
The Corporation of the City of Peterborough

By-Law Number 14-080

Being a By-law to Provide for the Licensing of Certain Businesses in the City of Peterborough

WHEREAS Section 150 of the **Municipal Act, 2001**, S.O. 2001, c.25, permits a municipality to license, regulate and govern any business in whole or in part within its boundaries in accordance with certain conditions;

AND WHEREAS the Corporation of the City of Peterborough by its Council has determined that it is in the public interest that certain businesses be required to obtain a license as a prerequisite for their operation;

AND WHEREAS the Corporation of the City of Peterborough by its Council has determined that it is the public interest to update its business licensing by-law in accordance with changes in the current economy, the current regulatory framework and the laws of Ontario;

AND WHEREAS this by-law is intended to promote the health and safety of the public and to control nuisance by requiring every person who operates certain businesses to obtain a business license;

AND WHEREAS the purpose of this by-law is to ensure that the operation of various businesses are licensed and regulated in accordance with the **Municipal Act, 2001**, S.O. 2001, c.25;

Article 1: Definitions:

In this by-law the following words shall have the following meaning:

Adult Entertainment Establishment – means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, Services that are designed to appeal to erotic or sexual appetites or inclinations;

For an Adult Entertainment Establishment, the following terms, Age of Majority, Attendant, Permitted Area and Services shall have the following meanings:

Age of Majority – shall have the same meaning as defined in the **Age of Majority and Accountability Act**, R.S.O. 1990, c. A.7;

Attendant – means, any person other than a Licensee, who provides Services to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Establishment;

Permitted Area – means that area of the City which is zoned for use as an Adult Entertainment Establishment pursuant to the Zoning By-law for the City, an interim control by-law, or has legal non-conforming status as an Adult Entertainment Establishment pursuant to the Zoning By-law and the **Planning Act**, R.S.O. 1990, c.P.13;

Services – includes activities, facilities, performances, exhibitions, viewings and encounters:

- a. Of which a principal feature or characteristic is the nudity or partial nudity of any person; or
- b. In respect of which the word “nude”, “naked”, “topless”, “bottomless” “sexy”, or “nu” or any other word or picture, symbol or representation having like meaning or implication is used in any advertisement; or
- c. Of which a feature is body-rubs, including the kneading, manipulation, rubbing, massaging, touching or stimulating by any means of a person’s body, are performed, offered or solicited in the premises or part of the premises, excluding the premises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licenses or registered to do so under a statute of Ontario.
- d. But excludes the exhibition of films approved under the **Film Classification Act, 2005**, S.O. 2005, c.17.

Applicant – means a person seeking a license, or renewal of a license;

Auctioneer – means any person selling or putting up for sale goods, wares, merchandise or effects by public auction but does not include the offering for sale of goods or chattels seized under an execution of a sheriff or bailiff or goods distrained for rent;

Auto Centre – means a public garage, parking station or parking lot, a place where motor vehicles are hired or kept for hire, or sale, a service station and/or car wash:

For an Auto Centre, the following terms Public Garage, Service Station and Car Wash shall have the following meanings:

- a. **Public Garage** – means any land, building or part thereof used as a motor vehicle repair shop,
- b. **Service Station** – means any land, building or part thereof used as a retail outlet for the sale of gasoline and oil, and if in conjunction therewith: as a retail store for the sale of new motor vehicle parts and accessories or for servicing of motor vehicles and making minor repairs thereto,
- c. **Car Wash** – means any land or building or part thereof used only for the washing of motor vehicles.

