

**A Consolidated Licensing By-law for
the Municipality of Chatham-Kent respecting the
licensing, regulating, and governing of certain businesses**

Consolidated Business Licensing By-law No. 151-2022
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BY-LAW NUMBER 151-2022

CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

A Consolidated Licensing By-law for
the Municipality of Chatham-Kent respecting the licensing,
regulating, and governing of certain businesses.

FINALLY PASSED the 8th day of August, 2022

WHEREAS Council considers it in the public interest to enact a by-law to licence, regulate and govern various classes of businesses;

AND WHEREAS Part IV of the *Municipal Act, 2001* allows the enactment of by-laws to licence, regulate and govern Businesses, and to impose conditions on the obtaining, holding and keeping of Licences to carry on such businesses;

AND WHEREAS Council wishes to exercise its powers over Businesses, the Persons carrying on or involved in the operation of the Businesses including the powers to impose conditions on the obtaining, holding or renewing of Licences and for the suspension, denial and revocation of Licences as this By-law and the *Municipal Act, 2001* provide;

AND WHEREAS the regulation of the Businesses in this By-law, the requirement for a Licence and the imposition of such conditions will aid in the application and enforcement of this By-law and other laws so as to assist in allowing, amongst other things, for the identification and qualification of the Persons responsible for the operation of the Business, the identification of the location of Businesses, the regulation and inspection of equipment, Vehicles, Premises and other property used to carry on Business, and allowing for the protection of Persons dealing with or affected by such Businesses and Persons;

AND WHEREAS section 391(1) of the *Municipal Act, 2001* provides that a Municipality may impose fees and charges on Persons;

NOW THEREFORE the Council of the Municipality of Chatham-Kent enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

"**Additional Fee**" shall mean a fee imposed by the Municipality on a Business at any time during the term of the Licence for costs incurred by the Municipality attributable to the activities of the Business;

"**Adult Entertainment Event**" shall mean an occurrence conducted by a Person or Business providing entertainment appealing to or designed to appeal to erotic or sexual appetites or inclinations within a facility other than an Adult Entertainment Parlour;

"**Adult Entertainment Operator**" shall mean a Person who alone or with others operates, manages, supervises, runs, or controls an Adult Entertainment Parlour;

"Adult Entertainment Owner" shall mean a Person who owns or has possession of an Adult Entertainment Parlour;

"Adult Entertainment Parlour" shall mean any Premises or part thereof in which Adult Entertainment Services is provided;

"Adult Entertainment Services" shall mean activities, facilities, performances, exhibitions, viewing and encounters in which:

- a) a principal feature or characteristic is the nudity or partial nudity of any person; or
- b) 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 sign or advertisement and without restricting the generality of the foregoing, includes any performance, exhibition or activity involving striptease dancers, go-go dancers, exotic dancers, table dancers, wet clothing contests, bikini contests, mud wrestling, Jell-O wrestling or best body part contests;

"Applicant" shall mean a Person who is required to be Licensed pursuant to this By-law or who has made application for a Licence to the Issuer of Licences, and shall include a Licensee;

"Attendant" shall mean any Person other than a Licensed Adult Entertainment Owner and Adult Entertainment Operator who provides Adult Entertainment Services at an Adult Entertainment Parlour;

"Attendant Registration Form" shall mean a form completed by the Attendant containing the legal name, address, date of birth, telephone number, stage name, and social insurance number of each Attendant;

"Bed and Breakfast Establishment" shall mean a single detached dwelling in which the resident(s) offers for hire or rent a maximum of 5 sleeping rooms with cumulative maximum capacity for 10 persons, for the temporary sleeping accommodation of the travelling public, with the provision of at least one meal;

"Bedroom" shall mean a room, or area in a dwelling unit, or small or large rental

dwelling unit, equipped, used or designed with the intended use for sleeping.

“Building” shall mean a fixed, fully enclosed, non-moveable structure of permanent nature and shall, without limitation, not include a tenant, booth, stall, or motorized vehicle (whether operable or not);

“Business” means:

- a) trades and occupations;
- b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
- c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and
- d) the display of samples, patterns or specimens of goods for the purpose of sale or hire;

but does not include:

- a) a manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail;
- b) the sale of goods by wholesale; or
- c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources; and

For the purposes of this definition a Business shall be deemed to be carried on within the Municipality if any part of the Business is carried on within the Municipality;

“Charitable Organization” shall mean any charity that is registered with the Federal Government, and has a registered charity number that has been issued or a non-profit organization with charitable purposes or objects providing public benefit, as approved by the Issuer of Licences;

“Chartered Bank Annual Consumer Loan Rate” shall mean the most recent chartered bank – consumer loan rate set out in Table 176-0043 of the Bank of Canada Financial Market Statistics;

“Chief of Police” shall mean the Chief of Police of the Chatham-Kent Police Service, or authorized delegate;

“Commercial Taxpayer” shall mean a Person who pays property taxes to the

Municipality, whether directly or through a tenancy, on a commercial property related to the Business;

“**Council**” shall mean the Municipal Council of The Corporation of the Municipality of Chatham-Kent;

“**Day Sales**” shall mean the sale of goods for a one to three day consecutive period from one specific location such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot where the use is permitted in the Municipality’s Zoning By-law;

“**Door to Door Sales**” shall mean any person engaged in the sale of goods or services on a door to door sales basis including Salespersons or agents;

“**Employee**” shall mean any Person working in or for the Licensed Business whether or not that Person receives remuneration for the work;

“**Fire Chief**” shall mean the Fire Chief of the Chatham-Kent Fire and Emergency Services, or authorized delegate;

“**Food Premises**” shall mean any Premises where food or drink, intended for human consumption are prepared for sale, offered for sale or sold, including storage locations accessory thereto, for either immediate consumption within the Premises or off the Premises. Such Premises shall include but is not limited to bakeries, grocery stores, fish shops, butcher shops, convenience stores, caterers, cafes, lunch counters, cafeterias, restaurants, public hall, brewery, wine preparation etc., but does not include any Mobile Food Premises.

“**Fruit and Vegetable Stand**” shall mean any Premises, with or without permanent Buildings, where fruit and vegetables may be sold;

“**Group Home**” shall mean a dwelling used to provide supervised living accommodation as per the requirements of its residents, licensed or funded under the Province of Ontario or Government of Canada legislation, for a maximum of 10 persons, exclusive of staff, living together in a single housekeeping unit. The dwelling shall be wholly utilized by the Group Home occupants and any counseling or support services provided in the Group Home shall be limited to those required by the residents. A Group Home does not

include a place of detention, correction or probation and is not intended for temporary care or occupation;

“Highway” includes a common and public highway, street, avenue, 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, as defined in the *Highway Traffic Act, as amended*;

“Hotel/Motel” shall mean one or more adjacent Buildings or part thereof primarily used for the purposes of catering to the needs of the traveling public wherein individual sleeping facilities are provided in separate units each containing sanitary facilities and which may contain cooking facilities. Accessory uses may include restaurants, rooms licensed under the *Liquor Licence Act*, recreational facilities, and conference and convention facilities. There shall be two classes for Hotel/Motel:

Hotel/Motel Class 1: Inspections required by Health and Fire

Hotel/Motel Class 2: Inspection required by Fire

“Issuer of Licences” shall mean the person in the position of Manager, Licensing Services of the Municipality of Chatham-Kent, or authorized delegate;

“Licence” shall mean the certificate issued pursuant to this By-law as proof of licensing under this By-law;

“Licensed” shall mean Licensed under the provisions of this By-law;

“Licensee” shall mean a Person who has been issued a Licence pursuant to this By-law;

“Local Retailer” shall mean any Person which provides for the selling or offering for sale of goods or services at a Building or other structure located within the Municipality of Chatham-Kent for at least one year which is subject to property tax in the Municipality;

“Lodger” shall mean a tenant who rents a Bedroom in a Rental Dwelling Unit, Large;

“Medical Officer of Health” shall mean a Person appointed pursuant to the

Health Protection and Promotion Act as the Medical Officer of Health for the Chatham-Kent Public Health Unit, or authorized delegate;

“Mobile Food Premises” means a trailer, food truck, cart, vehicle-mounted food premise, refreshment stand, bicycle, or other itinerant food premise which is capable of being readily moved and in which food and or beverage is prepared and offered for sale to the public;

“Motor Vehicle” shall mean an automobile, a motorcycle, a motor assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine, as defined by the Highway Traffic Act, as amended;

“Municipality” shall mean the Corporation of the Municipality of Chatham-Kent or the geographic area of the Municipality of Chatham-Kent as the context suggests;

“Non-Commercial Taxpayer” shall mean a person who does not pay property taxes to the Municipality on a commercial property related to the Business;

“Notice of Additional Fee” shall mean a written notice from the Issuer of Licences to a Licensee advising of the requirement to pay an Additional Fee;

“Officer” shall mean a Provincial Offences Officer as defined in section 1(1) of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, which includes a By-law Enforcement Officer of the Municipality or a Police Officer of the Chatham-Kent Police Service;

“Old Gold or other Precious Metals” shall mean used gold, precious metals, jewelry or other similar articles;

“Old Gold or other Precious Metals Dealer” shall mean a Business dealing in Old Gold or other Precious Metals or other similar articles, including but not limited to, buying, selling or trading such items;

There shall be two classes of Old Gold or Other Precious Metals Dealers:

Class A – per event – up to 3 consecutive days – one location

Class A-1 – Commercial Taxpayer

Class A-2 – Non-Commercial Taxpayer

Class B – 4 days to 1 year – one location

Class B-1 – Commercial Taxpayer

Class B-2 – Non- Commercial Taxpayer

“Owner” shall mean the Person with control of a Business Licensed under this By-law, and/or the registered legal owner of the Premises in or on which a Business is operated, as the context may suggest;

