

THE CORPORATION OF THE CITY OF DRYDEN
BY-LAW NUMBER 2023-XX

A BY-LAW OF THE CORPORATION OF THE CITY OF DRYDEN TO LICENCE AND REGULATE
BUSINESS AND TRADE WITHIN THE MUNICIPALITY.

WHEREAS the Council of the Corporation of the City of Dryden deems it necessary and expedient to pass a by-law to license and regulate business and trade within the Municipality;

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising their authority under the *Act*;

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a single tier Municipality may pass by-laws respecting business and trade licencing;

AND WHEREAS the *Municipal Act, 2001*, as amended, provides that a local Municipality may licence, regulate and govern any business wholly or partly carried on within the Municipality even if the business is being carried on from a location outside the Municipality;

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a Municipality may pass by-laws with respect to matters of health, safety and well-being of persons;

AND WHEREAS the *Municipal Act, 2001*, as amended, provides that if a Municipality passes a by-law to license and regulate business and trade within the Municipality, it may,

- a) prohibit the carrying on or engaging in the business without a licence;
- b) refuse to grant a licence or to revoke or suspend a licence;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and,
- f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it.

AND WHEREAS the *Municipal Act, 2001*, as amended, provides that a Municipality may apply to a provincial judge or justice of the peace for a search warrant to search a building, receptacle or place for the evidence specified in the warrant where there is reasonable ground to believe that an offence has been committed under a by-law and the power of entry provided by the warrant will afford evidence relevant to the commission of an offence.

AND WHEREAS the *Municipal Act, 2001*, as amended, provides that a Municipality may issue orders to discontinue contravening activity in respect of a by-law of the Municipality, and may apply to the Ontario Court of Justice to obtain a court order to close a premises contravening a business licensing by-law;

AND WHEREAS the *Municipal Act, 2001*, as amended, provides that a Municipality may pass by-laws providing that a person who contravenes a by-law of the Municipality passed under the *Act* is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001*, as amended, provides that a Municipality may establish a system of fines for offences under a by-law of the Municipality;

NOW THEREFORE, the Council of The Corporation of the City of Dryden enacts as follows:

DEFINITIONS

As used in this by-law, the following terms shall have the meanings as indicated. Where terms and words are not defined under the provisions of this by-law, they shall have the meanings as ascribed to them in the City of Dryden Property Standards By-law, or if not defined therein, they shall have ascribed to them the ordinarily accepted meanings or such as the context herein may imply.

ADULT PERSON - A person who has attained the age of 18 years or more.

ANNUAL LICENCE - A licence issued for a period of time commencing within any calendar year and expiring at 11:59 p.m. on December 31 of that year.

BRICKS-AND-MORTAR FOOD PREMISES – A food premises that is situated in a static location and within a building or structure that is subject to the *Building Code Act, 1992*.

BUILDING AND PLANNING DEPARTMENT - The City of Dryden Building and Planning Department, which for the purposes of this by-law includes the Economic Development Manager.

BUSINESS - Includes the following:

- 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 a full-time, 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 farm 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 City if any part of the business is carried on in the City, even if the business is being carried on from a location outside the City.

BY-LAW ENFORCEMENT OFFICER - means persons who are designated by Council to enforce City of Dryden By-laws, which includes persons appointed as a Municipal Law Enforcement Officer or a Police Officer as defined by the Police Services Act.

CERTIFICATE OF QUALIFICATION - A certificate of qualification in a certified trade issued under the Trades Qualification and Apprenticeship Act.

CITY, CITY OF DRYDEN and CORPORATION — The Corporation of The City of Dryden.

COMMERCIAL RETAIL — Any retail business carried on within the City, which is operated either in part or in whole from a location for which commercial use is authorized under the provision of the Comprehensive Zoning By-law of the City.

COUNCIL — The Council of The Corporation of The City of Dryden.

ELECTRICAL CONTRACTOR— A person who, as principal, servant or agent, by himself or their associates, employees, servants or agents, performs, engages to perform or offers to perform for another person, for or without remuneration or gain, any work in respect of an electrical installation or any other work to which any person or persons who are employees of a public service commission or public service corporation.

ELECTRICIAN— A person who is a journey person electrician or master electrician and skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat, or power purposes, who is familiar with the laws, rules, and regulations governing the same, and who himself, or by journey person electricians in their employ, performs electrical work.

GENERAL CONTRACTOR — Any person operating a business that provides the services of a certified trade as identified in the Trades Qualifications and Apprenticeship Act but excludes those trades or occupations that have already been identified in this by-law.