Bake Shop – means an establishment in which an oven is used to prepare foodstuffs that are served, sold and/or offered for sale to the public but which does not contain any seating for the public;

Barber Shop, Esthetics Services Parlour or Hairdressing Establishment – means and includes hairdressing parlours, esthetics services, manicuring parlours, beauty parlours and means and includes all premises and parts thereof wherein is carried on the business of shaving, or manicuring and of adorning or beautifying the human face, skin, hands, hair or scalp, and includes a hairdressing establishment which are deemed to be home occupations in accordance with the Restricted Area Zoning By-law for the City of Peterborough;

Body Modification Parlour – means a business or premise where tattooing, scarification, branding, body piercing and/or microdermal implants are practiced;

For a Body Modification Parlour, the following terms Body Piercing, Branding, Scarification and Tattooing shall have the following meanings:

- a. **Body Piercing** – means the practice of puncturing the skin to permanently create a hole through the skin (except ear lobes) where jewellery will be inserted,
- b. **Branding** – means the burning of the skin in order to bring about permanent scarring,
- c. **Scarification** – means the practice of cutting or abrading the skin in order to bring about permanent scarring and the practice may include of the placement of implants beneath the skin,
- d. **Tattooing** – means the practice of permanently depositing pigments under the skin by use of needles or other implements.

Butcher Shop – means any premises used in whole or in part for keeping or preparing fresh or cured meat for sale by retail or wholesale but shall not include premises where only pre-packaged meat or meat products are offered for sale;

Catering – means an establishment/service in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out;

Chief Building Official – means the Chief Building Official or Deputy Chief Building Official appointed by the City pursuant to the **Building Code Act**, or designate;

City – means the Corporation of the City of Peterborough;

Clerk – means the Clerk of the City, the Deputy Clerk or designate;

Council – means the Council of the Corporation of the City of Peterborough;

Drain Layer – means a person who has been issued a Certificate of Qualification in the trade of drain laying by the applicable ministry of the Province of Ontario and is engaged in the laying of metallic or non-metallic pipe into trenches to form sanitary or storm sewers, drains or water mains including:

- a. A storm sewer or drain on private property between the property line and a point not more than 30 centimetres inside of the outside wall of the building;
- b. A sanitary sewer or drain on private property between the property line and a point not more than 30 centimetres inside of the outside wall of the building;
- c. A water service main between the property line or shut off box and a point not more than 30 centimetres inside of the outside wall of the building

Dry Cleaner – means any person who cleans or dyes cloth, clothing, feather or any fabrics or textiles by the use of any liquids or any materials of any organic, flammable or volatile nature and also includes a person who receives articles or goods to be subjected to any such cleaning or dyeing process;

Fire Chief – means the Chief of the Peterborough Fire Services or designate;

Goods, Wares and Merchandise – means any article, merchandise, service or privilege obtained for consideration or anything that has economic utility or want, or an intangible item (such as a service or membership) that is a marketable commodity;

Highway – includes a common and public highway, street, avenue, lane, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof, and specifically including the travelled portion of the highway, sidewalks and boulevards;

Laundromat – means any location or premise where dry cleaning machines drying machines including coin operated dry cleaning machines, drying machines or washing machines or any combination thereof are operated for use by the public;

Licensee – means the person who is granted the license;

Medical Officer of Health – means the Medical Officer of Health for the City and County of Peterborough, duly appointed under the **Health Protection and Promotion Act**, R.S.O. 1990, c.H.7, or designate;

Mobile Canteen - means any vehicle, whether mechanically propelled or otherwise, from which food or refreshments are sold or offered for sale for consumption by the public.

For a Mobile Canteen, the following terms, Mobile Food Preparation Vehicle, Refreshment Vehicle and Bicycle Cart shall have the following meanings:

- a. **Bicycle Cart** – means a manually propelled Mobile Canteen, that may or may not include a refrigerated container or ice box from which ice-cream, ice-cream cones, ice milk, other iced confectionary food items and/or other food and beverages are offered for sale or sold
- b. **Mobile Food Preparation Vehicle** - means a Mobile Canteen from which food prepared therein is offered for sale or sold.
- c. **Refreshment Vehicle** – means a motor vehicle from which pre-packaged food items are provided for sale or sold and in which no food is prepared except beverages.

