

LICENCE

Chapter 700 BUSINESS LICENSING

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Article 1 INTERPRETATION

700.1.1 Adult entertainment parlour - defined

"adult entertainment parlour" means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or services designed to appeal to erotic or sexual appetites or inclinations.

700.1.2 Applicant - defined

"applicant" means a person who is required to be Licensed pursuant to this Chapter or who has made an application for a Licence to the Manager of Legislative Services and shall include a Licensee.

700.1.3 Attendant - defined

"attendant" means any person other than a Licensed owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment parlour.

700.1.4 Auctioneer - defined

"auctioneer" means any person selling or putting up for sale goods, wares, merchandise or effects by public auction.

700.1.5 Business - defined

"business" means a trade, business or occupation and includes the sale or hire of goods or services on an intermittent or one-time basis, the showing for the purpose of the sale or hire of samples, patterns or specimens of any goods and any activity or thing.

700.1.6 Chief Building Official - defined

"chief building official" means the person who may, from time to time, be appointed by Council to the position of Chief Building Official in conformity with the provisions of the *Building Code Act, S.O., 1992, Chapter 23* or his designate.

700.1.7 Chief Fire Official - defined

"chief fire official" means the person who may, from time to time, be appointed by Council to the position of Chief of the Fire Department of the City or his designate.

700.1.8 City - defined

"City" shall mean The Corporation of the City of Orillia.

700.1.9 Contaminant - defined

"contaminant" shall mean any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from the activities of any person or persons that maybe expected, on reasonable grounds, to:

- (a) impair the quality of the natural environment for any use that can be made of it;
- (b) cause injury or damage to property or to plant or animal life;
- (c) cause harm or material discomfort to any person;
- (d) adversely affect the health or impair the safety of any person; or
- (e) render any property or plant or animal life unfit for use.

700.1.10 Repealed: By-law 2002-142, 18 November 2002**700.1.11 Hawker and Pedlar - defined**

"hawker and pedlar" means a person who, within the City of Orillia, goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards.

700.1.12 Issuer of Licenses - defined

"Issuer of Licenses" means the Manager of Legislative Services.

700.1.13 Keeper - defined

"keeper" shall mean the proprietor or manager of a business.

700.1.14 Licensee - defined

"Licensee" means a person who has been issued a Licence pursuant to this Chapter either in the current calendar year or in a previous calendar year and shall include an Applicant.

700.1.15 Local producer - defined

"local producer" means any person who grows local produce and who resides in abutting townships, including Townships of Severn, Ramara and Oro-Medonte.

700.1.16 Local produce - defined

"local produce" means products grown on lands in the Townships of Severn, Ramara and Oro-Medonte.

700.1.17 Mobile catering truck - defined

"mobile catering truck" means a motorized vehicle as defined by the *Highway Traffic Act* designed for the purpose of preparing, selling or dispensing food or drinks from the actual vehicle, intended for the consumption by the general public.

700.1.18 Municipal Law Enforcement Officer - defined

"Municipal Law Enforcement Officer" means a person appointed under authority of the *Police Services Act* for the purpose of enforcing City by-laws.

700.1.19(a) Newspaper/periodical distribution box - paid - defined

"newspaper/periodical distribution box - paid" means a unit, box, or similar device designed to distribute or otherwise make accessible to the public, newspapers or other periodicals by depositing a coin, token, or other payment into the unit, box or similar device to gain access to the newspapers or periodicals contained therein.

700.1.19(b) Newspaper/periodical distribution box - free - defined

"newspaper/periodical distribution box - free" means a unit, box, or similar device designed to distribute or otherwise make accessible to the public, newspapers or other periodicals for free.

700.1.20 Non-profit charitable organizations - defined

"Non-profit charitable organizations" means whether incorporated or not, which have objects and purposes that are exclusively and wholly charitable. The organization is recognized by Revenue Canada as being "charitable" and it is complying with the reporting requirements under the *Charities Accounting Act* or is completing a Public Information Return under the *Income Tax Act*.

700.1.21 Non-profit non-charitable organizations - defined

"Non-profit non-charitable organizations" means whether incorporated or not, which have objects and purposes that are both charitable and non-charitable and that raise money for the relief of poverty, the advancement of education, the advancement of religion, culture and the arts, health and welfare and for athletic clubs and associations.

700.1.22 Operator - defined

"operator" with respect to an adult entertainment parlour, means a person who alone or with others operates, manages, supervises, runs or controls an adult entertainment parlour and "operate", "operation" and other words of like import or intent shall be given a corresponding meaning.

700.1.23 Owner - adult entertainment parlour - defined

"owner" with respect to an adult entertainment parlour, means a person who alone or with others has the right to possess or occupy an adult entertainment parlour or actually does possess or occupy an adult entertainment parlour and includes a lessee of an adult entertainment parlour or of premises upon which an adult entertainment parlour is located and "own", "ownership" and words of like import or intent shall be given a corresponding meaning.

