all times with all provisions of the Pawnbroker's Act, R.S.O. 1990, c. P6.

#### **3. PAWNBROKER PROHIBITIONS**

- 3.1. No person shall, by virtue of one licence, carry on business as a pawnbroker in more than one shop.
- 3.2. A pawnbroker shall not:
  - (a) purchase any article or receive or take any article in pawn from any person who appears to the pawnbroker to be under the age of eighteen years or to be under the influence of alcohol or drugs;
  - (b) purchase or take in pawn a pawnticket issued by themselves or any other pawnbroker;
  - (c) purchase or sell or otherwise deal with any pledge while in pawn with him, except in accordance with the Pawnbrokers Act;
  - (d) suffer any pledge while in pawn to the pawnbroker to be redeemed with a view to the pawnbroker's purchasing it;
  - (e) make any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale, or disposition thereof, within the time of redemption;
  - (f) take in pawn any Cross, Medal, Insignia, or other decoration granted by or with the approval of His Majesty; or

- (g) melt any gold, silver, platinum or other precious metal that was pawned with the pawnbroker that was not redeemed, and that has become the pawnbroker's absolute property under the Pawnbrokers Act, unless authorized so to do by the Council of The Corporation of Haldimand County in which the pawnbroker carries on business.

#### **4. PAWNBROKER REQUIREMENTS**

- 4.1. In addition to all the requirements set out in this by-law, any person wishing to make an application in relation to a Pawnbroker Business premises shall file with the Issuer:
  - (a) an approval from the Haldimand County Building and Municipal Enforcement Division to the effect that there is no objection to the operation of the business;
  - (b) an approval from Haldimand County Emergency Services to the effect that the operation of the business is unobjectionable on fire safety grounds;
  - (c) an original Police Record Check as listed in Section 6.5 of this By-law, dated not more than sixty (60) days prior to the submission of the licence application; and
  - (d) proof of liability insurance as outlined in Section 7 of this By-law.
- 4.2. Every pawnbroker shall provide The Corporation of Haldimand County with security to the satisfaction of the Municipal Treasurer in the amount of \$2,000.00 for the due observance of the provisions of the Pawnbroker's Act, R.S.O. 1990, c. P6.

#### **5. PAWNBROKER DUTIES**

- 5.1. The Licensee shall ensure that, before purchasing or taking in exchange any second-hand good, a record is made in an annual ledger book in chronological order with the entries transcribed in ink in a clear and legible manner or in an approved recording system by police services:
  - (a) the day, month, year, and time of the transaction;
  - (b) full name, address and a description of the person delivering the article for pawn reasonably sufficient to identify such person, including sex, and estimated age, height, complexion and full particulars of identification if produced and, where the person who delivers the article for pawn states that he or she is the agent of its owner for the purpose of pawning it, the name and address of the owner;
  - (c) a detailed description of each second-hand good that shall be reasonably sufficient to identify it, including make, model, serial numbers, marking and titles, where applicable;

- (d) the purchase price of each second-hand good or a description of the item exchanged for it; and
  - (e) the initials of the employee conducting the transaction on behalf of the licensee.
- 5.2. Every Licensee must retain the annual ledger book shall be kept for not less than one year after the end of the year during which it was compiled.
- 5.3.** Where a person tendering an article for pawn refuses or is unable to produce any identification, the pawnbroker shall enter in his book a note thereof, which shall be deemed to constitute compliance with the identification requirements of 5.1 of this Schedule;
- 5.4. At the time of taking an article in pawn, the pawnbroker shall give the pawner a pawnticket containing,
  - (a) the pawnbroker's name and business address;
  - (b) the name of the pawner;
  - (c) the day, month, and year in which the pledge was taken in pawn;
  - (d) the number of the entry of the pledge in the pawnbroker's book;
  - (e) a description of the pledge;
  - (f) the sum lent on the pledge;
  - (g) the rate of interest charged for the sum lent;
  - (h) the charge for the pawnticket; and
  - (i) the charge for storage, if any.
- 5.5. Where a pawnbroker has reasonable cause to suspect that an article offered has been stolen or otherwise unlawfully obtained, the pawnbroker shall forthwith report the matter to a member of the Ontario Provincial Police.
- 5.6. Each pledge shall be identified by a number that corresponds with the number of the pawnticket and the entry of the transaction in the pawnbrokers' book, and, when the pledge is redeemed, the pawnbroker shall record the amount of interest taken and of all other charges and shall keep the record for not less than one year after redemption.
- 5.7. Every pawnbroker shall make a bi-weekly report either for the Chief of Police or their designate. Such reports shall:
  - (a) contain, in respect of every transaction made during the time period specified by the Ontario Provincial Police, all the information required under section 5.1 to be entered in the pawnbroker's book; and

(b) be the pawnbroker's book reproduced by any means whatsoever so long as the copy is legible.