Person – means an individual, a sole proprietor, a partnership, an unincorporated association, a trust, or a body corporate and includes, as the context requires, a Licensee;

Pet Grooming Parlour – means and includes all premises and parts thereof wherein is carried on the business of washing, grooming and/or trimming the coat and/or nails of a cat or dog;

Plumber – means a person who has been issued a Certificate of Qualification in the trade of plumber by the applicable ministry of the Province of Ontario;

Police Chief – means the Chief of Police for the Peterborough-Lakefield Community Police Service or designate;

Restaurant – means an establishment in which food and/or beverages are prepared and offered for sale to the public;

Salvage Yard – means a business which receives, handles, wrecks, dismantles, and/or recycles material and includes a Salvage Yard as defined in the By-law 97-123, or any successor by-law thereto;

Sheet Metal Worker - means a person who has been issued a Certificate of Qualification in the trade of sheet metal worker by the applicable ministry of the Province of Ontario;

Temporary Building – means:

- a. A building which is not permanently affixed to land;
- b. A building for which the placement on land does not require a building permit;
- c. A tent, canopy or shade structure; or
- d. A trailer in excess of 2.5 metres in length.

Temporary Trader – means any person who sells on a temporary basis whether from a particular place or different places in the City of Peterborough goods, wares or merchandise for sale or carries or exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the City of Peterborough afterward, but shall not include any person who is:

- a. Hawking, peddling or selling goods, wares or merchandise to wholesale or retail dealers in similar goods, wares or merchandise;
- b. A person operating a mobile canteen, as defined herein;
- c. A vendor, or a farmers' market, on land which is owned by the City of Peterborough and subject to a written agreement with the City; or
- d. Selling goods, wares or merchandise on behalf of a charity or non-profit organization, provided that the City Clerk has issued a temporary trader license upon submission of proof of charitable or non-profit status, whereupon the City Clerk shall waive the applicable fee.

**Article 2:
General Provisions for all Licenses**

2.1 License – required

- a. An adult entertainment establishment;
- b. An auctioneer;
- c. An auto centre;
- d. A bake shop;
- e. A barber shop, esthetic services parlour, or hairdressing establishment;
- f. A body modification parlor,
- g. A butcher shop;
- h. A dry cleaner or laundromat;
- i. A mobile canteen;
- j. A pet grooming parlour;
- k. A plumber or drain layer;
- l. A restaurant or caterer;
- m. A salvage yard;

- n. A sheet metal worker;
- o. A temporary trader.

2.2 Application - Category

For those businesses which fit into more than one of the above categories, the highest license fee shall apply.

2.3 Application Form – Requirements

An application for a license, or for renewal of a license, shall be made on the forms provided by the Clerk, and each completed application shall be submitted to the Clerk, accompanied by:

- a. The license fee, in the amount specified in Schedule 'A';
- b. If the applicant is a corporation, a copy of the current Corporate Profile Report;
- c. If the applicant is a registered partnership or a sole proprietorship, a copy of a current Business Name Search; and
- d. If the application is for an Adult Entertainment Establishment, a copy of the current liquor license; and
- e. If the application is for a temporary trader or mobile canteen license, written proof of permission of the property owner, or authorized agent, consenting to the operation of the business; and
- f. If the applicant is a drain layer, plumber or sheet metal worker, a copy of their Certificate of Qualification and photo identification; and
- g. If the applicant is a Salvage Yard, a list of the types of salvage that will be located at the Salvage Yard.

2.4 Refusal – License Fee Refunded

Where an application for a license, or for renewal of a license, is refused, the license fee shall be fully refunded.

2.5 Renewal – Refusal Conditions

An applicant whose application meets all the requirements of this by-law is entitled to the issuance or renewal of a license except where:

- a. Past conduct of the applicant affords reasonable grounds for belief that the issuance of a license would be adverse to the public interest;
- b. The applicant is carrying on activities that are, or would be, if licensed, in contravention of this by-law, any other by-law, or federal or provincial statute or regulations; or
- c. The Applicant is seeking a temporary trader or mobile canteen license and does not present written proof of permission of the property owner, or authorized agent, consenting to the operation of the business to the City Clerk at least five (5) business days prior to intended date of sale.