700.1.24 Owner - defined

"owner" means a person who has in respect of premises, an estate for life or a greater estate, legal or equitable or leasehold estate.

700.1.25 Partial nudity - defined

"partial nudity" means less than completely and opaquely covered human genitals or human pubic region, human buttocks or female breast below a point immediately above the top of the areola.

700.1.26 Person - defined

"person" includes a corporation or a partnership.

700.1.27 Refreshment vehicle - defined

"refreshment vehicle" means a vehicle as defined by the *Highway Traffic Act*, or portable unit designed for the purpose of preparing, selling or dispensing food or drinks intended for consumption by the general public.

700.1.28 Refuse - defined

"refuse" includes food, disposable eating utensils, paper, wood, cardboard, plastic, glass or metal products used in the preparation, serving or consumption of food or beverages offered for sale from a mobile catering truck or refreshment vehicle.

700.1.29 Rent - defined

"rent" for the purposes of Adult Entertainment means the exchange of a sum of money or other financial consideration for the temporary use of goods.

700.1.30 Salvage yard - defined

"salvage yard" shall include lands or premises whereon or wherein scrap metal, steel, plastic, lumber or other such substances or second-hand goods, are kept or stored or processed or fabricated or wrecked or sorted or cut, or any one or more of the foregoing activities takes place, whether or not any of such goods or substances are made available for sale, or for other purposes, from the said lands or premises, and without limiting the generality of the foregoing, a salvage yard shall include a wrecking yard for automobiles, other vehicles or appliances, and a yard for the storage or sale of parts thereof.

700.1.31 Second-hand goods - defined

"second-hand goods" shall include but not limited to waste paper, rags, bones, bottles, bicycles, automobile tires, old metal, and other scrap metal and salvage, automobiles, furniture.

700.1.32 Services - defined

"services" includes activities, facilities, performances, exhibitions, viewings and encounters, but does not include the exhibition of film approved under the *Theatres Act*.

700.1.33 Services - erotic - sexual - defined

"services appealing to or services that are designed to appeal to erotic or sexual appetites or inclinations" for the purposes of adult entertainment includes:

- (a) services of which a principal feature or characteristic is the nudity or partial nudity of any person; and
- (b) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

701.1.34 Specific location daily sales - defined

"specific location daily sales" means any sale that is operated by a person who sells goods, wares or merchandise from a specific location within the City of Orillia on a specific day, and such sales may be either direct or by way of sample or catalogue for delivery later but does not include fruit and vegetable stands selling local produce.

700.1.35 To provide - defined

"to provide" when used in relation to services, includes to furnish, perform, solicit or give such services and "providing" and "provision" have corresponding meanings.

Article 2 GENERAL PROVISIONS

700.2.1 Application - in writing

Every application for a Licence shall be made in writing on a form provided by Corporate Services and the required fee shall be deposited with Corporate Services at the time of application.

700.2.2 Fee - set out

The Licence fee for each Licence required shall be set out in Schedule 'A' attached to this Chapter. The fee for each Licence shall not be pro-rated.

700.2.3 Licence - term

Any Licence issued pursuant to this Chapter shall be for a period from January 1 to December 31 each year.

700.2.4 Licence - issue subject to requirements

Subject to the applicant meeting the requirements of this Chapter, the Manager of Legislative Services shall issue the said Licence.

700.2.5 Licence - displayed - clearly visible

Every Licence issued in accordance with this Chapter shall be displayed in a prominent place and be clearly visible to the public at all times.

700.2.6 Licence - carried - at all times

Every Hawker and Pedlar - Salesperson Licence, Licensed in accordance with this Chapter shall at all times, while carrying on business, carry the Licence with him/her and shall upon demand exhibit it to any Municipal By-law Enforcement Officer or Ontario Provincial Police Officer.

700.2.7 Inspections - required

Every Licence applied for pursuant to this Chapter shall be subject to the following required inspections/approvals:

- i) Zoning and Building approval
- ii) Fire Department approval
- iii) Police Department approval (excluding refreshment vehicle licence)
- iv) Health Unit approval

700.2.8 Approval - required

Approvals must be received from each department/agency as set out in Section 700.2.7 before a Licence is issued.

700.2.9 Incomplete application

Where an applicant has failed to provide any fee or document required under this Chapter for the issuance or renewal of a licence, the application shall be considered incomplete. If the application remains incomplete after thirty (30) days from the date the application was submitted, the Manager of Legislative Services may issue a Notice of Incomplete Application and close the file.

700.2.10 Refusal to issue Licence

The Manager of Legislative Services shall refuse to grant a licence under this Chapter to any person if:

- (a) any application or other document provided to the City by or on behalf of the applicant contains a false statement or provides false information;
- (b) the applicant has failed to comply with the requirements of this Chapter or other applicable By-laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity;
- (c) the Manager of Legislative Services determines that the issuing of the licence would be contrary to the public interest;
- (d) the applicant has any outstanding fine imposed under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, or successor legislation, for the contravention of any provision of this Chapter or any other municipal By-law or Provincial Statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business.