HOME OCCUPATION — A person whose name has not been entered on the assessment roll in respect of business assessment for the then current year, and who carries on or engages in any home occupation that is in accordance with the City of Dryden Zoning By-law.

ISSUER OF LICENCES A staff member of the City of Dryden Building and Planning Department and their designate, as authorized by the Department Manager.

LICENCE — A licence issued pursuant to this by-law.

LICENSEE— A person who holds a licence issued under this by-law and "licensed" has a corresponding meaning.

LODGER— Any person who pays rent, fees or other valuable considerations to a lodging-housekeeper for living accommodations in which kitchen or washroom facilities are shared with other persons.

MEDICAL OFFICER OF HEALTH The Medical Officer of Health for the Northwestern Health Unit.

MOBILE FOOD PREMISES - A mobile premises, removable stand, or any non-permanent structure where food or is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, but does not include a private residence. Mobile food premises shall be categorized as follows:

Large Footprint – A large footprint mobile food premises which operates within an enclosed structure that is mounted upon one or more axles with wheels attached, whether or not it is moveable upon its own power or towed by a motor vehicle or any other type of motive power. Including but not limited to a trailer or motor vehicle converted into a food truck.

Small Footprint – A small footprint mobile food premises that does not operate within an enclosed structure mounted upon one or more axles with wheels attached. Including but not limited to a hot dog cart, barbecue in conjunction with serving tables, or other similar set-up.

NON-RESIDENT— A person who does not have a regular place of business in the City of Dryden.

ONE-TIME LICENCE — A licence that is issued and remains valid with no fixed term or expiry date subject to there being no change in the nature of the business and the applicant continues to meet all necessary criteria for the licence being issued as per the requirements of this by-law.

OWNER — A person who has in respect of premises an estate for life or greater estate, legal or equitable, or a leasehold estate.

PERSON — Includes an individual, a partnership, a firm or corporation.

PLUMBER— A person who is a journey person plumber or master plumber and skilled in the planning, superintending, and installing of plumbing, is familiar with the laws, rules and regulations governing the same, and who himself, or by journey person plumbers under their supervision, performs plumbing work.

PLUMBING CONTRACTOR — Any person who as principal, servant or agent, by himself or their associates, employees, servants or agents, performs for another person, for or without remuneration or gain any plumbing work.

PREMISES — Any land in any building, public or private, in the Municipality.

PROOF OF INSURANCE— A certificate of insurance issued by a company authorized to carry on the business of insurance in the Province of Ontario that contains a provision or an endorsement naming the City and its agents as additional insured parties, and stating the insurer will provide the City with at least 30 days' written notice of any cancellation or change to the terms of the insurance.

TOURIST CAMP— Includes any camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or a charge is paid or made for the rental or use thereof.

TRAILER CAMP— Land in or upon which any vehicle, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

1 - GENERAL PROVISIONS

- 1.1 Unless otherwise provided, the Building and Planning Department shall be responsible for the administration of this by-law.
- 1.2 No person/owner shall carry on any activity related to a business, trade, or occupation without holding a currently valid licence for such business, unless otherwise provided within this by-law.
- 1.3 No person shall conduct garage or yard sales for more than four calendar days from the same residential property within any calendar year without obtaining a business license.
- 1.4 Every licence, at all times, is owned by and is the property of the Corporation and is valid only in respect of the person and the premises or of the person named therein and for the nature of business stated in the licence, and no licence may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized, distrained or otherwise dealt with, except under express written consent of an authorized employee of the Corporation.
- 1.5 All businesses shall comply with all special conditions applicable to the type of business being conducted as provided for within this by-law.
- 1.6 Businesses who operate within a shop or any other static location shall be subject to obtaining a One-time Licence. Businesses that are considered mobile or otherwise do not operate in one static location shall obtain an Annual Licence and renew such licence as required by this by-law.

2 - EXEMPTIONS

- 2.1 A licence shall not be required for;
 - a) Conducting not more than four days of garage or yard sales per calendar year on any residential property.
 - b) Conducting business defined as a home occupation or home industry within the provisions of the City of Dryden Zoning By-law, other than an Animal Services business.
- 2.2 Notwithstanding any other provision of this by-law, a license shall be required to operate an establishment where members or non-members attend the establishment to discharge firearms recreationally, but such establishment may be awarded a conditional business license prior to Federal or Provincial approval of the establishment, on the condition that a copy of the license and/or certificate of approval issued by the Chief Firearm's Officer for Ontario or the Canadian Firearm's Program, as defined by the Firearm's Act of Canada, is provided to the City as soon as reasonably possible.