2.6 License – Term

Every license issued pursuant to this by-law shall be valid for one year, save and except licenses for a Temporary Trader whose licenses shall be valid for the period shown in Schedule 'A' attached hereto, and no license shall be transferable.

2.7 Duplicate License

A duplicate license may be issued by the Clerk to replace any previously issued license which has been lost, stolen or destroyed, upon written application by the Licensee and

upon payment of a ten (\$10.00) dollar administrative fee.

2.8 Change of Address – Required

Where the name or address of a Licensee changes, the Licensee shall notify the Clerk in writing within fifteen (15) days.

2.9 Compliance

Compliance with applicable statutes, regulations and by-laws shall be deemed to be a condition of licenses issued pursuant to this by-law.

2.10 Revocation

Failure to comply with the terms and/or conditions of a license may constitute grounds for revocation of the license by the Clerk.

2.11 Inspection – Premises

Every licensed premise, including a mobile canteen, may be inspected at all reasonable times by:

- a. The Police Chief;
- b. The Medical Officer of Health;
- c. The Fire Chief; and or
- d. The Chief Building Official.

All licensed premises shall be inspected by the City of Peterborough Building Division at least once every five (5) years.

2.12 Inspection – Premises – refusal prohibited

No Licensee, agent, or any employee of a licensee, shall prevent any authorized official, the Police Chief, the Medical Officer of Health, the Fire Chief, or the Chief Building Official from conducting an inspection of the business.

2.13 General Offence – Fine for Contravention

Unless otherwise specifically provided for in this by-law, any person who contravenes this by-law is guilty of an offence and, upon conviction, is liable to a penalty provided for in the **Provincial Offences Act**, R.S.O. 1990, c.P.33.

2.14 Posting Licenses – Fixed Place of Business

No person shall post or produce for inspection a license which has expired, or which has been revoked.

Article 3

Administration – Clerk – Duties

3.1 Applications – Processing Renewals

The Clerk shall have the authority to receive and process all applications for business licenses and renewals, and to issue such licenses.

3.2 Investigation – Reports as Necessary

Upon the receipt of an application for a license, or the renewal, the Clerk shall make or cause to be made all investigations deemed necessary relative to the application.

3.3 Clerk to Maintain Records

The Clerk shall maintain complete records showing all applications and licenses issued.

3.4 Revocation of License

The Clerk may revoke a license where the licensee has been convicted of any offence under this by-law.

3.5 Revocation of License – Hearing

If the Clerk refuses to grant or renew a license or revokes a license, the applicant or licensee shall have the right to a hearing by Council which, after due consideration of the application and hearing such representations as the applicant may care to make, may direct the issuance or renewal of the license, refuse the application or revoke the license.

3.6 Application of *Statutory Powers Procedure Act*

The hearing held under this by-law shall be held in accordance with the provisions of the **Statutory Powers Procedure Act**, R.S.O. 1990, c. S.22.

3.7 Decision of Council Final

Upon conclusion of a hearing, Council shall, as soon as practicable, dispose of the matter which was the subject of the hearing by doing any act or making any decision and such decision shall be final.

Article 4

Adult Entertainment Establishments

4.1 Application Form – Requirements

An application for a license, or for renewal of a license, shall be made on the forms provided by the Clerk, and each completed application shall be submitted to the Clerk, accompanied by a copy of the current liquor license.

4.2 Location of Adult Entertainment Establishment

No person shall operate an Adult Entertainment Establishment except in an area designated by the City's Official Plan and permitted under the City's comprehensive zoning by-law.