700.2.11 Suspension or revocation - general

The Manager of Legislative Services shall suspend or revoke a licence for any one or more of the grounds listed in Section 700.2.10.

700.2.12 Written notice - refusal, suspension or revocation

After a decision is made by the Manager of Legislative Services to refuse, suspend or revoke a licence, written notice of that decision shall be given forthwith to the applicant or licensee.

700.2.13 Written notice - refusal, suspension or revocation - requirements

The written notice to be given under Section 700.2.12 shall:

- (a) set out the grounds for the decision;
- (b) give reasonable particulars of the grounds for the decision;
- (c) be signed by the Manager of Legislative Services; and
- (d) state that the applicant or licensee is entitled to a hearing by the Tribunal if the applicant or licensee delivers to the City Clerk within fifteen (15) days after the notice is served, a notice in writing that adheres with Section 700.2.16, requesting a hearing by the Tribunal accompanied by an appeal fee of \$50.

700.2.14 Right to appeal

The applicant or licensee may appeal the Manager of Legislative Services' decision to refuse, suspend, revoke or to impose any condition on a licence to the Tribunal by filing a written notice of appeal with the City Clerk, within fifteen (15) days following the receipt of written notice of the Manager of Legislative Services' decision.

700.2.15 Incomplete application - no right to appeal

The issuance of a Notice of Incomplete Application is not a statutory power of decision and is not subject to appeal to the Tribunal.

700.2.16 Content of notice of appeal

Where an applicant or licensee requests a hearing before the Tribunal, the notice of appeal shall be in writing to the City Clerk and shall include:

- (a) the original signature of the applicant, or representative;
- (b) the reasons in support of the appeal;
- (c) the applicant's address, telephone number and, where available, fax number;
- (d) the name, address, and telephone number of any agent, representative, or lawyer representing the applicant.

700.2.17 Written request - hearing scheduled

On receipt of a written request for a hearing from the applicant or licensee, the City Clerk, through the Tribunal Coordinator shall schedule a hearing of the Tribunal and give reasonable notice of the date, time, and place of the hearing in accordance with Chapter 117 of the Municipal Code - Licensing Appeal Tribunal Chapter.

700.2.18 Appeal does not suspend decision

The filing of an appeal does not operate to suspend the Manager of Legislative Services' decision.

700.2.19 Deadline to appeal final

The decision of the Manager of Legislative Services shall be final if the City Clerk does not receive an appeal by the 15th day following the receipt date of the written notice of the Manager of Legislative Services' decision. A notice of appeal is ineffectual to create a right to a hearing unless it is received by the City Clerk on or before the appeal deadline.

700.2.20 Fulfill outstanding requirements

Where the Tribunal has ordered that a licence be granted, reinstated, a suspension to a licence ended or a change to the condition(s) of a licence, the applicant or licensee shall fulfill any outstanding requirements for the licence under this Chapter.

700.2.21 Licensing Appeal Tribunal Chapter applies

The provisions of Chapter 117 of the Municipal Code - Licensing Appeal Tribunal Chapter apply to any appeal that is made under this article.

700.2.22 Delivery of notice

Any written notice given under this Chapter shall be deemed to be received on the receipt date which is one of the following:

- (a) in the case of mailed documents, five (5) days following the mailing as determined from the post mark;
- (b) in the case of personal delivery, email or faxed document, the day of delivery; and
- (c) where more than one method of delivery is used, the operative receipt date for the calculation of the time for an appeal is the latest of the possible receipt dates.

700.2.23 Notice - last known business or residential address

Where any written notice is mailed under this Chapter, it is sufficient to use the applicant's or licensee's last known business or residential address.

700.2.24 Transfer - Licence

No Licence issued under the provisions of this Chapter shall be transferable unless such transfer is approved by Council.

700.2.25 Renewal - procedure

Every Licensee shall re-apply as set out in this Chapter one month prior to the expiry of the said Licence by filling out the appropriate application form.

Article 3 ADULT ENTERTAINMENT

700.3.1 Operation - without Licence - prohibited

No person shall own or operate or permit the operation of an adult entertainment parlour within the corporate limits of the City of Orillia unless the owner is Licensed to do so in accordance with the provisions of this Chapter.

700.3.2 Age restriction - knowingly permit entry

No owner or operator or any person carrying on or engaged in the trade, calling, business or occupation of an adult entertainment parlour shall knowingly permit an individual under the age of 18 years to enter or remain in the adult entertainment parlour or any part thereof.

700.3.3 Age restriction - appearance of possible violation

No owner or operator or any person carrying on or engaged in the trade, calling, business or occupation of an adult entertainment parlour shall permit an individual who appears to be under the age of 18 years to enter or remain in the adult entertainment parlour or any part thereof.