3 – LICENCE APPLICATIONS

- 3.1 Applications for all licences issued under the provisions of this by-law and applications for the renewal of such licences shall:
 - a) be made to the Building and Planning Department on the forms provided;
 - b) be accompanied by payment of the full applicable license fee as determined by the Fees and Charges By-law, as amended, and any documentation required by this by-law;
 - c) be processed giving priority to applications for renewal of licences for a particular year, provided the application for renewal is received by the Building and Planning Department before the last business day of the Corporation in the preceding year.
- 3.2 All application and/or licence fees submitted as payment are non-refundable.
- 3.3 In the event that a licence is lost or destroyed, the Building and Planning Department may, after reviewing the circumstances, issue a replacement licence to the licensee upon receipt of the applicable fee as set out in the Fees and Charges by-law.
- 3.4 If it is determined that an application meets the requirements of this by-law, the Issuer of Licences or their designate shall approve the licence subject to the licence fee having been paid and all documentation received satisfies all requirements of this by-law.
- 3.5 Prior to approving a licence, the issuer of licences shall ensure the licensee, if not already identified in Schedules A and B, has complied with or is in compliance with all

special conditions identified in this by-law and any other City by-laws, and that any required inspections have been undertaken and approved, including, but not limited to, the Building Code, public health, and fire code regulations.

- 3.6 Any licence application that has not received full approval as required and as deemed necessary by the Issuer of Licences or their designate within 90 days from the date of filing of the application, because of the applicant's inability to comply with the requirements to become licensed, shall be deemed to have expired unless the application has been referred to Council as per the appeal provisions of this by-law.
- 3.7 Where two or more persons propose to carry on business as a partnership, their application shall include the name and address of each member of the partnership even though the licence, if approved, will be issued in the name of one partner only.

4 – REQUIREMENTS OF LICENSEE

- 4.1 Every licensee shall display evidence of a valid licence either at their place of business or on the vehicles or other property used for the purposes of the business in accordance with this by-law.
- 4.2 Every licensee shall produce a copy of their licence for inspection upon the request of an authorized employee or agent of the City of Dryden.
- 4.3 Every licensee shall keep any and all of the records required to be kept under the provisions of this by-law.
- 4.4 Every licensee shall notify the Issuer of Licences or their designate of any change in business or home address.
- 4.5 Where any determination is made that any premises or person named in the application does not receive the approval required by this by-law, the reasons for the lack of the required approval shall be specified, and the Issuer of Licences or their designate shall notify the applicant of all such reasons.

5 – LICENCE EXPIRY

- 5.1 A one-time licence issued under the provisions of the by-law shall be valid from the date of issue and shall remain in force and effect subject to there being no change in the nature of the business and the applicant continues to meet all necessary criteria for the licence being issued as per the requirements of this by-law.
- 5.2 All annual licences shall expire at 11:59 p.m. on December 31 of the year in which the licence was issued.
- 5.3 In the event that a licence expires in accordance with this by-law, the person who holds the expired licence shall be required to complete an application for a new licence and will be subject to all requirements that apply to such applications.
- 5.4 Every licensee or another person acting on the licensee's behalf shall notify the Issuer of Licences or their designate in writing within 14 days of any of the following events:
 - a) Retirement of the licensee from the business;
 - b) Death of the licensee;
 - c) Sale, transfer or termination of the business; or
 - d) Where the licence was obtained on the basis of an employee's certificate, the termination of that employee's employment.
- 5.5 A licensee who is unable to carry on business in the trade or occupation because of health problems or another person acting on the licensee's behalf may surrender the licence voluntarily to the Issuer of Licences or their designate together with a medical certificate or statutory declaration that provides evidence of the circumstances.
- 5.6 A licensee whose licence has been surrendered voluntarily in accordance with this by-law must, before resuming business, submit a medical certificate to the Issuer of Licences or their designate from a qualified medical practitioner certifying that the licensee is fit and able to resume carrying on business in the trade or occupation.
- 5.7 Upon receipt of the medical certificate, the Issuer of Licences or their designate shall:
 - a) Reinstate the licence, if it has not expired; or

- b) If it has expired, renew the licence for the current calendar year, without penalty, upon payment of the annual licence fee.