4.3 Entry – Restriction

No licensee shall permit any individual under the age of majority to enter, remain, or deliver services in the Adult Entertainment Establishment.

4.4 Specific Offence – Fine for Contravention

Pursuant to Section 161 of the **Municipal Act, 2001, S.O. 2001**, c.25, every person who contravenes any provision of this by-law and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00, or to imprisonment for a term not exceeding one year or both.

4.5 Specific Offence – Fine for contravention - corporation

Pursuant to Section 161 of the **Municipal Act, 2001, S.O. 2001**, c.25, for every corporation convicted of an offence under this by-law, the maximum penalty that may be imposed on the corporation is \$50,000.00.

Article 5

Barber Shop, Esthetics Services Parlour Or Hairdressing Establishment

5.1 Living – Apart From Shop or Parlour

No barber shop, hairdressing establishment or esthetics services parlour shall be used for living, dining, or sleeping purposes and where a barber shop, hairdressing or esthetics services parlour form part of a building and not the whole thereof, such barber shop, hairdressing establishment or esthetics services parlour shall be separate from the remainder of such building by solid partitions or doors.

Article 6 Mobile Canteen

6.1 Sale Prohibited - Public Highway or Property

No person shall operate a Mobile Canteen on any highway or on any other property owned by the Corporation of the City of Peterborough, without having first obtained specific written permission from the Clerk.

6.2 Vehicle Equipment – Clean and Sanitary

Every licensee shall keep all vehicles and equipment and food preparation areas in a clean and sanitary condition and shall comply with all applicable municipal by-laws, provincial legislation and the regulations made there under concerning the preparation, storage, handling and sale of food and beverages.

6.3 Indemnification – City Held Not Responsible

Every licensee shall, prior to the issuance of a Mobile Canteen license, produce and file with the City Clerk an indemnification agreement with the Corporation of the City of Peterborough whereby the Mobile Canteen operator agrees to indemnify, save and hold harmless the Corporation of the City of Peterborough, its agents, servants, employees, and officials from any and all claims, actions, or suits which might be brought against the said Mobile Canteen operator and/or the Corporation of the City of Peterborough arising out of the operation of the Mobile Canteen in any manner whatsoever or any error, negligence or omission of the Mobile Canteen operator, their agents, servants or employees.

6.4 Insurance Coverage – Proof Filed with City Clerk

Every licensee shall, prior to the issuance of a Mobile Canteen License produce and file with the City Clerk evidence of insurance.

The insurance shall comprise of the following:

- a. Commercial General Liability (CGL) Insurance for Bodily Injury (including death) and Property Damage in an amount no less than two million (\$2,000,000) inclusive per occurrence.
- b. The policy shall include Products and Broad Form Completed Operations, list the Corporation of the City of Peterborough as Additional Insured and provide for 30 days notice of cancellation or material change of risk.
- c. Additionally, the Commercial General Liability policy shall not contain any materially restrictive language against vendor operations.
- d. If motorized vehicles are to be used in conjunction with the operation, the vendor shall provide and maintain a Standard OAP1 Automobile Policy including any and all applicable Standard OPCF Endorsements as required for the operation for a Mobile Canteen subject to a limit not less than two million (\$2,000,000.00)

6.5 Mobile Food Preparation Vehicle

In addition to all other requirements of this by-law, the following items apply to inspections and renewals for a Mobile Food Preparation Vehicle.

- a. No person shall operate a Mobile Food Preparation Vehicle on any property not owned by the Corporation of the City of Peterborough without first having obtained the written consent of the property owner.
- b. Any person operating a Mobile Food Preparation Vehicle on any property not owned by the Corporation of the City of Peterborough shall, upon the request of any peace officer or authorized official, produce the written authorization of the owner of the property.

- c. Every licensee who operates a Mobile Food Preparation Vehicle shall submit, with the application, a Site Plan. The approval of the Site Plan by the City's Planning Division is a pre-condition for the issuance of the business license.
- d. No person shall operate a Mobile Food Preparation vehicle/ trailer that exceeds 2.5 metres in length.