“Pawnbroker” shall mean a Person who carries on the Business of taking by way of pawn or pledge any article for the repayment of money lent thereon;

“Pawn Shop” shall mean any place where the Business of a Pawnbroker is carried on;

“Payday Loan Establishment” shall mean any Premises where a Business licensed as a lender or a loan broker under the *Payday Loans Act, 2008* is carried out;

“Person” shall mean a natural Person, a partnership, a body corporate and any association, and the heirs, executors, administrators, successors and assigns or other legal representatives thereof to whom the context may apply;

“Personal Service Setting” shall mean a Business or Premises offering personal services to the hair, skin, or body, where there is a risk of exposure to infectious agents. These services shall include but are not limited to manicures, pedicures, body piercing, waxing, facials, hairstyling, barbering, tattooing, microblading, micropigmentation, body modification (ie. branding, scarification), electrolysis, laser hair removal, microdermabrasion or any other similar treatment or service;

“Premises” shall mean any land including any and all Buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the Business;

“Private Property” shall mean all property in the Municipality and includes property of the Crown or any publicly owned body corporate or legal entity, but does not include any Highway;

"Proof of Insurance" shall mean a certified copy of a policy of insurance or a certificate of insurance that shows the proof of liability coverage as required under this By-Law 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, Chap. I.8, as amended. Such insurance policy shall contain an endorsement to provide the Issuer of Licences with thirty (30) days' prior written notice of cancellation or of a material change that would diminish coverage;

"Rent" shall mean the remuneration or the provision of services, or both, paid or required to be paid by a tenant or Lodger;

"Rental Dwelling Unit, Large" shall mean a dwelling unit containing five or more Bedrooms, which is rented either as a single housekeeping unit or where individual Bedrooms are offered for Rent. None of a Bed and Breakfast Establishment, Group Home, Hotel/Motel, or Residential Care Facility shall be considered a Rental Dwelling Unit, Large;

"Residential Care Facility" shall mean supervised living accommodation that may include associated support services, and is:

- a) Licensed or funded under the Province of Ontario or Government of Canada legislation;
- b) meant for semi-independent or group living arrangements; and
- c) for more than ten persons, exclusive of staff;

"Retirement Home" shall mean a residential complex licensed under the *Retirement Homes Act* (RHA) which provides rental accommodation to 6 or more persons, primarily over the age of 65, wherein residents occupy lodging rooms as their primary residence for the purpose of receiving care services, whether or not receiving the services is the primary purpose of the occupancy, and wherein 2 or more care services as prescribed by the RHA (including but not limited to health care services, rehabilitative or therapeutic services or assistance with the activities of daily living) are provided to the residents. Residents reside in individual or shared sleeping rooms which may have cooking facilities for the exclusive use of the occupants;

"Safety Standards Certificate" shall mean a safety standards certificate issued pursuant to sections 88 to 100 of the *Highway Traffic Act*,

"Salesperson" shall mean a Person operating the following:

- Day Sales
- Door to Door Sales
- Fruit and Vegetable Stand
- Trade Show

"Salvage Materials" shall mean metal scrap, or wiring which included but is not limited to utility cable;

"Salvage Yard" shall mean an establishment or Premises where Salvage Materials are stored wholly or partly in the open, including but not limited to junk yards, scrap yards, and automobile wrecking yards if the establishment receives Salvage Materials;

"Seasonal Housing" shall mean a Building used for the housing of labour accessory to a permitted use, that contains sleeping rooms, may contain cooking facilities, and shall not be the primary residence of the Employee(s). There shall be two classes of Seasonal Housing:

Seasonal Housing Class 1: More than four occupants

Seasonal Housing Class 2: Four or less occupants

"Second Hand Goods" shall mean, but is not limited to, jewellery, collectibles, electronic goods, bicycles and tools, but does not include any household kitchen or laundry appliances, any furniture excluding audio, video and other electronic devices, any cookware, glassware and eating utensils that do not contain precious metals, and any clothing or shoes;

"Second Hand Shop" shall mean any Premises in which the purchasing, selling, exchanging, or otherwise dealing in Second Hand Goods is carried on;

"Special Event" shall mean an event as described in the Municipality's Special Events Manual;

"Summer Camp" shall mean any camp and any Premises used or maintained by a Charitable Organization or used as a non-profit campground for the purpose of providing accommodations for group camping for youth;

“Tobacco Sales” shall mean any Premises or Business where cigars, cigarettes and/or tobacco products are sold or offered for sale by retail;

“Tourist/Trailer Camp” shall mean a parcel or portion thereof where two or more sites are available for recreational sleeping accommodation by the traveling public, members and guests, where the operator provides cottages/cabins. There shall be two classes of Tourist/Trailer Camps:

Tourist/Trailer Camp Class 1: Health and Fire inspection required

Tourist/Trailer Camp Class 2: Fire inspection required

“Trade Show” shall mean the exhibiting or offering for sale on a temporary basis at one location, goods, wares or merchandise, which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer;

“Traffic and Parking By-law” shall mean By-law 245-2004 or any such By-law passed by Council as a successor By-law to By-law 245-2004;

“User Fee By-law” shall mean the By-law passed by Council on an annual basis setting the user fees for municipal services;

“Vapour Product” shall mean an electronic cigarette, an e-substance, or any component of an electronic cigarette and includes the package in which the electronic cigarette, e-substance, or component is sold;

“Vapour Product Sales” shall mean any Premises or Business where vapour products are sold or offered for sale by retail;

“Vehicle” shall mean a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car as defined by the *Highway Traffic Act*, as amended;

“Vending Zone Permit” shall mean a permit authorizing a Licensee to conduct its Business on Municipal property;

2. INTERPRETATION

2.1 This By-law includes the Schedules annexed hereto and the Schedules are

hereby declared to form part of this By-law.

2.2 Where the time for doing any act or taking any proceeding expires on a Saturday, Sunday, or any public holiday as determined by the Province of Ontario or Corporation of the Municipality of Chatham-Kent, the act or proceeding may be done or taken on the next business day.

2.3 Where notice is sent by mail, the date of service on the Applicant is the date of three business days following the date of mailing.

2.4 It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

3. ISSUER OF LICENCES AND OFFICER'S POWERS

3.1 The Issuer of Licences is authorized to administer the provisions of this By-law.

3.2 The Issuer of Licences may refuse to issue, or revoke any or each of the Licences held by a Licensee, for cause and without limiting the generality of the foregoing for:

- a) a breach of the law,
- b) anything which may be in any way adverse to the public interest,
- c) the belief that the Person will not carry on or engage in the Business in accordance with the law or with honesty and integrity,
- d) any other matter which the Issuer of Licences is authorized by law to consider, or
- e) any violation of the provisions of this By-law or a related By-law.

3.3 The Issuer of Licences may suspend a Licence for cause for any period that is less than the unexpired part of the period for which it was issued in lieu of revocation as provided in section 3.2.

3.4 The Issuer of Licences may impose conditions as a requirement of obtaining, continuing to hold, or renewing the Licence, including special conditions.

3.5 The Issuer of Licences is authorized to administer the provisions of this By-law on behalf of the Municipality, including enforcement, together with such other Officers

as may be necessary.

3.6 The Issuer of Licences may suspend any Licence in an emergency situation for the time and subject to the conditions set out in section 18.

4. INSPECTION AND ENFORCEMENT POWERS

4.1 The Issuer of Licences and Officers are hereby authorized to inspect:

- a) as much of any place or Premises as is used for the carrying on of the Business,
- b) any books, records or other documents of or relating to any such Business, or
- c) each Motor Vehicle operated, provided or used in the Business.

4.2 No Person shall obstruct, hinder, or otherwise interfere with any of the inspections or enforcement activities referred to in this section.

4.3 Licensee shall produce any books, records or other documents of or relating to any such Business to the Issuer of Licenses or Officers when requested.

4.4 If the Issuer or Licences or an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the Person who contravened the By-law, or who caused or permitted the contravention, to discontinue the contravention and/or do work to correct the contravention.

4.5 An order under this section 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 or dates by which the work must be completed.

4.6 Every Person shall comply with an order made under this by-law.

5. LICENCES

5.1 A Licence shall be taken out for each of the Businesses set out in Schedule "A" of this By-law, and/or by a Person where indicated in the schedules of this By-law.

5.2 Every Licensee Licensed under this By-law shall adhere to all requirements of this By-law and any conditions of the Licence issued to the Licensee.

5.3 Where a Licensee operates a Business at more than one Premises or from more than one Motor Vehicle, the Licensee shall take out a Licence for each Premises or Motor Vehicle.

5.4 No Person shall carry on or engage in a Business listed in Schedule "A" under this By-law unless he/she obtain such a Licence or Licences.

6. APPLICATIONS AND ISSUANCE OF A LICENCE

6.1 The following types of applications for the issuance of a Licence may be made:

- a) an original Licence, and
- b) the renewal of a Licence.

6.2 On the application for an original Licence or the renewal of a Licence respecting any of the Businesses set out in Schedule "A", the Applicant shall:

- a) complete the prescribed forms,
- b) furnish to the Municipality such information as the Municipality may direct to be furnished, including but not limited to:
 - i. Zoning compliance,
 - ii. Proof of Insurance,
 - iii. Proof of ownership of land/lease,
 - iv. Copy of a business name registration (master business licence) from the Province of Ontario,
 - v. Safety Standards Certificate, except in the case of a new Motor Vehicle obtained directly from a Motor Vehicle agency within three (3) months from the effective date of the Motor Vehicle registration, and,
 - vi. Ontario Motor Vehicle Registration Permits for the Licence period for which the renewal is applied for, issued pursuant to the *Highway Traffic Act*.
 - vii. Police record check, if requested, that is dated within 30 days of submitting the Licence application. Such a search must be provided by the Police Service located in the municipality where the Licensee or Employee permanently resides;

- viii. Information or documentation required for a Vending Zone Permit, if operating on Municipal property.
- c) if a corporation: file copies of the letters of incorporation, or other incorporating documents, duly certified by the proper government official or department, showing a list of all current signing officers of the corporation,
- d) if a partnership: provide the names and addresses of each member of the partnership as well as the name under which they carry on Business,
- e) file the completed application with payment in full of the Licence fee as set out in sections 11 and 12, any applicable late fee, and any outstanding Additional Fees.
- f) proof of any inspections as may be required by the Issuer of Licences.