700.3.4 Physical contact - with attendant - prohibited

No owner or operator or any person carrying on or engaged in the trade, calling, business or occupation of an adult entertainment parlour shall knowingly permit any attendant, while providing services as an attendant, to touch, or to be touched by, or have physical contact with any other person in any manner whatsoever involving any part of that person's body.

700.3.5 Signs - advertising device - restrictions

No owner or operator of an adult entertainment parlour shall place or permit to be placed any sign or any other advertising device, on any land and premises occupied by an adult entertainment parlour, save and except a sign or any other advertising device containing the words "adult entertainment parlour" and the name under which the business is operated provided that such name does not include any of the following words: "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication which is used in any advertisement.

700.3.6 Location - zoning - requirement

Notwithstanding anything contained in this Chapter, no person shall own or operate an adult entertainment parlour within the corporate limits of the City of Orillia unless it is located within a Special Purpose Commercial (C3) zone as defined by Restricted Area By-law 2005-72 of The Corporation of the City of Orillia and unless the building in which the adult entertainment parlour is located is a distance of at least 600 feet from the nearest boundary of a Heritage Residential (HR) zone, First Density Residential (R1) zone, Second Density Residential (R2) zone, Third Density Residential (R3) zone, Fourth Density Residential (R4) zone, First Density Multiple Residential (RM1) zone, Second Density Multiple Residential (RM2) zone, Residential Mobile Home (RMH) zone as defined by the said Restricted Area By-law as amended.

700.3.7 Licence - limit

The maximum number of Adult Entertainment Licenses that may be issued at any one time is two.

**Article 4
AUCTIONEER****700.4.1 Operation - without Licence - prohibited**

No auctioneer or person shall operate, maintain or engage in the business, trade or occupation of an auctioneer within the City without first having obtained an Auctioneer's Licence to do so.

700.4.2 Auction - without Licence - prohibited

No auctioneer or person shall sell or put up for sale goods, wares, merchandise or effects by auction within the City without first having obtained an Auctioneer's Licence.

700.4.3 Licence - business address - name - displayed - on site

Every person who exercises the business, trade or occupation of an auctioneer shall, at the place of each auction, prominently display his or her Auctioneer's Licence, his or her name and business address and shall, on all public business, include such name and business address in the advertisement.

700.4.4 Disorder - in auction - offices - prohibited

No auctioneer shall permit any disorder in his or her auction room or offices.

700.4.5 Mock auction - prohibited

No auctioneer shall conduct or permit to be conducted any mock auction.

700.4.6 Misrepresentation - value - effects - prohibited

No auctioneer shall knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects that may be offered for sale.

700.4.7 Intentionally confusing purchaser - prohibited

No auctioneer shall do anything that is calculated to, or which may reasonably have the effect of confusing a purchaser as to the amount paid for any article or articles.

700.4.8 Use of persons to stimulate bidding - prohibited

No auctioneer shall avail himself or herself of the services of or act in concert with, persons known in the trade as "beaters", "boosters" or "shills" for the purpose of raising or stimulating bids.

700.4.9 Reserved bid announcement before bidding - required

No auctioneer shall sell or put up for sale by auction any goods, wares, merchandise or effects on a reserved bid basis without first advertising the fact of such a reserve bid prior to the auction and as well as announcing clearly to those in attendance at the auction the fact of such reserve bid.

700.4.10 Book - accounts - kept - information requirements

Every person who exercises the business, trade or occupation of an auctioneer shall keep proper books of account of the business transacted by him or her as an auctioneer. The books shall give the names and addresses of the owner of the goods, wares, or merchandise to be sold, the description of the same, the price for which the same may be sold, the names and addresses of the persons purchasing such goods, wares or merchandise or any portion thereof, and the sale price, and the auctioneer shall, after the sale of the same, or any portion thereof, account for the proceeds and pay the same to the person or persons entitled to such proceeds, less the auctioneer's proper and legal commission and charges. The auctioneer shall, in case no sale is made of such goods, on payment of his or her proper costs and charges, return such goods to the person or persons entitled to receive the same on proper demand being made thereof.

700.4.11 Daily Auction Licence - non-profit charitable organization - non-profit non-charitable organization

Every person/organization conducting an auction on behalf of a non-profit charitable organization or non-profit non-charitable organization must obtain a Daily Auction Licence.

**Article 5
HAWKER & PEDLAR****700.5.1 Operation - without Licence - prohibited**

No hawker and pedlar shall go from place to place or to a particular place within the City of Orillia, with goods, wares or merchandise for sale, or carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards without having first obtained from the City of Orillia a Licence.

700.5.2 Current Licence - required

No hawker and pedlar shall operate a specific location daily sale, unless he or she holds a current Licence, which Licence is to be known as a "pedlars and hawkers - specific location daily sales Licence."

700.5.3 Fruit/Vegetable Stand - Licence required

Every owner/operator of a fruit and vegetable stand shall obtain a Licence for each location to sell local produce only.