6 – LICENCE SUSPENSION/REVOCATION

- 6.1 Where a licensee or an applicant for a licence is determined to be in contravention of this by-law the licensee or applicant shall be notified by the Building and Planning Department of such contravention(s) and be required to correct identified items upon receipt of the notice.
- 6.2 Failure to correct any identified deficiencies within a reasonable timeframe may result in the suspension or denial of an application, or in the case of a licensee, the suspension or revocation of a license.
- 6.3 Upon suspension, denial, or revocation of a licence, the licensee(s) or applicant(s) is deemed to be unlicensed pursuant to the provisions of this by-law.
- 6.4 A By-law Enforcement Officer may revoke a licence that is voluntarily surrendered by the holder for revocation.

7 - APPEALS; RENEWAL OR ISSUANCE OF LICENCE REFUSED.

- 7.1 A person whose application for a new licence or renewal of a licence has been refused or a person whose licence has been suspended or revoked may, within 15 days of being notified of the decision, apply to the Council for a review of the decision.
- 7.2 A person who has applied for a review of the decision will be given an opportunity to make written representation to or to appear before the Council when it reviews the matter.
- 7.3 Decisions of the Council under this section are final.

8 - CONTRACTORS, TRADES

- 8.1 No person shall carry on any activity as a general contractor without holding a current valid licence for such business issued under the provisions of this by-law.
- 8.2 A person is not eligible to hold a licence as a general contractor unless they maintain, without any lapse in coverage, insurance in accordance with Schedule A.
- 8.3 The licence of a general contractor that is not renewed on or before March 31 of the year subsequent to the year in which the licence was issued shall be deemed to have expired.
- 8.4 The requirements of this by-law do not apply to the following:
 - a) Persons who do electrical or plumbing or other work in a certified trade as designated under the Trades Qualifications and Apprenticeship Act through the course of their employment with the City;
 - b) Institutions whose employees do internal electrical or plumbing or other work in a certified trade as designated under the Trades Qualifications and Apprenticeship Act in the course of their employment.
 - c) Persons performing work in a certified trade who are licensed in such trade at the Red-seal level.

9 – MOBILE FOOD PREMISES

- 9.1 Mobile food premises owners and/or operators shall obtain and operate only under the authority of a business licence issued by the City of Dryden pursuant to the provisions of this by-law.
- 9.2 The City of Dryden Building and Planning Department may determine, as it considers appropriate, designated locations on public property intended for the use by small footprint or large footprint licenced mobile food premises. The Building and Planning Department may also determine a maximum number of mobile food premises vendors that may be situated on a property at any given time.
- 9.3 Designated location(s) on public property where a mobile food premises may operate shall be included as a condition on their licence.
- 9.4 Designated locations shall be determined ensuring that;
 - a) Designated location(s) shall not interfere with public safety;

- b) Designated location(s) shall have sufficient space for customers to gather in a manner that does not create a public safety risk or traffic hazard, or otherwise contribute to a public nuisance. Where a designated location is to be situated on or near a street, lane, highway, or other travelled right-of-way, the approval of the City of Dryden Traffic Committee shall be obtained.
- 9.5 All mobile food premises owners or operators shall;
- a) Display a business licence in a conspicuous place immediately visible from the point of service;
 - b) Produce a copy of the licence upon demand by a By-law Enforcement Officer;
 - c) Allow any agent of the City at any reasonable time to inspect the places, premises and/or any item(s) used for the purposes of conducting business for which a licence is required.
- 9.6 Any person operating a mobile food premises on public property pursuant to the provisions of by-law shall;
- a) Not operate within 5 metres of any other mobile food premises unless written consent is obtained by the Building and Planning Department; and,
 - b) Only operate within authorized designated location(s) as noted on the licence, unless operating at a market, consumer show, or other sanctioned event for which a Special Event Permit has been obtained.
- 9.7 Operating location of any mobile food premises shall be approved by the City of Dryden Building and Planning Department prior to the issuance of a licence. Approval and specified locations shall be indicated as a condition of operation on the licence issued. Should the licensee wish to operate in additional or alternate locations, the City may amend and reissue the licence, subject to approval and receipt of any required fees as determined within the Fees and Charges By-law, as amended.
- 9.8 The licensee shall submit to the City of Dryden any additional fees, if applicable, prior to approval, as set out in the Fees and Charges By-law or as otherwise determined. Failure to submit fees shall result in revocation of a licence or the cancellation of an application.
- 9.9 Mobile vendors or food trucks operating on private property shall;
- a) Ensure compliance with all City by-laws;
 - b) Obtain written consent from the private property owner to conduct business on the private property and keep such documents readily available for inspection by a By-law Enforcement Officer; and,
 - c) Operate only within private properties that are Commercially-zoned, unless a Special Event Permit has been granted by the City allowing otherwise.
- 9.10 All mobile food premises operating on public property shall hold valid commercial liability insurance coverage and shall provide the City with proof of specific coverages as defined within their insurance policy. In the event of any claim against the mobile food premises owner or operator, the City shall not be held liable and the mobile food premises shall waive the City from any and all claims and/or litigation.