6.3 With respect to the payment required by clause (e) of section 6.2,

- a) the late fee is non-refundable in whole or in part, and
- b) the Licence fee payment shall,
 - i. if the Licence is granted, be applied toward the payment of the Licence fee for the Licence period in respect of which the Licence is issued, and
 - ii. if the Licence is not granted, be returned to the Applicant less 25% of the Licence fee.
- c) where more than one Licence is required by the same Business, the higher of the fees may be charged if a separate inspection is not required.

6.4 A refund of the Licence fee shall not apply where the Applicant has outstanding Additional Fees which exceed the Licence fee.

7. RENEWAL OF LICENCE

7.1 The Licensee shall, on the renewal of the Licence,

- a) apply on or before the expiry date set out on the Licence, and

- b) furnish to the Municipality such information that would be required for an original Licence as the Issuer of Licences may direct.

8. INVESTIGATIONS FOR ISSUANCE OF LICENCE

8.1 The Issuer of Licences may, upon receipt of an application referred to in section 6, make or cause to be made all investigations required by law or by the Municipality relative to such application.

8.2 Despite section 8.1, the Issuer of Licences may renew the Licence upon being satisfied that, where applicable,

- a) any inspection required under the Schedules of this By-law has been completed as required, and
- b) there is no report in writing on file to the effect that the Licensee has failed to comply with any provision of this By-law or, where applicable, a condition on which the Licence was issued imposed by the Issuer of Licences or the period for which the Licence was granted.

9. CONDITIONS FOR ISSUANCE OF LICENCE

9.1 An Applicant for an original Licence, or the renewal of a Licence, is entitled to be issued the Licence, except where:

- a) the Applicant has not:
 - i. completed the prescribed application forms,
 - ii. delivered with the application payment in full of the processing fee, the late fee, if applicable, and the Licence fee as set out in sections 16 and 17 to be paid in respect of such Licence, or
 - iii. complied with the Licence requirements set out in this By-law for the applicable Business,
- b) the conduct of the Applicant affords reasonable grounds for belief that the Applicant has not carried on, or will not carry on, his or her Business in accordance with the law and with integrity and honesty,
- c) there are reasonable grounds for belief that the carrying on of the

Business by the Applicant has resulted, or will result, in a breach of this By-law or any other law,

- d) there are reasonable grounds for belief that the carrying on of the Business may be adverse to the public interest or,
- e) any Additional Fee imposed on the Applicant remains unpaid after the due date on any Notice of Additional Fee which has been sent to the Applicant.

10. NOTICE OF ISSUANCE OF LICENCE

10.1 If the investigations referred to in section 8 and the provisions of section 9 are complied with and the issuance of the Licence has been approved, the Issuer of Licences may issue the Licence personally or send it by ordinary mail to the Applicant at the address shown on the application.

11. FEES

11.1 The fees for all Licences under this By-law shall be as set out in the User Fee By-law for the Municipality of Chatham-Kent, as amended, or any successor By-law.

12. ADDITIONAL FEE AND LATE FEE

12.1 Despite any provision of this By-law, the Issuer of Licences may impose an Additional Fee on a Licensee by way of a Notice of Additional Fee at any time during the term of the Licence for costs incurred by the Municipality attributable to the activities of the Business.

12.2 The Notice of Additional Fee shall,

- a) be sent to the Licensee by mail or served personally at the address last on file with the Issuer of Licences; and
- b) provide the Licensee with sixty (60) days from the date the Notice of Additional Fee is received by the Licensee to pay the outstanding amount.

12.3 A late fee shall apply to any renewal of a Licence where the Licensee has not renewed the Licence before the Licence expiry date, and to any Application where the Application is not made at least two weeks prior to the date of

commencement of the Business.

13. LICENCE PERIOD

13.1 Every Licence issued by the Issuer of Licences shall, unless it is expressed to be for a shorter or longer period of time, be in effect for one (1) year and shall expire in each year on the date set out in Column 2 of Schedule "A" opposite the description of the Licence set out in Column 1 of Schedule "A".

14. LICENCE CERTIFICATE

14.1 The Licence Certificate shall be numbered and include:

- a) the name of the Licensee;
- b) the Business of the Licensee;
- c) the address of the Business;
- d) the category of the Business Licence;
- e) the date of issuance of the Licence;
- f) the date of expiration of the Licence; and
- g) the make, model, serial number and Motor Vehicle registration number issued under the *Highway Traffic Act*, if applicable.

14.2 Where an original Licence has been lost or destroyed, the Issuer of Licences, upon receipt of an affidavit to that effect furnished by the original holder thereof or by some Person having personal knowledge of the loss or destruction of the Licence, may issue a duplicate Licence to the Licensee upon payment of the appropriate fee.

14.3 No Licensee shall alter, erase, or modify a Licence, or allow alteration, erasure or modification of a Licence without the approval of the Issuer of Licences.

14.4 Every Licensee shall carry on Business in the Municipality in the name set out on the Licence issued under this By-law and shall not carry on Business in the Municipality under any other name.

15. ISSUANCE OF LICENCE

15.1 Upon issuance of a Licence, the Issuer of Licences shall furnish to the Licensee the Licence certificate or validation sticker and such other items as set out in this By-law for the applicable Business.

16. INSURANCE

16.1 Every Proof of Insurance required pursuant to the provisions of this By-law shall be kept in force by the Licensee for the period for which the Licence is in effect inclusive of any renewal thereof.

16.2 No Licensee who is required to file Proof of Insurance with the Issuer of Licences shall fail to maintain in force and to renew the same in a timely manner and to pay the premium due thereon.

16.3 Where a Licensee fails to provide up-to-date Proof of Insurance, or where a Proof of Insurance is cancelled or expires, the associated Licence will automatically be suspended coincidentally with the expiration of the Proof of Insurance.

17. REFUSAL OF ISSUANCE OF LICENCE

17.1 The Issuer of Licences shall refuse to issue to the Applicant the Licence applied for if the conditions for issuance in section 9 have not been met.

17.2 The Issuer of Licences shall give the Applicant notice of the refusal to issue the Licence applied for in writing, said notice to be served personally or by mail to the Applicant at the address shown on the application.

18. LICENCE SUSPENSION OR REVOCATION

18.1 In addition to any other penalty, a Licence issued under the authority of this By-law may be suspended or revoked upon such grounds and in accordance with such procedural provisions as are set out in this By-law.

18.2 Suspensions may be initiated by the Issuer of Licences or Officer where a cheque for the Licence fee has not been honoured, or in any situation that has resulted or may reasonably be expected to result in an emergency situation and without limiting the generality of the foregoing, these situations may include:

- a) where the Licensee has breached any law,
- b) where the Licensee has done anything that is in any way adverse to the public interest,
- c) where a Motor Vehicle is deemed to be mechanically unsafe, including but not limited to body damage with sharp edges, holes in

the floor boards, unserviceable tires, doors not closing properly, wire protruding from the seat or any other mechanical defect that would render the motor unfit;

18.3 Prior to suspending a Licence, the Issuer of Licences shall provide the Licensee with the reasons for the suspension in writing and an opportunity to respond to them, unless in the opinion of the Issuer of Licences an immediate suspension is required.

18.4 Where a Licence has been suspended or revoked, no Person shall refuse to deliver the Licence to the Issuer of Licences or shall in any way prevent or hinder the Issuer of Licences from receiving or taking the same.

18.5 No Licensee shall operate or carry on the Business for which the Licence was issued while the Licence is under suspension.

19. APPLICATION FOR REVIEW OF REFUSAL TO ISSUE

19.1 An Applicant in receipt of a notice of refusal given pursuant to section 17, or a suspension of a Licence pursuant to section 18 may apply for an appeal of the refusal to the By-law Appeal Committee pursuant to By-law No. 132-2018 or any successor by-law.

20. NOTIFICATION OF CHANGES

20.1 Every Licensee shall or cause to be notified the Issuer of Licences in writing within seven (7) days of the happening of the following events:

- a) any change in the Licensee's address or telephone number,
- b) sale, transfer or termination of the Business,
- c) retirement of the Licensee,
- d) in the situation where the Licensee provided the name and address of his or her Business affiliate or employer, any change in the named Business affiliate or employer, or
- e) any change of address, telephone number or Ontario Licence Plate Number of a Motor Vehicle that is registered with the Ontario Ministry of Transportation and any change of Motor Vehicle ownership and appropriate insurance endorsement.

20.2 In the case of the death of the Licensee, the Person administering the estate should notify or cause to be notified the Issuer of Licences in writing.

GENERAL REGULATIONS

21. LICENCE AVAILABILITY

21.1 Where a Licence relates to a Premises, the Licensee shall ensure that his or her Licence is posted in a prominent and conspicuous location on the Premises, so as to be visible to the public. Where a Licence does not relate to a Premises, every Licensee shall carry the said Licence upon his or her Person when operating under the Licence.

21.2 Every Licensee shall, when so requested by the Issuer of Licences or Officer, produce the Licence for inspection.

22. FALSE OR INCORRECT INFORMATION

22.1 No Person shall give false or incorrect information for the purposes of obtaining a Licence.

23. SUBJECT TO LAWS

23.1 All Licences and Licensees are subject to all applicable Acts, regulations, and By-laws, and all Licensees shall comply with the same.