700.5.4 Fruit/Vegetable Stand - private property permission

Every owner/operator of a fruit and vegetable stand shall not sell local produce without first obtaining written permission of the private property owner.

700.5.5 Separate Licence - required - each location

The applicant shall take out a separate Licence for each location where goods, wares, merchandise or local produce are sold from and the applicant shall operate only in the location set out in the Licence.

700.5.6 Operation - on private property - permission required

No hawker and pedlar shall operate a specific location daily sale from a specific location without the written permission of the private property owner.

700.5.7 Operation - on City property - prohibited

No hawker and pedlar, fruit/vegetable owner/operator shall operate a specific location daily sale or a fruit and vegetable stand on City of Orillia property.

700.5.8 Commercial - zone - Hawker and Pedlar

Every hawker and pedlar operating a specific location daily sale shall be permitted in a commercial zone only.

700.5.9 Fruit/Vegetable Stand - Commercial zone

Every owner/operator of a fruit and vegetable stand shall operate in a commercial zone only.

700.5.10 Exemption

No person/organization shall be required to obtain a Licence in accordance with Article 5 if the goods, wares or merchandise are being sold on behalf of a non-profit charitable organization or a non-profit non-charitable organization.

700.5.11 Owner of Business - exemption

No owner of a business, operating in the City of Orillia shall be required to obtain a Licence in accordance with Article 5; if the goods, wares, merchandise, and/or fruit and vegetables being sold are such that are offered for sale in the aforementioned business premise and if such items are sold on the property owned/occupied by the said business.

700.5.12 Owner of business - exemption - zoning compliance

In addition to the exemption set out in Section 700.5.11, every owner of a business must comply with the City of Orillia Zoning By-law.

700.5.13 Special Events - exemption

The provisions of this Chapter shall not apply to Hawker and Pedlars who are operating in conjunction with any Council approved special event.

Article 6 REFRESHMENT VEHICLE

700.6.1 Operation - without Licence - prohibited

No person shall operate or maintain a refreshment vehicle within the municipality without first having obtained a Licence to do so.

700.6.2 Operation - on public property - street - prohibited

No person shall operate or maintain a refreshment vehicle on any public property, highway or road allowance within the municipality, unless authorized by resolution of Council.

700.6.3 Operation - on private property - approvals - required

A Licensee may operate or maintain a refreshment vehicle on private property, in which case the Licensee must obtain the prior written authorization from the property owner, receive the written approval of the Simcoe County District Health Unit and adhere to their regulations.

700.6.4 Business - name - on vehicle - clearly visible

Every vehicle shall have posted or painted, in a contrasting colour, on both side panels, in clearly visible letters, the name of the business.

700.6.5 Licence - separate - each vehicle - location specific

Every owner shall take out a separate Licence for each refreshment vehicle owned and operated by him or her, and such vehicle is required to operate only in the location set out on the Licence.

700.6.6 Inspection - vehicle - as required - upon request

Every Licensee shall at his or her own expense, whenever required to do so by the municipality, bring such vehicle to any person designated by the municipality for inspection.

700.6.7 Insurance - minimum requirement

All refreshment vehicle owners shall carry a minimum of \$2,000,000 comprehensive general liability insurance and shall furnish proof of this coverage satisfactory to the municipality prior to being Licensed.

700.6.8 Licensee - to ensure - knowledge - compliance

Every Licensee shall ensure that each operator or employee is made familiar with the contents of this Chapter and shall not permit any operator under his or her control, management, supervision or direction to breach any of the provisions of this Chapter.

700.6.9 Sound producing device - soft-toned bell - only

No vehicle shall be equipped with any sounding device for attracting attention other than a soft-toned bell or chime.

700.6.10 Location - distance from restaurant

A refreshment vehicle shall not be located for the purpose of selling refreshments within 300 feet (90 meters) of another restaurant.

700.6.11 Location - private property - restriction

A refreshment vehicle may locate on private property where a restaurant is already operating, provided written permission of the restaurant proprietor is obtained, and also provided the refreshment vehicle is still not located within 300 feet (90 meters) of any other property where a restaurant is located.

700.6.12 Location - exemption - former CPR right-of-way

The provisions of Section 700.6.2 shall not apply to vending spaces on the former CPR right-of-way as assigned by resolution of Council.

700.6.13 Location - exemption - Farmers' Market - BIA

The provisions of this Chapter shall not apply to refreshment vehicles which are:

- (a) located on the Market Square Municipal Parking Lot on Saturdays during the Farmers' Market;
- (b) located in the Business Improvement Area during special events authorized by Council;
- (c) operated in conjunction with any Council approved special event.

700.6.14 Refuse container - clean - sanitary - requirements

Every Licensee shall ensure that every refreshment vehicle is equipped with:

- (a) a metal refuse container with a self-closing lid, and such container shall be kept in a clean and sanitary condition and emptied at least once daily; and
- (b) a disposable litter container which shall be replaced at least once daily; and such containers shall be used for the disposal of all refuse.