6.6 Refreshment Vehicle

In addition to all other requirements of this by-law, the following items apply to inspections and renewals for a Refreshment Vehicle.

- a. Every Licensee of a Refreshment Vehicle shall ensure that the Refreshment Vehicle does not provide Goods or Services while located on any highway.
- b. A Refreshment Vehicle may be located for no more than 20 minutes at a time with authorization from the owner of the property.

Article 7 Salvage Yards

7.1 Site Plan Required

Every Applicant for a business licence for a Salvage Yard shall provide the City Clerk with:

- a. A site plan or scale drawing for the salvage yard that shows:
 - i. The legal boundaries of the salvage yard;
 - ii. The location of all existing and proposed buildings, roads, driveways, parking areas, storage areas and operating areas; and
 - iii. The location of fences and gateways; and
- b. A copy of the current Environmental Compliance Approval or, as the case may be, Certificate of Approval issued by the Ministry of the Environment.

7.2 Paving - Parking Areas and Roads

Every person who holds a Salvage Yard Licence, shall ensure that all parking areas and roadways within the Salvage Yard are paved or are treated in an environmentally safe manner to reduce and control dust.

7.3 Control – Required

Every person who holds a Salvage Yard Licence shall take all reasonable steps to ensure that the outdoor area of their Salvage Yard is kept in a clean, neat, orderly and sanitary condition and the control and minimization of:

- a. Litter in and around the salvage yard; and
- b. The presence of rodents and other pests.

7.4 Contaminants – No Adverse Effect Permitted

For the purposes of Article 7.4, the definitions of "adverse effect", "contaminant", "discharge", "natural environment" and "source of contaminant" are the same as those found in the **Environmental Protection Act**, RSO 1990, c. E.19, or the regulations enacted there under or in any successor legislation thereto.

No Salvage Yard Licensee shall permit:

- a. Goods, substances, materials or waste containing one or more contaminant or likely to contain such contaminants to be brought onto the Salvage Yard property or dealt with by a Licensee unless all applicable guidelines and regulations published by the Ministry of Environment and Climate Change relating to the storage, control and disposal of such contaminants are strictly followed; or
- b. The discharge of a contaminant into the natural environment which creates an adverse effect as determined by the Ministry of the Environment and Climate Change; or
- c. The Salvage Yard to be a source of contaminant, as determined by the Ministry of the Environment and Climate Change.

7.5 Vehicle Batteries – Storage

Every person who holds a Salvage Yard License shall ensure that all vehicle batteries within the Salvage Yard are stored in an environmentally safe manner within an enclosed building.

7.6 Fence – Required

- a. Every person who holds a Salvage Yard License shall maintain a fence that enclosed the outdoor yard of the Salvage Yard in compliance with Section 6.35 of the City's Zoning By-law 97-123;
- b. The gates required by Article 7.6(a) above, must open only onto Salvage Yard property and shall not open over the travelled portion of a public road allowance or over a sidewalk;
- c. No salvage within a Salvage Yard shall be placed against the fence;
- d. No salvage, storage containers or other material within the Salvage Yard is placed on the roof of any building within the salvage yard; and
- e. No person shall relocate a fence or gate, without the prior written approval of the Clerk.

7.7 Outdoor Lighting

All outdoor lighting for a Salvage Yard must be arranged so as to divert light away from adjoining lands, inclusive of any public road allowance.

7.8 Hours of Operation

- a. Every person who holds a Salvage Yard license may, subject to Article 8.8(b) open their office for business with the public between the hours of:
 - i. 7:00 a.m. and 6:00 p.m. Monday through Friday; and
 - ii. 8:00 a.m. and 12:00 p.m. on Saturday.
- b. No person who holds a Salvage Yard license shall operate or permit the operation of a crusher, loader, forklift, crane, shearing equipment or other heavy equipment, except between the hours of:
 - i. 8:00 a.m. and 5:00 p.m. Monday through Friday; and
 - ii. 8:00 a.m. and 12:00 p.m. on Saturday.