24. PROPERTY OF THE MUNICIPALITY

24.1 A Licence remains the property of the Municipality, whether in the lawful possession of a Licensee or not. No Licensee shall enjoy a vested right in the continuance of a Licence. Upon the issuance, cancellation, or suspension of a Licence the Licence shall immediately be returned to the Issuer of Licences.

25. DUTY TO COMPLY

25.1 Every Person applying for or holding a Licence under this By-law shall, in such application or in carrying on or engaging in the Business in respect of which the Licence is issued, observe, comply with, and be governed by this By-law.

26. NO DISCRIMINATION

26.1 No Licensee shall discriminate against any member of the public, in the carrying on of the Business in respect of which the Licence is issued because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation,

gender identity, gender expression, age, marital status, family status or disability.

27. EMPLOYEES ACTS

27.1 Every Licensee shall be responsible for the act or acts of any of his or her Employees or any Person associated with the Licensee in the carrying on of any of the Businesses authorized by his or her Licence in the same manner and to the same extent as though such act or acts were done by the Licensee.

28. CONDITIONAL LICENCES

28.1 Every Licensee shall comply with every condition imposed upon the Licence.

29. NON-TRANSFERABLE LICENCE

29.1 Any Licence issued pursuant to this By-law cannot be transferred to any other Person. Any Person seeking to operate the same Business as the previous Licensee, or out of the same Building, requires a new Licence and shall make application for such a Licence in accordance with the terms of this By-law.

30. OFFENCES AND PENALTIES

30.1 Every Person who contravenes any of the provisions of this By-law or the conditions of a Licence is guilty of an offence and, upon conviction, is liable to a fine established in accordance with section 429 of the Municipal act, 2001, as follows:

- a) a set fine under Part I of the Provincial Offences Act not exceeding one thousand (\$1000) dollars; or
- b) a fine under Part III of the Provincial Offences Act as follows:
 - i. in the case of an individual, of a fine not more than ten thousand (\$10,000) dollars; and
 - ii. in the case of a corporation, of a fine not more than fifty thousand (\$50,000) dollars.

31. PROHIBITION ORDER

31.1 When a Person has been convicted of an offence under this By-law any court of competent jurisdiction may, in addition to any other penalty imposed on the Person convicted, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

32. GENERAL PROVISIONS

32.1 This By-law may be referred to as the Chatham-Kent Consolidated Business Licensing By-law.

33. REPEALS, AMENDMENTS, TRANSITION AND ENACTMENT

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

| By-Law No. | Name of By-law |
|-------------------|---|
| 178-2015 | Consolidated Business Licensing By-law |
| 75-2018 | Amending By-law – Rental Dwelling Unit, Large |
| 112-2018 | Amending By-law – Payday Loan Establishments |
| 134-2019 | Amending By-law – Salvage Yards |
| 162-2019 | Amending By-law – Adult Entertainment Parlour |

33.2 Despite the repeal of the foregoing By-laws:

- a) the By-laws shall continue to apply to proceedings in respect of offences that occurred before its repeal; and
- b) all Licences issued under the By-laws that are in effect at the time of the repeal shall be deemed to be Licences as issued under this By-law, with all necessary modifications, and all the rules, requirements and regulations of this By-law shall apply.

33.3 This By-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, AND SECOND AND THIRD TIME this 8th day of August, 2022.

Original signed by:

Mayor – Darrin Canniff

Original signed by:

Clerk - Judy Smith

Schedule A

Consolidated Business Licensing By-law
Licence Types and Expiry Dates

| Item Description | Expiry |
|--|---------------|
| Adult Entertainment Parlour | * |
| Bed and Breakfast Establishment | * |
| Food Premises | * |
| Group Home | * |
| Hotel/Motel | * |
| Mobile Food Premises | May 31st |
| Old Gold or Other Precious Metals Dealer - Class A-1 - Commercial Taxpayer - per event – up to 3 consecutive days – one location | ** |
| Old Gold or Other Precious Metals Dealer - Class A-2 - Non-Commercial Taxpayer - per event – up to 3 consecutive days – one location | ** |
| Old Gold or Other Precious Metals Dealer - Class B-1 - Commercial Taxpayer - 1 year – one location | * |
| Old Gold or Other Precious Metals Dealer - Class B-2 - Non-Commercial Taxpayer - 4 days to 1 year – one location | ** |
| Pawn Shop | * |
| Payday Loan Establishment | * |
| Personal Service Setting | * |
| Rental Dwelling Unit, Large | * |
| Residential Care Facility | * |
| Retirement Home | * |
| Salesperson - Day Sales - maximum 3 consecutive days | ** |
| Salesperson - Door to Door Sales - maximum 3 consecutive days | ** |
| Salesperson - Fruit and Vegetable Stand (produce grown outside Chatham-Kent) - monthly | ** |
| Salesperson - Trade Show – maximum 3 consecutive days | ** |
| Salvage Yards | * |
| Seasonal Housing | March 31st |
| Second Hand Shop | * |
| Summer Camp | * |
| Tobacco Sales and/or Vapour Product Sales | * |
| Tourist/Trailer Camp | * |
| Vending Zone Permit | ** |
| Business Licence Late Renewal Fee | n/a |
| * end of the month plus one year from date of issuance | |
| **date specified on Licence | |
| Additional Fees- The Issuer of Licences shall be authorized to charge a Licensee for any direct costs incurred by the Municipality in relation to the administration or enforcement of a Licence. | |

Consolidated Business Licensing By-law

Table of Contents for Schedules

| Licence Type | Schedule |
|--|-----------------|
| <u>Adult Entertainment Parlour</u> | B |
| <u>Bed and Breakfast Establishment</u> | C |
| <u>Food Premises</u> | D |
| <u>Group Home</u> | E |
| <u>Hotel/Motel</u> | F |
| <u>Mobile Food Premises</u> | G |
| <u>Old Gold or Other Precious Metals Dealer</u> | H |
| <u>Pawn Shop</u> | I |
| <u>Payday Loan Establishment</u> | J |
| <u>Personal Service Setting</u> | K |
| <u>Rental Dwelling Unit, Large</u> | L |
| <u>Residential Care Facility</u> | M |
| <u>Retirement Home</u> | N |
| <u>Salespersons</u> | O |
| <u>Salvage Yards</u> | P |
| <u>Seasonal Housing</u> | Q |
| <u>Second Hand Shop</u> | R |
| <u>Summer Camps, Tourist/Trailer Camps</u> | S |
| <u>Tobacco Sales and/or Vapour Product Sales</u> | T |
| <u>Signage and Public Notice To Be Given By Any Licensed Person(s)</u> | Appendix 1 |

Schedule B
Adult Entertainment Parlour

LICENCE

1. The Municipality intends to Licence no more than one (1) Licensed Adult Entertainment Parlours providing Adult Entertainment Services in the Municipality, based upon the community's size and population. In order to procure a valid Licence from the Municipality an Applicant must demonstrate on reasonable grounds, the need for an additional Adult Entertainment Parlour providing service in the Municipality. Any increase in the number of Adult Entertainment Parlours providing Adult Entertainment Services beyond one (1) will require the approval of Council.
2. No Person or Business shall carry on an Adult Entertainment Event within the Municipality of Chatham-Kent.
3. No Licence shall be issued or renewed for an Adult Entertainment Parlour unless the Applicant is at least nineteen (19) years of age;
4. No Licence shall be issued or renewed for an Adult Entertainment Parlour unless the Applicant has provided a satisfactory completed Police record check 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;
 - e) Any other criminal offence which, in the opinion of the Chief of Police, is material to the issuance of the Licence.

Following review of the Police record checks for all Licensees, should the Chief of Police determine that the Licensee should not be Licensed then the Issuer of Licenses shall either:

- a) refuse to issue the Licence; or
- b) issue the Licence with conditions to address this direction.

AGE LIMITS

5. a) No Licensee, Adult Entertainment Owner or Adult Entertainment Operator shall permit any Person under the age of nineteen (19) years of age to enter or remain in the Adult Entertainment Parlour.
b) Every Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall have a system in place at the Adult Entertainment Parlour that determines that each Person entering the Adult Entertainment Parlour is nineteen (19) years of age or older.
6. No Licensee, Adult Entertainment Owner or Adult Entertainment Operator shall employ a Person under the age of eighteen (18) years of age in an Adult Entertainment Parlour.

ATTENDANT REGISTRATION FORM

7. Every Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall require every Attendant to complete an Attendant Registration Form prior to such Attendant providing Adult Entertainment Services in the Adult Entertainment Parlour.
8. No Licensee, Adult Entertainment Owner or Adult Entertainment Operator shall permit any Person who has not completed an Attendant Registration Form to provide Adult Entertainment Services at the Adult Entertainment Parlour.

9. The completed Attendant Registration Form shall include the following information:
 - a) Legal Name and stage name/performing name;
 - b) Current address;
 - c) Former address, if changed within 2 years;
 - d) Legible photocopies of two (2) pieces of valid identification, one of which must contain photographic identification of the Attendant:
 - i. Birth Certificate;
 - ii. Driver's Licence;
 - iii. Canadian passport;
 - iv. Canadian citizenship card with a photograph of the Person to whom the card is issued;
 - v. Ontario Photo Card;
 - vi. Social Insurance Card; or
 - vii. If from another jurisdiction, the equivalent of above.
10. Every Licensee, Adult Entertainment Owner, Adult Entertainment Operator shall have the Attendant complete an Attendant Registration Form at least once a year, or where any change of information occurs.
11. An Attendant Registration Form is valid for one (1) year from the date it is completed.
12. Every Adult Entertainment Operator shall provide the Chief of Police and the Issuer of Licences every Attendant Registration Form at least 6 hours prior to the Attendant working within an Adult Entertainment Parlour.
13. No Licensee, Adult Entertainment Owner, Adult Entertainment Operator, Attendant or any other Person shall falsify any information contained within the Attendant Registration Form.
14. Every Adult Entertainment Operator shall obtain, review and verify that the information provided to him/her by the Attendant is consistent with the information contained on the Attendant Registration Form.
15. Every Adult Entertainment Operator shall retain an original copy of the Attendant Registration Form, together with legible photocopies of identification provided by the Attendant, for a minimum of three (3) years.