10 - ENFORCEMENT

- 10.1 The enforcement of this by-law shall be assigned to those employees that have been designated by Council as By-law Enforcement Officers.
- 10.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.

11 – ORDERS

- 11.1 A Municipal By-law Enforcement Officer designated by Council to enforce this by-law may make an order under the authority of the Municipal Act, R.S.O 2001 Section 444 requiring any person who is in contravention of this by-law, caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity upon receipt of the order.
- 11.2 Where a person or an owner of an establishment is knowingly carrying on or engaging in a trade, business or occupation without a licence where a licence is required by this

by-law, the Municipality may apply to the Ontario Court of Justice for an Order to Close Premises subject to the provisions of Section 447 of the Municipal Act, 2001. An order obtained under Section 447 of the Municipal Act shall be enforceable as described therein.

12 – POWERS OF ENTRY

- 12.1 A Municipal By-law Enforcement Officer may enter onto any lands or places not being occupied as a dwelling at the time of exercising the power of entry at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with;
- a) Any provisions of this by-law;
 - b) A direction or order made by the Municipality under this by-law or the Municipal Act; or,
 - c) A condition of a licence issued pursuant to this by-law.
- 12.2 Except under the authority of a search warrant issued pursuant to the Provincial Offences Act or in accordance with the provisions of the Municipal Act S.O. 2001, c. 25, as amended, a By-law Enforcement Officer shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

13 – OFFENCES

- 13.1 Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this By-Law or any permit or order issued pursuant thereto, commits an offence and shall be liable of a fine of not more than \$5,000 issued pursuant to the Provincial Offences Act, R.S.O., 1990, c. P.33, as amended. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

14 – SEVERABILITY

- 14.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

15 – FEES

- 15.1 The businesses or trades requiring a licence under the provisions of this by-law shall be subject to the following fee structure at the time of the passing of this by-law and as they apply in the context therein. In the event that the Fees and Charges By-law is amended to include a fee structure regarding business licencing and applications, the fee indicated within the Fees and Charges By-law shall prevail.
- a) One-time Licence and Annual Business Licence Fees
 - Resident Business - 125.00
 - Non-resident Business – 250.00
 - b) Mobile Food Premises Licencing Fees
 - Large Footprint – 250.00 (Annual Licence)
 - Small Footprint – 125.00 (Annual Licence)

16 – REPEAL AND PASSAGE

THAT Chapter 118 of the City of Dryden Municipal Code, By-law # 3195-2005, and all amendments thereto are hereby repealed.

THAT This by-law shall come into force and take effect on the final passing thereof.

THAT Any currently valid licences approved and issued under By-law # 3195-2005 and amendments thereto are to remain valid and licensees holding such licences are hereby subject to the provisions of this by-law.

ENACTED AND PASSED THIS ____ DAY OF _____ 2023 as witnessed by the Corporate Seal of The Corporation of the City of Dryden and the hands of the proper Officers duly authorized on that behalf.

READ A FIRST AND SECOND TIME THIS __ DAY OF ____ 2023.

READ A THIRD TIME AND PASSED AS READ THIS __ DAY OF ____ 2023.

Mayor

Clerk

Corporation of the City of Dryden
SCHEDULE OF SET FINES

Business Licencing By-law
Part 1 – Provincial Offences Act, R.S.O 1990

Item	SHORT FORM WORDING	Column 2 PROVISIONS CREATING OR DEFINING OFFENCE	Column 3 SET FINE (plus costs)
1.	Carry on Business, Trade, or Occupation without valid licence	1.2	500.00
2.	Conduct Garage or Yard Sale for more than four days per calendar year	1.3	105.00
3.	Fail to Comply with a Special Condition	1.5	105.00
4.	Fail to Disclose Partnership on Application	3.7	105.00
5.	Fail to Display Valid Licence	4.1	300.00
6.	Fail to Produce Copy of Licence	4.2	300.00
7.	Fail to Keep Required Records	4.3	105.00
8.	Fail to Notify Change of Address	4.4	105.00
9.	General contractor – Operate without valid licence	8.1	500.00
10.	Mobile Food Premises - Fail to Display Business Licence in Conspicuous Location	9.5(a)	300.00
11.	Mobile Food Premises - Fail to Produce Copy of Licence	9.5 (b)	300.00
12.	Operate within 5 meters of other outdoor vendor	9.6(a)	105.00
13.	Operate within Unauthorized Location	9.6(b)	300.00
14.	Fail to provide written consent of private property owner for inspection by officer	9.9 (b)	105.00
15.	Operate on Private Property not Commercially Zoned	9.9(c)	500.00
16.	Fail to meet Insurance Coverage Requirements	9.10	500.00
17.	Hinder, obstruct, or attempt to hinder or obstruct an officer	10.2	NSF
18.	Fail to Comply with Order	11.1	NSF