7.9 Operation - Public Holidays

No person who holds a Salvage Yard license shall operate or permit the operation of a crusher, loader, forklift, crane, shearing equipment, forklift, bobcat, truck or other equipment on any Sunday or on a Statutory Holiday, as defined in the **Employment Standards Act, 2000**, S.O.2000 c.41.

7.10 After Hours Drop Off – Law Enforcement

The hours of operation as specified in Section 7.8 do not apply when a vehicle is dropped off at a Salvage Yard by a police officer or other law enforcement official or by a person acting under the direction of a police officer or other law enforcement official.

7.11 Noise

- a. Subject to complying with the requirements of a current Environmental Compliance Approval or Certificate of Approval issued by the Ministry of the Environment, the hours during which a Salvage Yard Licensee may create or permit the creation of noise as a result of handling, dismantling or demolishing material are the hours of operation set out in Article 8.8(b).
- b. Notwithstanding Article 7.11(a), a Salvage Yard Licensee shall be permitted to operate a forklift or bobcat within a fully enclosed indoor area, provided that all doors and windows are closed and that the requirements of a current Environmental Compliance Approval or Certificate of Approval issued by the Ministry of the Environment are complied with.

7.12 Lawful Owner of Vehicle

No person who holds a Salvage Yard license shall purchase, acquire or permit the storage of any vehicle or part thereof unless the person obtains and retains proof that the person selling or storing the vehicle, or part thereof, is the lawful owner of the vehicle.

7.13 Vehicle Serial Numbers

No person who holds a Salvage Yard license shall purchase, acquire or permit the storage of any vehicle that has a serial number that is missing, has been mutilated or obliterated without first having given reasonable notice to a police officer prior to the intended purchase, acquisition or storage.

7.14 Register

- a. Every person who holds a Salvage Yard license shall, upon request, make their vehicle register available for inspection by the Clerk, a provincial offences officer or a police officer.
- b. Every person who holds a Salvage Yard license shall maintain the register at the Salvage Yard for the current year and for two years thereafter and shall ensure that the register is and remains in a neat and tidy condition and pages or digital information are not removed, destroyed or altered.

7.15 Vehicles and Equipment

All vehicles and equipment belonging to the person, or used for the Salvage Yard operation, that do not have a current license plate as issued by the Ontario Ministry of Transportation, or any successor Ministry, shall be parked within the enclosed area of the Salvage Yard or in an enclosed building.

7.16 Salvage Yard Inspections

Prior to the issuance or renewal of a Salvage Yard license, the Clerk may cause the Salvage Yard to be inspected by:

- a. The Chief Building Official, to determine compliance with applicable City By-laws and the **Ontario Building Code**; and

- b. Peterborough Fire Services to determine compliance with the **Fire Protection and Prevention Act, 1997**, S.O. 1997, c.4 the **Ontario Fire Code** and any other applicable provincial legislation or by-law that is within the competence of the Peterborough Fire Service.

Article 8

Temporary Trader

8.1 Sale Prohibited - Public Highway or Property

No person shall carry on the business of a temporary trader on any public highway or other property owned by the Corporation of the City of Peterborough, without having first obtained specific written permission from the Clerk.