GENERAL CONDITIONS

16. No Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall, in respect of any Adult Entertainment Parlour operated by such Persons, permit any Attendant, while providing Adult Entertainment Services as an Attendant, to be touched by any Person for whom the Attendant is performing Adult Entertainment Services on the breast, pubic area or buttocks and no such Attendant shall permit any such Person to touch his or her breast, pubic area or buttocks while performing such Adult Entertainment Services.
17. No Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall, in respect of any Adult Entertainment Parlour operated by such Persons, permit any Attendant, while providing Adult Entertainment Services as an Attendant, to touch any Person for whom the Attendant is performing Adult Entertainment Services on the pubic area and no such Attendant shall touch any such Person on his or her pubic area while performing such Adult Entertainment Services.
18. No Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall, in respect of any Adult Entertainment Parlour operated by such Persons, permit any Attendant, while providing Adult Entertainment Services as an Attendant, to touch any other Attendant on the pubic area and no such Attendant shall touch any other Attendant on his or her pubic area while performing such Adult Entertainment Services.

19. No Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall, in respect of any Adult Entertainment Parlour operated by such Persons, permit any Attendant, while providing Adult Entertainment Services as an Attendant, to engage in or permit any anal or vaginal penetration and no such Attendant shall engage in or permit any anal or vaginal penetration while performing such Adult Entertainment Services.
20. No Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall operate an Adult Entertainment Parlour except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
21. No Licensee, Adult Entertainment Owner and Adult Entertainment Operator shall permit any Attendant to 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.
22. No Attendant 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.
23. The Licensee, Adult Entertainment Owner and Adult Entertainment 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 Parlour.
24. 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 Parlour, or any photograph, drawing or other artistic rendering Adult Entertainment Services designed to appeal to erotic or sexual appetites or inclinations.

Schedule C
Bed and Breakfast Establishment

1. No Licence shall be issued without a successful inspection by the Medical Officer of Health of the Municipality, as follows:
 - In the case of an initial application for a Licence, the Premises shall be inspected by the Medical Officer of Health after an Application is submitted and before a Licence is issued.
 - In the case of a renewal of a Licence, the Premises shall be inspected by the Medical Officer of Health either during the current calendar year or in the previous calendar year of the Licence renewal submission. In the case where an inspection has not been completed within the current or previous calendar year due to the inability of the Medical Officer of Health to complete the inspection, a renewal of a licence will be issued if approval has been given by the Medical Officer of Health to issue said licence.
2. No Licensee shall operate a Bed and Breakfast Establishment except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
3. Every Person shall ensure that each guestroom is provided with clean linens, including towels, any other customary toilet supplies for each registered individual on a daily basis.
4. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
5. Every Person shall at the time of application, provide the Issuer of Licences with a list detailing the number of rooms and number of beds in each room offered by the Bed and Breakfast Establishment, and provide a floor plan of the Bed and Breakfast.
6. Every Licensee shall maintain a register in which is entered the following:
 - a) the name and last address of every patron;
 - b) the date of arrival and departure of every patron;
 - c) the number of the room occupied by such patron; andThe Licensee shall ensure that the register required under this section shall be kept for a minimum of one year.
7. Every Licensee shall post in a prominent location at the entrance to their place of Business, a sign with the wording detailed in Appendix "1".

Schedule D
Food Premises

1. No Licence shall be issued without a successful inspection by the Medical Officer of Health of the Municipality, as follows:
 - In the case of an initial application for a Licence, the Premises shall be inspected by the Medical Officer of Health after an Application is submitted and before a Licence is issued.
 - In the case of a renewal of a Licence, the Premises shall be inspected by the Medical Officer of Health either during the current calendar year or in the previous calendar year of the Licence renewal submission. In the case where an inspection has not been completed within the current or previous calendar year due to the inability of the Medical Officer of Health to complete the inspection, a renewal of a licence will be issued if approval has been given by the Medical Officer of Health to issue said licence.
2. No Licensee shall operate a Food Premises except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
3. No Licence fee shall be payable under this Schedule by any religious organization or board of education for a public hall provided that the use is solely for events given or held by it.
4. Except as otherwise indicated in this by-law or a schedule thereof, a separate Licence is required for each Food Premises and each Mobile Food Premises operated by a Licensee and Licences shall not be transferable between any such Premises.

Schedule E
Group Home

1. No Licence shall be issued without a successful inspection by the Medical Officer of Health of the Municipality, as follows:
 - In the case of an initial application for a Licence, the Premises shall be inspected by the Medical Officer of Health after an Application is submitted and before a Licence is issued.
 - In the case of a renewal of a Licence, the Premises shall be inspected by the Medical Officer of Health either during the current calendar year or in the previous calendar year of the Licence renewal submission. In the case where an inspection has not been completed within the current or previous calendar year due to the inability of the Medical Officer of Health to complete the inspection, a renewal of a licence will be issued if approval has been given by the Medical Officer of Health to issue said licence.
2. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
3. No Licensee shall operate a Group Home except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.

Schedule F
Hotel/Motel

1. Where a health inspection is required for a Hotel/Motel licence, no Licence shall be issued without a successful inspection by the Medical Officer of Health of the Municipality, as follows:
 - In the case of an initial application for a Licence, the Premises shall be inspected by the Medical Officer of Health after an Application is submitted and before a Licence is issued.
 - In the case of a renewal of a Licence, the Premises shall be inspected by the Medical Officer of Health either during the current calendar year or in the previous calendar year of the Licence renewal submission. In the case where an inspection has not been completed within the current or previous calendar year due to the inability of the Medical Officer of Health to complete the inspection, a renewal of a licence will be issued if approval has been given by the Medical Officer of Health to issue said licence.
2. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
3. No Licensee shall operate a Hotel/Motel except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
4. Every Licensee shall at the time of application, provide the Issuer of Licences with a list detailing the number of rooms offered by the establishment.
5. Every Licensee shall maintain a register in which is entered the following:
 - a. the name and last address of every patron;
 - b. the date of arrival and departure of every patron;
 - c. the number of the room occupied by such patron; andThe Licensee shall ensure that the register required under this section shall be kept for a minimum of one year.
6. Every Licensee shall post in a prominent location at the entrance to their place of Business, a sign with the wording detailed in Appendix "1".
7. Deliver a completed copy of the register referred to in section 5 of this Schedule to the Issuer of Licences and/or the Chief of Police upon request by the Issuer of Licences and/or Chief of Police. Such register shall be open to inspection by the Issuer of Licences and/or an Officer during all times during business hours and may be removed at any time by the Issuer of Licences and/or an Officer for inspection, or use in the Courts, if necessary;

Schedule G
Mobile Food Premises

1. No Licence shall be issued
 - a) without a successful inspection by the Medical Officer of Health of the Municipality, as follows:
 - In the case of an initial application for a Licence, the Premises shall be inspected by the Medical Officer of Health after an Application is submitted and before a Licence is issued.
 - In the case of a renewal of a Licence, the Premises shall be inspected by the Medical Officer of Health either during the current calendar year or in the previous calendar year of the Licence renewal submission. In the case where an inspection has not been completed within the current or previous calendar year due to the inability of the Medical Officer of Health to complete the inspection, a renewal of a licence will be issued if approval has been given by the Medical Officer of Health to issue said licence.
 - b) without the approval of the General Manager of Infrastructure and Engineering Services, or designate, for locations of Mobile Food Premises on or near a Highway;
2. No Licensee shall operate a Mobile Food Premises
 - a) in contravention of the Highway Traffic Act, the Food Premises Regulation, the Traffic and Parking By-law of the Municipality or any other applicable law;
 - b) in a residential area with the exception of a Mobile Food Premises operated by human powered vehicles or motor-assisted human powered vehicles;
 - c) within three hundred feet (300') of the customers' entrance to a licensed Food Premises if the licensed Food Premises, in the opinion of the Issuer of Licences, sells similar prepared foods;
 - d) on Private Property unless written permission is provided by the Owner of the Private Property where the Mobile Food Premises will operate from;
 - e) within twenty feet (20') of a bus stop area;
 - f) on the property of the Municipality unless a Vending Zone Permit is obtained from the Municipality to operate at such location;
 - g) in a location other than the exact location(s) approved by the Issuer of Licences as set out on the Licence;
 - h) in such a manner as to interfere with the movement of vehicle or pedestrian traffic;
 - i) in a location that, in the opinion of the Issuer of Licenses, may impede the movement of vehicles or pedestrians along a street, boulevard or sidewalk, or create a public safety hazard;
3. Licensee shall:
 - a) Submit a completed attestation form at the time of annual Application;
 - b) Ensure that a garbage receptacle is placed outside of the Mobile Food Premises and is collected and disposed of in a proper and sanitary manner;
 - c) Maintain general liability insurance in the amount of one million dollars during the licenced period, and provide a valid certificate of insurance upon application for a Licence;
 - d) Maintain and provide proof of automobile insurance for Mobile Food Premises that are Motor Vehicles for the entire licensed period;
 - e) Maintain and provide proof of ownership of a Mobile Food Premises that is a Motor Vehicle for the entire licensed period;

- f) Provide the Issuer of Licences, if requested, with a site plan depicting the exact location of the Mobile Food Premises on the property at the time of application of the Licence, and the Licensee shall not operate the Mobile Food Premises except in that exact location. The Issuer of Licences may require a different location at any time, and where such a change is made, the new location shall be deemed to be the approved location for the purpose of the Licence.
- 4. No Licence is required for a Mobile Food Premises that is part of a Special Event, if the Licensee is on the approved list of vendors for the event.
- 5. A Licensee who is the Owner or operator of more than one Mobile Food Premises shall take out a separate licence for each Mobile Food Premises.
- 6. For Licensees of Mobile Food Premises which are operated by human powered vehicles or motor-assisted human powered vehicles, the Municipality may issue a single Mobile Food Premises licence for all such human powered vehicles or motor-assisted human powered vehicles operated by the Business if all inspections are completed simultaneously;
- 7. A Licensee shall provide a satisfactory completed Police record check dated within 30 days of submitting the Licence application and annually during renewal time. Said search shall be provided by the Police Service located in the municipality where the Licensee permanently resides prior to the issuance of a Licence to any Person, to ensure that the Licensee has not been convicted of any criminal offences related to the following activities in the previous ten years:
 - a) Indecent acts;
 - b) Sexual assault;
 - c) Any other criminal offence which, in the opinion of the Chief of Police, is material to the issuance of the Licence.