700.6.15 Refuse container - accessible - to all persons

Every Licensee shall ensure that every refuse container is located in such a position on the vehicle so as to be easily accessible by the person making purchases.

700.6.16 Vehicle - clean - sanitary - in good repair

Every Licensee shall ensure that the vehicle and all parts and equipment for use in the dispensing of refreshments are maintained in a clean and sanitary condition and at all times in good repair.

700.6.17 Propane - vehicle - inspection - annually

Every Licensee shall ensure that where a vehicle is powered by propane or utilizes propane for food preparation, the vehicle is inspected and certified at the time of application and on an annual basis by an authorized inspector, and such certification shall be filed with the municipality annually, and at the time of application, or as may be required.

700.6.18 Propane - use - fire extinguisher - requirements

Every Licensee shall ensure that where a vehicle is powered by propane, or utilizes propane for food preparations, a minimum five pound ABC dry chemical fire extinguisher or other such extinguisher as required by the Fire Chief or his or her designate shall be mounted on the vehicle and the operator of such vehicle shall be knowledgeable in the proper use of such fire extinguisher.

700.6.19 Charitable - organizations - one day sale

Every person/organization wanting to operate a refreshment vehicle for the purposes of a one-day sale may apply for a one-day Licence in accordance with the provisions of this Chapter.

700.6.20 One day - Licence issued

Every person/organization applying for a Licence as set out in Section 700.6.19 must satisfy the Manager of Legislative Services that all proceeds will be donated to a non-profit charitable organization or non-profit non-charitable organization.

700.6.21 Sign - charitable organization - post

Every person/organization issued a one-day Licence shall clearly post a sign advising what non-profit charitable organization or non-profit non-charitable organization is benefiting from the sale of the refreshments.

Article 7 MOBILE CATERING TRUCKS

700.7.1 Operation - without Licence - prohibited

No person shall operate or maintain a mobile catering truck within the municipality without first obtaining a Licence to do so.

700.7.2 Operation - on public property - street - prohibited

No person shall operate a mobile catering truck business on any public property or highway within the municipality, unless specifically authorized by Council. Notwithstanding Section 700.7.2 a Licensee may use public streets or highways within the municipality only to get from location to location.

700.7.3 Operation - industrial - construction site - permitted

A Licensee shall operate or maintain a mobile catering truck on privately owned industrial sites, commercial areas and construction sites only.

700.7.4 Operation - time limit

A Licensee shall remain at each location for no longer than 30 minutes.

700.7.5 Business - name - on vehicle - clearly visible

Every vehicle shall have posted or painted in a contrasting color, on both side panels, in clear visible letters, the name of the business.

700.7.6 Operation - parks - recreational facilities

No Licensee shall operate a mobile catering truck in any City owned park, ball diamond or recreational facility.

700.7.7 Inspection - as required - upon request

Every Licensee shall, at the Licensee's expense, whenever required to do so by the municipality, bring the mobile catering truck to any person designated by the municipality for inspection.

700.7.8 Driver's Licence - valid

All Licensees shall furnish a valid driver's Licence prior to being Licensed and shall keep a valid driver's Licence during the operation of a mobile catering truck and the term of the Licence.

700.7.9 Refuse containers - clean - sanitary - requirements

Every Licensee shall ensure that every mobile catering truck is equipped with:

- (a) a metal refuse container with a self-closing lid, and such container shall be kept in a clean and sanitary condition and emptied at least once daily; and
- (b) disposable litter container which shall be replaced at least once daily; and such containers shall be used for the disposal of all refuse.

700.7.10 Foodstuff - wrapped - sold - individual packages

Every Licensee shall ensure that all foodstuff is wrapped or sold in individual packages.

700.7.11 Preparation - date - affixed - legible

Every Licensee shall ensure that the date of preparation is clearly and legibly marked on or affixed to the wrapper of all sandwiches or prepackaged foodstuffs sold from the vehicle.

700.7.12 Beverages - containers - individual - disposable

Every Licensee shall ensure that beverages are only sold in individual disposable containers.

700.7.13 Insurance - minimum requirement

All Licensees shall carry a minimum of \$2,000,000 comprehensive general liability insurance for each Licensed vehicle and shall furnish proof of this coverage satisfactory to the municipality prior to being Licensed and shall maintain this coverage throughout the term of the Licence.

700.7.14 Operational Plan

Every applicant for a mobile catering truck licence shall file with the Manager of Legislative Services an operational plan indicating plans for signage and waste management including disposal of grease and grey water. The operational plan shall include, but is not limited to: number and type of recycling and waste receptacles, name and address of the location where grease and grey water will be properly disposed and a letter from the owner of the said facility, should it not be accessible to the public.

700.7.15 Area of Operation - Clean and Clear

Every Licensee shall ensure:

- (a) the surrounding area is kept clean and clear of refuse during the hours of operation of the mobile catering truck; and
- (b) refuse receptacles are removed, together with all refuse collected in the receptacles or in the surrounding area upon departure of the mobile catering truck.