8.2 Sale Conditions - Private Property

- a. No person shall carry on the business of a temporary trader on any property not owned by the Corporation of the City of Peterborough, without first having obtained the written consent of the property owner or authorized agent, and unless the site is appropriately zoned for the retail sale of the particular goods, wares or merchandise being sold or offered for sale, pursuant to the Corporation of the City of Peterborough's Zoning by-law.
- b. Every licensee offering for sale any goods, wares or merchandise on any property not owned by the Corporation of the City of Peterborough shall, upon the request of any peace officer or authorized official, produce the written authorization of the owner or authorized agent of the property.
- c. At least five (5) business days prior to the issuance of a Temporary Trader License each Applicant shall provide the City Clerk with:
 - i. The written consent of the owner or authorized agent;
 - ii. Name, address and telephone number of the applicant;
 - iii. If the applicant is a registered partnership or a sole proprietorship, a copy of the current Business Name Search, the names, addresses and telephone numbers of persons associated with the partnership;
 - iv. If the applicant is a corporation, a copy of the current Corporate Profile Report;
 - v. A description of the goods, wares and merchandise being sold or for which an order for later delivery will be taken.

8.3 Temporary Building – Minor Variance Required – Minor Variance Exception

- a. No Person shall erect, establish or locate a Temporary Building on land zoned as Commercial District or as Open Space under the City's Comprehensive Zoning By-law, being By-law 97-123, unless such Temporary Building has been approved by way of a minor variance.
- b. A tent, canopy or a shade structure may be erected for a period of no more than 10 days per calendar year without obtaining a minor variance.

8.4 License to Specify Goods, Wares, Merchandise Being Sold

Each temporary trader license issued by the Clerk shall specify the goods, wares and merchandise being offered for sale or for which an order for later delivery will be taken.

8.5 Specific Offences

- a. It shall be an offence for any Person to sell any type of goods, wares or merchandise not specified in the license issued by the Clerk;
- b. It shall be an offence for any Person to transfer a temporary trader license;
- c. It shall be an offence for any Person to carry on the business of being a temporary trader without having first obtained the required license from the Clerk

Article 9 General Offences

9.1 Offences

- a. Any person operating a business, which requires a license under this by-law without having obtained the appropriate business license from the City Clerk, is, upon conviction, guilty of an offence and subject to a fine under the **Provincial Offences Act**, R.S.O. 1990, c.P.33 or to payment of a Part 1 Set Fine, if applicable;
- b. Any person who cannot, upon request, satisfy the City that the appropriate license was obtained from the City Clerk and who, at the time the request was made, was operating a business which is required to be licensed under this by-law, is, upon conviction guilty of an offence and subject to a fine under the **Provincial Offences Act** or, to payment of a Set Fine, if any;
- c. Any person who cannot, upon request, satisfy the City that the appropriate license was obtained from the City Clerk and who, at the time the request was made, was operating a business which is required to be licensed under this by-law on City-owned land, is, deemed to be a trespasser.

Article 10 Enactment

10.1 Effective date

This by-law will come in force on the date it receives third and final reading.

Article 11 General

11.1 Interpretation

Whether any word, phrase or term defined in this by-law is capitalized or not the use of that word, phrase or term is a reference to the defined word, phrase or term.

11.2 Reference to Legislation

- a. Reference to any legislation shall include any and all amendments made thereto.
- b. Reference in any document to a by-law repealed by this by-law shall be deemed to be reference to this by-law

11.3 Repeal of By-laws

By-laws 05-197, 11-107 and 12-017 are hereby repealed.

By-law read a first, second and third time this 30th day of June, 2014.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) John Kennedy, City Clerk

Schedule 'A' – Annual Fees for Business Licenses - See current User Fee Guide for updated rates

Description of License	License Fee
Adult Entertainment Establishment	\$1,625.00
Auctioneer	\$88.00
Auto Centre	\$108.00
Bake Shop	\$208.00
Barber Shop, Esthetics Services Parlor or Hairdressing Establishment	\$208.00
Body Modification	\$208.00
Butcher Shop	\$208.00
Dry Cleaner/Laundromat	\$108.00
Mobile Canteen	\$208.00
Pet Grooming Parlour	\$208.00
Plumber/Drain Layer	\$108.00
Restaurant or Caterer	\$208.00
Salvage Yard	\$441.00
Sheet Metal Worker	\$108.00
Temporary Trader (per location)	\$129.00/day \$877.00/yr