SCHEDULE A

The following classifications of businesses are subject to Annual or One-time License Fees as set by the Fees and Charges By-law or this by-law, as amended. The organization or department that applications are circulated to may also conduct an inspection prior to issuance of a licence. Businesses who operate within a shop or other static location shall be subject to obtaining a One-time Licence. Businesses that are considered mobile or otherwise do not operate in one static location shall obtain an Annual Licence and renew such licence as required by this by-law.

Applicable to:	Adult Entertainment Stores
Every place of business, including an adult video store, in which goods are designed to appeal to exotic or sexual appetites or inclinations are provided.	
Rationale:	Health and safety
Application circulated to:	• Building and Planning Department • Northwestern Health Unit
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. An applicant shall be at least 19 years of age. 2. The past conduct of the applicant shall offer reasonable evidence that the issuance of the licence would not be adverse to the public interest and that he or she has not been convicted of an offence under the Criminal Code or the Controlled Drugs and Substances Act. 3. The establishment shall be located only in an area that is zoned commercial and has been established as a permitted use. 4. During the hours of operation, the licensee or their delegate, who is an adult person as defined in this by-law, shall be in the establishment at all times. 5. No licensee shall permit a person under the age of 18 to enter or remain in the store. 6. A licensee shall place and maintain signage at every entrance and in a prominent place within the store indicating that no person under the age of 18 may enter and remain in the store. 7. No store shall be located near or adjacent to a school, church, park or residential area as designated in the City of Dryden Zoning By-law. 8. All goods shall be located behind an opaque barrier of a size and nature that only the titles of the goods are visible to the public.

Applicable to:	Alarm Installations
Rationale:	Consumer protection and nuisance control
Application circulated to:	• Building and Planning Department • Dryden Fire Service
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. The past conduct of the applicant shall offer reasonable evidence that the issuance of the licence would not be adverse to the public interest and that he or she has not been convicted of an offence under the Criminal Code.

Applicable to:	Animal Services
A place of business that sells live animals, including birds and reptiles, as household pets and/or provides grooming services to animals. Also includes home occupations as defined by the City of Dryden Zoning By-law.	
Exemptions:	The requirements to obtain an animal services licence does not apply to: 1. Registered breeders of purebred dogs or cats licenced by the Province of Ontario.
Rationale:	Health and safety; consumer protection
Application circulated to:	• Building and Planning Department • Animal Control Officer • Business Office • Senior Investigator - Provincial Animal Welfare Services – Northern Region – Ministry of the Solicitor General
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. Prior to a license being issued, an inspection of the premises where animals are housed, kept, or displayed shall be conducted by an Animal Control Officer employed by the City of Dryden. The licence applicant shall be in compliance with the City Animal by-law prior to approval. 2. Animal welfare concerns identified during an inspection by an officer may be reported to the Provincial Animal Welfare Services at the officer’s discretion. 3. If an inspection determines the presence or evidence of any animal(s) that may be in distress or otherwise kept in unfavourable conditions, the licence may be revoked or suspended. 4. If the Northwestern Health Unit finds that the operation and maintenance of a licensed business does not conform with the requirements of the Health Protection and Promotion Act, the licence may be revoked or suspended until the situation has been rectified. 5. No animal shall be sold or offered for sale if the keeping of that animal is prohibited by a municipal by-law.