Article 8 SALVAGE YARDS

700.8.1 Licence - required

No person shall operate or keep a salvage yard within the City of Orillia without first obtaining a Licence to do so.

700.8.2 Site plan - requirement

In the case of an application for a Salvage Yard Licence, where the City has enacted a site plan control by-law pursuant to the provisions of Section 41 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, which would apply to the lands and premises set forth in the application, the applicant shall provide a copy of the required site plan agreement to the Manager of Legislative Services along with the application for the Licence.

700.8.3 Fence - berm - requirement

Unless otherwise specified in a site plan agreement referred to in Section 700.8.2 of this Chapter, no person shall operate a salvage yard unless that part of the yard used for the keeping, storing, processing, fabricating, wrecking, sorting, cutting or selling of any of the substances referred to in Section 700.1.29 of this Chapter, or any second-hand goods, is totally enclosed by a fence and/or berm no less than eight (8) feet and no more than twelve (12) feet in height, of a quality and material approved by the Director of Planning and Development or his/her designate, which fence and/or berm shall, at all times during the currency of any Licence issued under this Chapter, be kept in good repair and free from any kind of hazard.

700.8.4 Height of stored material - restriction

No owner or keeper of a salvage yard shall, after the coming into effect of this Chapter, place any of the substances referred to in Section 700.1.29 of this Chapter, or any second-hand goods, whether for storage or otherwise, or permit any such substances or second-hand goods to become so placed or stored, within an area five (5) metres inside of the fence required by Section 700.8.3 so as to cause any such material to be stored or piled to a height higher than one (1) foot below the height of the fence erected in compliance with that section or pursuant to a site plan agreement referred to in Section 700.8.2 of this Chapter.

700.8.5 Control - required

Every owner or keeper of a salvage yard shall take all reasonable steps to ensure the control and minimization of:

- i) litter in and around the salvage yard;
- ii) dust in the salvage yard and on the roadways in its immediate vicinity;
- iii) the presence of rodents and other pests;
- iv) unnecessary noise caused by machinery or equipment and noise disturbing to members of the public;
- v) harmful and other negative effects upon the quality of life of inhabitants in the vicinity of the salvage yard.

700.8.6 Lighting - required

Lighting shall be installed, maintained and used in every salvage yard in a manner sufficient to protect the health and safety of persons within the salvage yard, and those coming to or leaving such yard.

700.8.7 Contaminant - minimized

No goods, substances, or materials containing one or more contaminants or likely to contain such contaminants shall be brought on to the salvage yard property or dealt with by a Licensee, unless all steps are taken by the owner or keeper, necessary to control and minimize the potentially harmful effects of any such contaminants.

700.8.8 Liquid waste - removal - condition imposed

A condition may be imposed upon the issuing of a Licence, that a schedule or specified time periods be adhered to by a Licensee for ensuring the regular, timely and safe removal of any liquid wastes which are contaminants from the salvage yard property.

700.8.9 Hours of operation - condition imposed

A condition may be imposed upon the issuing of a Licence, such requirements as to hours of operation of a salvage yard as are deemed appropriate to prevent a nuisance to surrounding residents and users of land, and as are agreed upon by the applicant as a condition upon the issuing of the Licence.

700.8.10 Inspections - condition

It shall be a condition of every Licence issued under this Chapter that any person duly authorized by Council may at all reasonable times inspect any places or premises or part thereof used for the carrying on of any salvage yard business which is Licensed or required to be Licensed under this Chapter and any such person so authorized may inspect the books, records or other documents of the Licensee relating to such trade, calling, business or occupation in conjunction with the regulation thereof.

**Article 9
NEWSPAPER DISTRIBUTION BOX -
PERIODICAL DISTRIBUTION BOX**

700.9.1 Licence- required

No person shall place a newspaper distribution box or a periodical distribution box on public property without first having obtained a Licence to do so.

700.9.2 Attached - prohibited

No person shall affix, attach or secure in any way any newspaper distribution box or periodical distribution box to the boulevard or any tree, pole, post, building structure or object unless authorized by the City of Orillia.

700.9.3 Placement - intersection - Engineering and Transportation Department

The City of Orillia Engineering and Transportation Department must approve every applicant requesting a Licence to place a newspaper distribution box or a periodical distribution box on or near an intersection

700.9.4 Maintenance - required

All newspaper distribution boxes or periodical distribution boxes shall be maintained to include but not limited to:

- (i) free and clear of any graffiti;
- (ii) free and clear from chipped paint and rust.

700.9.5 Name of business - clearly posted

All newspaper distribution boxes and periodical distribution boxes shall have clearly posted the name of the newspaper or periodical.