Following review of the police record checks for all Licensees, should the Chief of Police determine that the Licensee should not be Licensed then the Issuer of Licenses shall either:

- a) refuse to issue the Licence; or
 - b) issue the Licence with conditions to address this direction.
8. Each year the Mobile Food Premises is renewed by May 31. In the event of initial applications filed after the annual renewal date, the Issuer of Licences may pro-rate the application fee due in proportion to the amount of time remaining in the one-year licence period.

Schedule H
Old Gold or Other Precious Metals Dealer

1. No Licensee shall obtain any Old Gold or other Precious Metals from any Person who is known to be or appears to be:
 - a) under the age of eighteen years; or
 - b) under the influence of alcohol or drugs or vulnerable for any other reason.
2. No Licensee shall obtain any Old Gold or other Precious Metals between the hours of 11 p.m. one day and 7 a.m. the following business day.
3. No Licensee shall obtain Old Gold or other Precious Metals without requesting and being presented with government issued identification containing a photograph and the name of the Person selling, exchanging or disposing of the Old Gold or other Precious Metals.
4. No Licensee shall alter, sell, exchange, repair, dispose of or in any way part with any Old Gold or other Precious Metals obtained until after the expiration of fifteen business days from the date of obtaining the Old Gold or other Precious Metals and during those fifteen business days such Old Gold or other Precious Metals shall remain on the Premises, or such other location in the Municipality as approved by the Issuer of Licences, in respect to which the Licence is issued and shall be kept in a separate location from any other Old Gold or other Precious Metals. Provided that if the Old Gold or other Precious Metals were obtained by a Licensed dealer from another dealer Licensed under the Consolidated Business Licensing By-law if the other Licensed dealer had held the Old Gold or other Precious Metals for the requisite fifteen business days. The Chief of Police shall have the authority to extend the fifteen day period for a further 7 days by providing notice to a Person Licensed under the Consolidated Business Licensing By-law.
5. Every Licensee shall keep a complete and legible register in which shall be entered a record of all Old Gold or other Precious Metals obtained. Each entry in the registry shall:
 - a) be in the English language written in ink in a plain, legible hand;
 - b) be made at the time of obtainment or immediately thereafter;
 - c) include the date and hour of the obtainment;
 - d) contain a full description of the Old Gold or other Precious Metals, without limiting the generality of the foregoing including materials, size, and inscription;
 - e) contain a price paid for the Old Gold or other Precious Metals;
 - f) contain a description of the Person from whom the old gold and other precious metals was obtained including the name, address, birth date on the identification presented, the signature of the Person, and the type of identification presented; and
 - g) contain a photograph of the old gold piece or pieces or other precious metals, clearly showing each piece and any identifying marks, and linking photograph to the registered item.
6. Every Licensee shall post in a prominent location at the entrance to their place of Business, a sign with the wording detailed in Appendix "1".

7. Every Licensee shall deliver or cause to be delivered at the office of the Chief of Police, by fax or email, a complete copy of the register of the purchases, containing information as set out in this Schedule. Licensees with a permanent presence in Chatham-Kent shall provide a copy of the register to the Chief of Police each week detailing the purchases from the previous week. Any Licensees without a permanent presence in Chatham-Kent shall provide a copy of the register to the Chief of Police immediately following completion of the old gold event.
8. Every Licensee shall provide a copy of any record required to be maintained under this Schedule to an Officer upon demand and shall ensure that such records are open to inspection by an Officer during business hours.
9. Every Licensee shall, upon any Person offering to him or her goods or articles of any kind, which he or she has cause to suspect have been stolen or otherwise unlawfully obtained, report the facts known to him or her to an Officer promptly.
10. Every Licensee shall retain the original register and pictures for one year.
11. Every application for a Licence shall be submitted by the Issuer of Licences to the Chief of Police and may also be referred to any other government official for a report; and where any such report is negative or unfavourable to the Applicant and where the Issuer of Licences intends to rely on this report for refusing a Licence, suspending a Licence or imposing conditions on a Licence, the Applicant shall be furnished with a copy of such report.
12. The Issuer of Licences may require Licensees to submit police record checks for all Licensees, current Employees and for new Employees dated within 30 days of submitting the Licence application. The searches shall be provided by the Police Service located in the municipality where the Licensee or Employee permanently resides or has its head office or place of Business, prior to the issuance of a Licence to any Person. The searches must show that the Licensee and Employees have not been convicted of any criminal offences in the previous ten years related to the following activities:
 - a) Theft
 - b) Possession of stolen property
 - c) Break and enter
 - d) Any other criminal offence which, in the opinion of the Chief of Police, is material to the issuance of the Licence.

Following review of the police record checks for all Licensees and Employees, should the Chief of Police determine that the Licensee or Employee should not be Licensed then the Issuer of Licences shall either:

 - a) refuse to issue the Licence; or
 - b) issue the Licence with conditions to address this direction.
13. A Licensee with a valid Class B-2 – Non- Commercial Taxpayer Business must notify the Issuer of Licences each time an event is to be held if the Business is not operated on a daily basis.

Schedule I
Pawn Shop

1. Every Applicant shall provide the Issuer of Licences at the time of application, security in the form of a Letter of Credit or cash security deposit in the amount of \$2,000.00, for the due observance of the provisions in the *Pawnbrokers Act*, R.S.O. 1990. Such Letter of Credit or cash security deposit must be valid for the duration of the Licence.
2. Every Licensee shall comply at all times with all provisions of the *Pawnbrokers Act*, R.S.O. 1990.
3. Every Licensee shall provide a copy of any record required to be maintained under the *Pawnbrokers Act*, R.S.O. 1990. to an Officer upon demand and shall ensure that such records are open to inspection by an Officer during business hours.
4. Every Licensee shall provide a register as prescribed under the *Pawnbrokers Act*. Said register shall be complete and legible.

Schedule J
Payday Loan Establishment

1. Every Applicant for such Licence shall, before a Payday Loan Establishment Licence may be issued, submit the following for the approval of the Issuer of Licences:
 - a) Proof of a current and valid licence as a lender or a loan broker under the *Payday Loans Act, 2008*;
 - b) accurate, scale representations of the posters that will be displayed in accordance with sections 7 and 8 of this Schedule; and
 - c) the credit counselling information that will be given in accordance with section 9 of this Schedule.

NUMBER OF LICENCES

2. No more than 5 (five) Payday Loan Establishment Licences shall be issued at any one time.
3. No new Payday Loan Establishment shall be located in the Municipality and no Payday Loan Establishment Licence shall be issued except for the locations listed under section 6 of this Schedule.
4. Council may consider a request to substitute a new Premises for an existing Payday Loan Establishment Premises.
5. Notwithstanding section 2 of this Schedule, Payday Loan Establishments permitted to operate within the Municipality by a licence under the *Payday Loans Act, 2008* and listed in section 6 herein shall be deemed to be Premises permitted to continue operating such Businesses, provided:
 - a) each Business maintains a License under this By-law;
 - b) no Business undergoes a change to the original Licensee or location of the Licensed Premises;
 - c) each Premises continues to be used for the purpose of operating a Payday Loan Establishment; and
 - d) Business carried out by the Payday Loan Establishment at each Premises remains in compliance with this By-Law.
6. The following municipal addresses are in actual use as Payday Loan Establishments in the Municipality and are eligible to be Licensed as such under this Schedule:
 - a) 525 Grand Avenue West, Chatham
 - b) 380 Queen Street, Unit #6, Chatham
 - c) 419 St. Clair Street, Chatham
 - d) 425 St. Clair Street, Unit #5, Chatham
 - e) 828 Dufferin Avenue, Wallaceburg

POSTER FOR RATES

7. Every Licensee of a Payday Loan Establishment shall display a poster at each of the Premises authorized by his or her *Payday Loans Act, 2008* licence that:
 - a) has been approved in advance by the Issuer of Licences;
 - b) is in English;
 - c) is visible to any Person immediately upon entering the Premises;
 - d) is of a minimum size of 61 centimetres in width by 91 centimeters in length; and
 - e) consists of:
 - i. in 144 point font, a heading setting out the words “Our Annual Interest Rate” and the amount of the Payday Loan Establishment’s annual interest rate, which may be shown on a replaceable card attached to the face of the poster or by any other similar means, immediately below the heading;
 - ii. in 144 point font, a heading setting out the words “Chartered Bank – Annual Consumer Loan Rate” and the Chartered Bank Annual Consumer Loan Rate, which may be shown on a replaceable card attached to the face of the poster, immediately below the heading; and
 - iii. in 34 point font and below 7e)i. and 7e)ii. the words “This poster is required under Schedule J of the Municipality of

POSTER FOR CREDIT COUNSELLING

8. Every Licensee of a Payday Loan Establishment shall display a poster at each of the Premises authorized by his or her *Payday Loans Act, 2008* licence that:
- a) has been approved in advance by the Issuer of Licences;
 - b) is in English;
 - c) is visible to any Person immediately upon entering the Premises;
 - d) is of a minimum size of 61 centimetres in width by 91 centimetres in length; and
 - e) consists of:
 - i. in 144 point font, a heading setting out the words "Credit Counselling";
 - ii. in 144 point font, a heading setting out the word "Contact" followed by one or more of the following credit counselling agencies:
 - Credit Counselling Canada,
 - Canadian Association of Credit Counselling Services,
 - Ontario Association of Credit Counselling Services,
 - Canadian Association of Independent Credit Counselling Agencies,together with their respective telephone number and email address; and
 - iii. in 34 point font and below 8e)i. and 8e)ii. the words "This poster is required under Schedule J of the Municipality of Chatham-Kent's Consolidated Business Licensing By-law."