Applicable to:	Auctioneers/Auction Sales Establishments
Includes persons selling or putting up for sale goods, wares, merchandise or effects by public auction.	
Exemptions:	The requirements to obtain an auctioneer licence does not apply to: 1. A sheriff or court bailiff acting under court procedure. 2. A Municipality conducting an auction under the tax sale provisions of the Municipal Act, 2001, c. 25, as amended. 3. A person who engages the services of a licensed auctioneer to conduct an auction on their behalf. 4. A person registered under the Real Estate and Business Brokers Act who is selling real estate by public auction. 5. A person licensed under the Livestock Community Sales Act who is conducting a community livestock sale.
Rationale:	Health and safety; community protection
Application circulated to:	• Building and Planning Department • Dryden Fire Service • Business Office
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. Keep proper books of accounts of their business transactions, which books shall give the names and addresses of persons depositing goods, wares or merchandise with him or her for sale, the description of the Same, the price for which the same may be sold and the names and addresses of persons purchasing such goods, wares or merchandise or any portion thereof. 2. Account for the proceeds of sale and pay the same to the person or persons entitled to such proceeds, less their proper commissions and charges.

Applicable to:	Automotive Repair Service
Every place of business, including an automobile service station and auto body repair, where repairs to motor vehicles and related services are provided.	
Exemptions:	The requirements to obtain an automotive repair service licence does not apply to: 1. Places of business in which the only service provided to motor vehicles is automotive detailing.
Rationale:	Consumer protection
Application circulated to:	• Building and Planning Department • Dryden Fire Service • Business Office • Northwestern Health Unit
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. No person shall work in an automotive repair shop unless he or she is qualified to do so under the applicable provincial legislation. 2. Proof of qualification shall be displayed in a prominent location in the place of business.

Applicable to:	Barbers
A place in which the services of washing, cutting, trimming, shaving and treating of hair are provided to the general public.	
Exemptions:	The requirement to obtain a barber licence shall not apply to a place of business that holds a valid hairstyling shop licence.
Rationale:	Health and safety; consumer protection
Application circulated to:	• Building and Planning Department • Business Office • Northwestern Health Unit
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. No person shall work as a barber in a barber-shop unless he or she is qualified to do so under the applicable provincial legislation. 2. Proof of qualification shall be displayed in a prominent location in the place of business.

Applicable to:	Exhibitions and Entertainments
Includes, but is not limited to those businesses conducting, operating or carrying on a show or exhibition, place of amusement, performance or theatre.	
Mobile:	a. Performers (including but not limited to street performers, actors, musicians) when not held in a licensed theatre or other duly licensed place that are hired for profit. b. Travelling circuses, carnivals, midways and other like shows. c. Exhibitions (including, but not limited to works of art, menageries, wax works, natural or artificial curiosities) to which an entrance fee is charged and when not held in a licensed theatre or other duly licensed place.
Stationary:	a. Golf driving ranges b. Miniature golf courses c. Roller-skating rink d. Bowling alley e. Shooting galleries f. Trampoline centres g. Billiard tables h. Theatres i. Public halls j. Campgrounds/trailer parks k. Amusement arcades
Rationale:	Health and safety; nuisance control
Application circulated to:	• Building and Planning Department • Dryden Fire Service • Business Office • Northwestern Health Unit
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. With regard to mobile exhibitions and entertainment licences, a written description of the performance shall be submitted with the application. 2. All licensees shall conform to existing City of Dryden legislation and policy and procedures, including, but not limited to, noise, parades, special events and all relevant provincial and federal legislation. 3. The Issuer of Licences may request proof of insurance prior to approving an exhibitions and entertainments licence. 4. The Issuer of Licences may request proof of inspection from a City of Dryden department and/or the Northwestern Health Unit prior to approving an exhibitions and entertainments licence.

Applicable to:	Food Premises
A premises where food or is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, but does not include a private residence or a mobile food premises.	
Rationale:	Health and safety; consumer protection
Application circulated to:	• Building and Planning Department • Northwestern Health Unit • Business Office • Dryden Fire Service
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. All food premises must conform with the requirements of the Health Protection and Promotion Act and the Food Premises Regulations. Should a food premises not conform with these requirements, the licence shall be suspended until the situation has been rectified and approval provided by the Northwestern Health Unit.

Applicable to:	Gasoline Sales
Every place of business where gasoline and other fuels formulated to propel motor vehicles are sold.	
Rationale:	Health and safety, Regulatory Requirements
Application circulated to:	• Building and Planning Department • Dryden Fire Service • Northwestern Health Unit
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1) The Issuer of Licences shall ensure that the premises and property are in compliance with all municipal by-laws, and that any required inspections have been undertaken and approved, including but not limited to, the Building Code, public health, and fire code regulations.