700.9.6 Business Improvement Area - permitted locations only

Within the Business Improvement Area as defined by Chapter 100 of the City of Orillia Municipal Code, newspaper distribution boxes or periodical distribution boxes shall be permitted in the following locations only:

1. South east side of Mississauga Street east of Front Street (at the LCBO) - all Newspaper/Periodical Distribution Boxes.
2. Peter Street west side, beside Royal Bank Business Centre - paid Newspaper/Periodical Distribution Boxes

3. Peter Street South, west side in front of Copy Xpress - free Newspaper/Periodical Distribution Boxes
4. Peter Street South, east side in front of Royal Bank Personal Banking - free Newspaper/Periodical Distribution Boxes
5. North east corner of West Street at Mississaga Street - all Newspaper/Periodical Distribution Boxes

Article 10 ENFORCEMENT

700.10.1 Fine contravention - person - adult entertainment

Every corporation who contravenes any of the provisions in Article 3 of this Chapter and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and shall, upon conviction thereof, be liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year or both.

700.10.2 Fine contravention - corporation - adult entertainment

Where a corporation is convicted of any of the provisions in Article 3 of this Chapter, the maximum penalty that may be imposed on the corporation is \$50,000.

700.10.3 Fine - contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.

700.10.4 Hinder or Obstruct

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter, or any person lawfully acting in aid of such an Officer. Without limiting the generality of the meaning of "hinder" or "obstruct", a person shall be deemed to have obstructed or hindered an Officer in the execution of their duties if he or she:

- (a) provides false information to an Officer; or
- (b) is alleged on reasonable and probable grounds to have contravened any of the provisions of this Chapter, and fails to identify themselves to an Officer upon request.

700.10.5 Obstruction - enforcement

Any person who hinders or obstructs a person lawfully carrying out the enforcement of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.

700.10.6 Notice - unpaid licensing fine

If any part of a fine for a contravention of this Chapter remains unpaid after the fine becomes due and payable under Section 66 of the *Provincial Offences Act*, including any extension of time for payment ordered under that Section, the City Treasurer or his or her agent may give the person against who, the fine was imposed written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice, by delivering the notice or causing it to be delivered to that person at the person's residence or place of business.

700.10.7 Distress - unpaid licensing fines

If the fine referred to in Section 700.10.6 remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to unpaid taxes for the purpose of Section 351 of the *Municipal Act, S.O. 2001, Chapter 25* as amended.

700.10.8 Rebuttable presumption - identification

In a prosecution for a contravention of this Chapter, evidence of identification shall be presumed to be correct and accurate, unless rebutted by evidence to the contrary.

**Article 11
ENACTMENT****700.11.1 Effective date**

That the provisions of this Chapter come into effect on January 1, 2006.

700.11.2 Article 9 - effective date

The provisions of Article 9 shall be in effect from January 1, 2006 until December 1, 2006.

Adopting By-law: By-law 1999-134, 20 September 1999.

By-law Amendments: By-law 1999-141, 4 October 1999; By-law 1999-161, 29 November 1999; By-law 2000-71, 29 May 2000; By-law 2000-92, 26 June 2000.

Adopting By-law: By-law 2002-142, 18 November 2002.

Repealed and Replaced: By-law 2005-188, 12 December 2005.

By-law Amendments: By-law 2006-174, 23 October 2006; By-law 2007-52, 2 April 2007; By-law 2007-185, 10 December, 2007; By-law 2009-135, 26 October 2009; 28 November 2011, By-law 2011-137; By-law 2013-123, 30 September 2013; By-law 2014-72, 24 July 2014; By-law 2015-81, 28 September 2015; By-law 2016-125, 12 December 2016; By-law 2017-14, 13 February 2017.

Schedule 'A'

ANNUAL LICENCE FEES

Type of Business	2012 Licence Fee	2013 Licence Fee	2014 Licence Fee	2015 Licence Fee
Adult Entertainment	\$1444	\$1487	\$1532	\$1578
Auctioneer One-day auction, non-profit charitable organizations and non-profit non-charitable organizations	\$422 \$28	\$435 \$29	\$448 \$30	\$461 \$31
Hawker & Pedlar 1. Door-to-door sales 2. Specific location 3. Fruit/Veg. Stand	\$448/person \$181/day/location \$422/location	\$461 \$186 \$435	\$475 \$192 \$448	\$489 \$198 \$461
*Refreshment Vehicle One-day sale, non-profit charitable organizations and non-profit non-charitable organizations	\$482 \$28	\$496 \$29	\$511 \$30	\$526 \$31
Catering Trucks	\$699	\$720	\$742	\$764
Salvage Yards	\$591	\$609	\$627	\$646
Newspaper/Periodical Distribution Box Paid and Free	\$181/box/location	\$186	\$192	\$198
Former C.P.R. Right-of-Way Daily - Student Seasonal - Student				\$85 \$42.50 \$764 \$382

*No owner of an existing business that primarily sells food, operating in the City of Orillia shall be required to pay a refreshment vehicle licence fee, if the refreshment vehicle is located at the aforementioned business premise.