CREDIT COUNSELLING INFORMATION

9. Every Licensee of a Payday Loan Establishment shall ensure that each Person who attends at his or her Premises is given, immediately upon him or her expressing interest in a loan, credit counselling information that has been approved in advance by the Issuer of Licences.

Schedule K
Personal Service Setting

1. No Licence shall be issued without a successful inspection by the Medical Officer of Health of the Municipality, as follows:
 - In the case of an initial application for a Licence, the Premises shall be inspected by the Medical Officer of Health after an Application is submitted and before a Licence is issued.
 - In the case of a renewal of a Licence, the Premises shall be inspected by the Medical Officer of Health either during the current calendar year or in the previous calendar year of the Licence renewal submission. In the case where an inspection has not been completed within the current or previous calendar year due to the inability of the Medical Officer of Health to complete the inspection, a renewal of a licence will be issued if approval has been given by the Medical Officer of Health to issue said licence.
2. No Licensee shall operate a Personal Service Setting except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
3. This Schedule does not apply to a Person who provides medical or therapeutic treatment and is a member of a College of Health profession set out in Schedule 1 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended.
4. No Person shall work as a hair stylist in a Personal Service Setting unless qualified to do so under the *Apprenticeship and Certification Act, 1998*. The Licensee shall make available a copy of the Certificate of Qualification required by law to any customer or Officer requesting.

Schedule L
Rental Dwelling Unit, Large

1. No Licence shall be issued without a successful inspection by the Medical Officer of Health of the Municipality, as follows:
 - In the case of an initial application for a Licence, the Premises shall be inspected by the Medical Officer of Health after an Application is submitted and before a Licence is issued.
 - In the case of a renewal of a Licence, the Premises shall be inspected by the Medical Officer of Health either during the current calendar year or in the previous calendar year of the Licence renewal submission. In the case where an inspection has not been completed within the current or previous calendar year due to the inability of the Medical Officer of Health to complete the inspection, a renewal of a licence will be issued if approval has been given by the Medical Officer of Health to issue said licence.
2. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief or designate before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
3. No Licensee shall operate a Rental Dwelling Unit, Large except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
4. The Issuer of Licences may provide for a maximum number of permitted Lodgers in the Rental Dwelling Unit, Large, which may be indicated on the Licence. No Licensee Licensed under this Schedule and By-law shall permit more Lodgers to be housed in the Premises to which the Licence applies than is indicated on the said Licence.
5. No Licensee shall permit any Lodger to occupy for sleeping purposes any space in a Building or other structure used as a lobby, hallway, closet, bathroom, stairway or kitchen.
6. No room within a Rental Dwelling Unit, Large shall be used as a Bedroom, except where a Bedroom has been depicted on the initial Licence application which was submitted to the Municipality.

Schedule M
Residential Care Facility

1. No Licence shall be issued without a successful inspection by the Medical Officer of Health of the Municipality, as follows:
 - In the case of an initial application for a Licence, the Premises shall be inspected by the Medical Officer of Health after an Application is submitted and before a Licence is issued.
 - In the case of a renewal of a Licence, the Premises shall be inspected by the Medical Officer of Health either during the current calendar year or in the previous calendar year of the Licence renewal submission. In the case where an inspection has not been completed within the current or previous calendar year due to the inability of the Medical Officer of Health to complete the inspection, a renewal of a licence will be issued if approval has been given by the Medical Officer of Health to issue said licence.
2. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
3. No Licensee shall operate a Residential Care Facility except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.

Schedule N
Retirement Home

1. No Licence shall be issued without a successful inspection by the Medical Officer of Health of the Municipality, as follows:
 - In the case of an initial application for a Licence, the Premises shall be inspected by the Medical Officer of Health after an Application is submitted and before a Licence is issued.
 - In the case of a renewal of a Licence, the Premises shall be inspected by the Medical Officer of Health either during the current calendar year or in the previous calendar year of the Licence renewal submission. In the case where an inspection has not been completed within the current or previous calendar year due to the inability of the Medical Officer of Health to complete the inspection, a renewal of a licence will be issued if approval has been given by the Medical Officer of Health to issue said licence.
2. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
3. No Licensee shall operate a Retirement Home except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
4. In addition to the general provision of the Consolidated Business Licensing By-law any Licensee operating a Retirement Home, as defined under the *Retirement Homes Act*, shall comply with all provisions of that Act.

Schedule O
Salespersons

FRUIT AND VEGETABLE STAND

1. No Licence shall be required under the Consolidated Business Licensing By-law by any Person operating or maintaining a Fruit and Vegetable Stand within the Municipality for which all fruit and vegetables sold or offered for sale have been grown on a Premises within the Municipality, or for a permanent retail Business selling fruit and vegetables in conjunction with regular business sales.

DAY SALES

2. Local Retailers shall obtain a Licence for Day Sales if the retailer is operating at an alternative temporary location but shall be exempt from paying the Licence fee.
3. No Licence fee shall be payable under this Schedule for any Special Event.
4. No Licensee shall operate or maintain the Business of a flower vendor within three hundred feet (300') of the customers' entrance to a florist.
5. No Licensee shall perform Day Sales on Private Property unless written permission is provided by the Owner of the property where the Days Sales will occur, and proof of such permission is kept on site at all times of operation.
6. Where Day Sales occur outside of a permanent structure, the Licensee shall provide the Issuer of Licences with a site plan depicting the exact location of where the Day Sales will occur on the property at the time of application for the Licence, and the Licensee shall not operate except in that exact location. The Issuer of Licences may require a different location at any time, and where such a change is made, the new location shall be deemed to be the approved location for the purpose of the Licence.

DOOR TO DOOR SALES

All Licensees or Employees shall be in compliance with the *Consumer Protection Act*, as amended, and any other relevant legislation.

7. No Door to Door Sales shall be conducted between the hours of 8:00 pm and 8:00 am, unless alternate times are permitted by the Issuer of Licences in writing.
8. No Door to Door Sales shall be conducted on Sundays or statutory holidays.
9. A Licence shall be taken out for each individual Person performing Door to Door Sales.
10. Each individual Person performing Door to Door Sales shall obtain and wear at all times an identification badge provided by the Municipality at the time the Licence is issued.
11. As a part of the Licence Application for Door to Door Sales, an Applicant shall submit with the Application, valid photo identification for each individual Person performing Door to Door Sales.
12. As a part of the Licence Application for Door to Door Sales, an Applicant shall provide the Issuer of Licences with police record checks for the Applicant and each individual performing Door to Door Sales dated within 30 days of submitting the Licence application. The searches shall be provided by the Police Service located in the municipality where the Licensee or Employee permanently resides prior to the issuance of a Licence to any Person, to ensure that the Licensee and has not been convicted of any criminal offences related to the following activities in the previous ten years:
 - a) Theft;
 - b) Possession of stolen property;

- c) Break and enter;
- d) Any other criminal offence which, in the opinion of the Chief of Police, is material to the issuance of the Licence.

Following review of the police record checks for all Applicants or salespersons, should the Chief of Police determine that the Licensee or the salesperson should not be Licensed then the Issuer of Licenses shall either:

- a) refuse to issue the Licence; or
 - b) issue the Licence with conditions to address this direction.
13. Prior to renewal of a Licence, the Issuer of Licences may, in its sole discretion, require an updated police record check for those more than one year old

TRADE SHOW

14. The organizer for the Trade Show shall be responsible for obtaining a Licence for the Trade Shows, and each individual participant shall not require a Licence.