5.8. Every police officer shall at all times be given access to and may inspect a pawnbroker's books, papers and pledges, and when so engaged may have with him or her such other persons as he considers advisable.

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## **Schedule "I"**

### **Salvage Yard**

#### **1. APPLICATION OF THIS SCHEDULE**

- 1.1. This schedule shall apply to those Persons seeking to carry on the operation of a Salvage Yard or Scrap Material Collection Bin.
- 1.2. Every Owner or Operator of a Salvage Yard or Scrap Material Collection Bin shall procure and maintain, in good standing, a Licence from Haldimand County authorizing him or her to carry on or engage in any trade, calling, business or occupation listed above within the boundaries of Haldimand.
- 1.3. Licenced Scrap Material Collection Bins used to generate funds for a charitable purpose do not require the collection of a fee.

#### **2. SALVAGE YARD REQUIREMENTS**

- 2.1. In addition to all the requirements set out in this by-law, any person wishing to make an initial application in relation to a salvage yard shall file with the Issuer:
  - (a) approval from the Haldimand County Planning and Development Services Division that the operation of the business is unobjectionable on zoning grounds;
  - (b) approval from the Haldimand County Emergency Services Division that the operation of the business is unobjectionable on fire safety grounds and has passed a fire inspection;
  - (c) approval from the Manager of Building and Municipal Enforcement to the effect that there is no objection to the operation of the business;
  - (d) approval from the Ministry of the Environment to the effect that the operation of the business is unobjectionable on environmental grounds;
  - (e) a copy of the current site plan agreement with the Municipality, where one has been required; and
- 2.2. in the event that the applicant is not the owner of the proposed location of the business use, a written letter of approval or signed lease from the owner of the property must be provided.
- 2.3. An applicant shall complete a separate application and pay the required fee for each premises from which a salvage yard is to be operated.

#### **3. SALVAGE YARD DUTIES**

- 3.1. An Owner shall not purchase, accept in exchange, receive, or permit an employee to purchase, accept in exchange or receive any goods, articles, or other chattels from:
  - (a) a person under the age of eighteen (18) years without the written consent of the parent or guardian of that person, or
  - (b) a person apparently under the influence of alcohol or drugs.
- 3.2. In any proceeding under this section, the onus of proving that a person is not under the age of eighteen (18) years shall be on the Owner.
- 3.3. Unless otherwise exempted by a by-law or provided for in an applicable zoning by-law or site plan agreement, no Person shall operate a Salvage Yard without erecting and maintaining an Enclosure that completely encompasses the area where salvage is being stored.
- 3.4. Every Licensee shall ensure salvage is stored in a safe manner, within the enclosed area, in such a manner that it does not come into contact with the Enclosure.
- 3.5. No Owner of a Salvage Yard shall store, display or place any merchandise outside the Enclosure for any period exceeding twenty-four (24) hours.
- 3.6. An Owner of a Salvage Yard shall,
  - (a) make all reasonable efforts to obtain the name, address and description of any person offering to him or her, any goods, or articles which he or she reasonably believes may have been stolen, or otherwise unlawfully obtained;
  - (b) report all known facts concerning such person to the nearest police station or police officer forthwith;
  - (c) an Owner shall report any apparent removal or defacement of a serial number or model number of any goods or articles offered to him or received by him.
  - (d) maintain a register to record all sales and purchases in legible handwriting, printing or typing; and
  - (e) produce the register for inspection by a Municipal By-law Enforcement Officer or police officer.

#### **4. SCRAP MATERIAL COLLECTION BIN LICENCE REQUIREMENTS**

- 4.1. Any person wishing to make an initial application for a licence in relation to a Scrap Material Collection Bin shall file with the Issuer a completed application in the form provided by the Municipality and the following documentation:

- (a) concept plan outlining all of the applicable zoning provisions accompanied by a letter of approval from the Manager of Building and Municipal Enforcement Division; and
- (b) signed affidavit that proceeds from material collected is for a charitable purpose, naming the specific benefitting charity or charities; and
- (c) a letter of authorization from the property owner.

## **5. SCRAP MATERIAL COLLECTION BIN LICENCE DUTIES**

5.1. Every Owner and/or Operator of a Scrap Material Collection Bin shall:

- (a) Ensure that the area around the scrap material collection bin shall be free and clear of any scrap material and be consistent with the Property Standards By-law; and
- (b) Ensure that regular monitoring and emptying of the bin shall occur.

## **6. CONFLICT WITH ZONING BY-LAWS**

6.1. In the event of a conflict between a provision of this By-law and the Municipality's Zoning By-law, the provision of the Zoning By-law shall apply.