Schedule P
Salvage Yards

1. No Licensee shall obtain any Salvage Materials from any Person who is known to be or appears to be:
 - a) under the age of eighteen years; or
 - b) under the influence of alcohol or drugs or vulnerable for any other reason
2. No Licensee shall obtain any Salvage Materials between the hours of 11 p.m. one day and 7 a.m. the following business day.
3. No Licensee shall obtain Salvage Materials without requesting and being presented with government issued identification containing a photograph and the name of the Person selling, exchanging or disposing of the Salvage Materials.
4. No Licensee shall alter, repair, dispose of or in any way part with, any goods or articles purchased or taken in exchange until after the expiration of three days following submission of the register described in paragraph 5 below to the Chief of Police, and during these three days the goods or articles so obtained shall remain on the Licensed Premises and be produced for an Officer upon request. An Officer shall have the authority to extend the three day period for an additional period of up to seven days by providing notice to a Licensee.
5. Every Licensee shall keep a complete and legible register in which shall be entered a record of all Salvage Materials obtained, each entry in the registry shall:
 - a) be in the English language written in ink in a plain, legible hand or in an electronic format (e.g. Excel spreadsheet);
 - b) be made at the time of obtainment or immediately thereafter;
 - c) include the date and hour of the obtainment;
 - d) contain a full description of the Salvage Materials;
 - e) contain a price paid for the Salvage Materials; and
 - f) contain a description of the Person from whom the Salvage Materials was obtained including the name, address, birth date on the identification presented, the signature of the Person, and the type of identification presented.
 - g) contain a description and licence plate, if applicable, of the Vehicle driven by the Person from whom the Salvage Materials was obtained;
 - h) contain a photograph of the Salvage Materials, clearly showing the items purchased, including registry item number within the photo.
6. Every Licensee shall post in a prominent location at the entrance to their place of Business, a sign with the wording detailed in Appendix "1";
7. Every Licensee shall deliver or cause to be delivered at the office of the Chief of Police, at minimum weekly by fax or email, a complete copy of the register of the purchases of the previous week, said register to contain information set out in paragraph 5 above with the exception of h) above. Photographs are to be kept for a period of one year and made available upon request by the Chief of Police.
8. Every Licensee to whom this article relates, or any Person acting as a servant or agent of any such Person, shall upon any Person offering to him or her goods or articles of any kind, which he or she has cause to suspect have been stolen or otherwise unlawfully obtained report the facts known to him or her to an Officer promptly.
9. Every Licensee shall retain the original register for one year.

10. The Issuer of Licences at his/her discretion, may require the Licensee to submit police record checks for all Licensees dated within 30 days of submitting the Licence application. Said search shall be provided by the Police Service located in the municipality where the Licensee permanently resides prior to the issuance of a Licence to any Person, to ensure that the Licensee has not been convicted of any criminal offences related to the following activities in the previous ten years:
- a) Theft;
 - b) Possession of stolen property;
 - c) Break and enter;
 - d) Any other criminal offence which, in the opinion of the Chief of Police, is material to the issuance of the Licence.

Following review of the police record checks for all Licensees, should the Chief of Police determine that the Licensee should not be Licensed then the Issuer of Licenses shall either:

- a) refuse to issue the Licence; or
 - b) issue the Licence with conditions to address this direction.
11. Every Licensee shall ensure that the Salvage Yard be enclosed with a fence meeting the standards of the Municipality's Fence By-law 142-2014, or any successor by-law, or any other fencing requirements established under a Site Plan approved by the Municipality.
12. Notwithstanding any terms of this By-Law, Licensees shall not be required to comply with paragraphs 3, 4 and 5 of this Schedule in relation to Salvage Materials purchased from a third-party auction.
13. Every Licensee is encouraged to have video surveillance on the Salvage Yard property.

Schedule Q
Seasonal Housing

1. No Licence shall be issued without a successful inspection by the Medical Officer of Health of the Municipality, as follows:
 - In the case of an initial application for a Licence, the Premises shall be inspected by the Medical Officer of Health after an Application is submitted and before a Licence is issued.
 - In the case of a renewal of a Licence, the Premises shall be inspected by the Medical Officer of Health either during the current calendar year or in the previous calendar year of the Licence renewal submission. In the case where an inspection has not been completed within the current or previous calendar year due to the inability of the Medical Officer of Health to complete the inspection, a renewal of a licence will be issued if approval has been given by the Medical Officer of Health to issue said licence.
2. No Licensee shall operate Seasonal Housing except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
3. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewal of a Seasonal Housing Class 1 Business Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year. For renewals of a Seasonal Housing Class 2 Business Licence, a Fire Self Inspection Attestation must be completed by the Licensee and approved by the Fire Chief annually.
4. Each year the Seasonal Housing licence is renewed by March 31. In the event of initial applications filed after the annual renewal date, the Issuer of Licences may pro-rate the application fee due in proportion to the amount of time remaining in the one-year licence period.

Schedule R
Second Hand Shop

1. Every Licensee of a Second Hand Shop shall:
 - a) at all times keep any Second Hand Goods to be sold or offered for sale within a Building and none of the Second Hand Goods shall be offered for sale or sold except within such Building;
 - b) notwithstanding section 1. a) Second Hand Goods may be permitted outside a Building provided the Second Hand Goods are not obstructing foot traffic and are kept in a neat and tidy condition;
 - c) ensure that all Second Hand Goods sold or offered for sale are displayed and kept in a neat, tidy, sanitary and safe manner;
 - d) at any time, permit such Premises, operated or maintained to be inspected by the Issuer of Licences and/or an Officer and promptly ensure that any reasonable changes in regard to the operation or conduct of the Second Hand Shop are carried out as required by the Issuer of Licences and/or an Officer;
 - e) maintain a complete and legible register of all Second Hand Goods purchased or taken in exchange or otherwise obtained, at the Licensee's Premises. Each entry in the registry shall:
 - i. be in the English language written in ink in a plain, legible hand;
 - ii. be made at the time of obtainment or immediately thereafter;
 - iii. include the date and hour of the obtainment;
 - iv. contain a full description of the Second Hand Goods including make, model, and serial number;
 - v. contain a price paid for the Second Hand Goods;
 - vi. contain a description of the Person from whom the Second Hand Goods was obtained including the name, address, birth date on the identification presented, the signature of the Person, and the type of identification presented; and
 - vii. contain a photograph of the Second Hand Goods, clearly showing each piece.
 - f) post in a prominent location at the entrance to their place of Business, a sign with the wording detailed in Appendix "1".
 - g) deliver a copy of the register referred to in section 1 (e) of this Schedule to the Issuer of Licences and/or the Chief of Police at the end of each calendar month or upon request by the Chief of Police. Such register shall be open to inspection by the Issuer of Licences and/or an Officer during all times during business hours and may be removed at any time by the Issuer of Licences and/or an Officer for inspection, or use in the Courts, if necessary;
 - h) where the Licensee has reasonable cause to believe or suspect that any Second Hand Goods or other article offered for sales or trade has been stolen or otherwise unlawfully obtained, he/she shall forthwith report the matter to the Issuer of Licences and/or an Officer;
 - i) maintain all Second Hand Goods purchased or taken in exchange or otherwise obtained at the Licensee's Premises, for a minimum period of thirty (30) days prior to Second Hand Goods being sold or offered for sale.
2. No Licensee operating or maintaining any Premises for the purpose of Second Hand Goods shall:
 - a) directly or indirectly purchase from, exchange with, or receive from or in pledge from any minor, under the age of eighteen (18) years.
 - b) alter, repair, dispose of or in any way part with any Second Hand Goods purchased or taken in exchange until after the expiration of thirty (30) days, from the date of purchase or such exchange.

Schedule S
Summer Camp, Tourist/Trailer Camp

1. Where a health inspection is required for a Hotel/Motel licence, no Licence shall be issued without a successful inspection by the Medical Officer of Health of the Municipality, as follows:
 - In the case of an initial application for a Licence, the Premises shall be inspected by the Medical Officer of Health after an Application is submitted and before a Licence is issued.
 - In the case of a renewal of a Licence, the Premises shall be inspected by the Medical Officer of Health either during the current calendar year or in the previous calendar year of the Licence renewal submission. In the case where an inspection has not been completed within the current or previous calendar year due to the inability of the Medical Officer of Health to complete the inspection, a renewal of a licence will be issued if approval has been given by the Medical Officer of Health to issue said licence.
2. The Premises shall have been, at the time of an initial application for a Licence, inspected by the Fire Chief of the Municipality before a Licence is issued. For renewals of a Licence, the Premises shall have been inspected within the calendar year in which the Licence renewal is applied for, or in the previous calendar year.
3. No Licensee shall operate a Summer Camp, Tourist/Trailer Camp except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.

Schedule T
Tobacco Sales and/or Vapour Product Sales

1. No Licence shall be issued without a successful inspection by the Medical Officer of Health of the Municipality, as follows:
 - In the case of an initial application for a Licence, the Premises shall be inspected by the Medical Officer of Health after an Application is submitted and before a Licence is issued.
 - In the case of a renewal of a Licence, the Premises shall be inspected by the Medical Officer of Health either during the current calendar year or in the previous calendar year of the Licence renewal submission. In the case where an inspection has not been completed within the current or previous calendar year due to the inability of the Medical Officer of Health to complete the inspection, a renewal of a licence will be issued if approval has been given by the Medical Officer of Health to issue said licence.
2. In addition to the general provision of this By-law to follow all applicable laws, any Licensee shall comply at all times with all provisions of the *Smoke Free Ontario Act*, the *Tobacco Tax Act*, R.S.O. 1990, c. T.10 and the *Tobacco and Vaping Products Act*, S.C. 1997, c. 13 and any other relevant legislation.
3. No Licensee shall operate Tobacco Sales and/or Vapour Product Sales except in a clean and sanitary condition, and in compliance with all requirements of the Chatham-Kent Public Health Unit.
4. Every Licensee shall, as a condition of obtaining and continuing to hold such Licence, be properly registered with the Chatham-Kent Board of Health as a tobacconist, where applicable, as required by the *Smoke-Free Ontario Act*, 2017 or its regulations.

APPENDIX "1"

Signage and Public Notice to Be Given by Any Licensed Person(s)

Signage Wording:

Please be advised that person(s) are required to provide photo identification and additional Personal information as defined under the *Municipal Freedom of Information and Protection of Privacy Act*. The information is required pursuant to the terms of the *Municipal Act, 2001* and the Corporation of the Municipality of Chatham-Kent's Consolidated Business Licensing By-law. Information collected will be used to assist the Municipality and Chatham-Kent Police Service in the exercise of consumer protection and law enforcement purposes.

Questions regarding this collection should be forwarded to:
Municipal Clerk
315 King Street West, Chatham, ON