Applicable to:	Hairstyling Shops
Any premises used as a hairdressing establishment.	
Exemptions:	The requirement to obtain a hairstyling shop licence does not apply to a place of business that holds a valid barbers licence.
Rationale :	Health and safety; consumer protection.
Application circulated to:	• Building and Planning Department • Business Office • Northwestern Health Unit
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. No person shall work as a hairstylist in a hairstyling shop unless he or she is qualified to do so under the applicable provincial legislation. 2. Proof of qualification shall be displayed in a prominent location in the place of business. 3. A hairstyling shop that is operated as a home occupation is required to obtain a hairstyling shop licence.

Applicable to:	Hawkers and Pedlars
1. Any person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise, or offers services for which orders are taken and that are to be delivered in the City afterwards; and 2. Any non-resident promoting the sale of goods and/or services by encouraging individuals to come to the person's regular place of business.	
Exemptions:	The requirements to obtain a hawkers and pedlars licence does not apply to: Not-for-profit organizations. Vendors operating at a consumer show open to the public or a trade show open by invitation or registration only, the primary purposes of which are the display of goods, products and/or services.
Rationale:	Consumer protection; health and safety; nuisance control
Application circulated to:	• Building and Planning Department • Business Office
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. The application shall specify the types of goods and services to be sold or promoted.

Applicable to:	Lodging-Houses
Any house or other building or portion thereof capable of harboring, receiving or lodging for hire four or more persons, but does not include a hotel, hospital, nursing home, home for the young or aged or institution which is licensed, approved or supervised under any other general or special act, nor any nursing home licensed under any other by-law of the City of Dryden.	
Exemptions:	The requirement to obtain a lodging-house licence does not apply to a hotel, hospital, nursing home, home for the young or aged or institution which is licensed, approved or supervised under any other general or special act.
Rationale:	Health and safety; consumer protection
Application circulated to:	• Building and Planning Department • Dryden Fire Service • Business Office • Northwestern Health Unit
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: An application shall include the manager's name, address and emergency contact information if the manager does not reside on the premises. An application shall also include the number of rooms for rent, the number of residents and the number of bathrooms. A licensee shall inform the Issuer of Licences promptly of any changes to the above information.

Applicable to:	Massage Therapists
A person who practices massage therapy as a business and who is a member in good standing of the College of Massage Therapists of Ontario.	
Rationale:	Health and safety; consumer protection
Application circulated to:	• Building and Planning Department • Business Office • Northwestern Health Unit
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. A licence issued under the by-law shall no longer be valid in the event the licensee ceases to be a member of the College of Massage Therapists of Ontario.

Applicable to:	Motor Vehicle Towing and Storage
Rationale:	Consumer protection
Application circulated to:	• Building and Planning Department • Business Office
Special conditions:	None

Applicable to:	Mobile Food Premises
A mobile premises, removable stand, or other non-permanent structure where food or is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, but does not include a private residence.	
Rationale:	Health and Safety
Application circulated to:	• Building and Planning Department • Dryden Fire Service • Business Office • Northwestern Health Unit
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. The operation and maintenance of any refreshment vehicle shall conform to the requirements of the Health Protection and Promotion Act and the Food Premises Regulation, and if the Northwestern Health Unit finds that it does not comply, the licence may be revoked or suspended until the situation has been rectified. 2. Where commercial grade appliances burning a compressed gas are used, an application shall include a certificate of inspection from a licensed gas fitter. 3. No mobile food premises shall stop the vehicle or permit it to be stopped in any street, lane, park, public place or highway for the purpose of selling or soliciting the sale of refreshments except where express consent has been granted by the Issuer of Licences and listed as a condition on their licence or otherwise provided in writing, which shall be posted in a conspicuous place while operating in such location. 4. The mobile food premises shall not be located within 5m of another mobile food premises licensed under this by-law. 5. Where a mobile food premises is operating on a private lot with the written permission of the owner, the operation of the mobile food premises must be in compliance with the City of Dryden Zoning By-law. 6. Mobile food premises shall ensure cleanliness of the premises at all times and make available a suitable waste receptacle for use by patrons. All waste shall be promptly disposed of according to applicable City by-laws. 7. All mobile food premises preparing food within a structure that is mobile or otherwise non-permanent shall be equipped with: a. a fire suppression system that is maintained in compliance with NFPA 96 Standards; b. Where smoke or grease-laden vapours are likely to be emitted as a direct or indirect result of normal operation, an effective exhaust system maintained in compliance with NFPA 96 Standards 8. All mobile food premises utilizing any fuel-burning or electrical appliances shall be equipped with and have readily available a proper fire extinguisher in compliance with NFPA 10 Standards

Applicable to:	Tattoo, Body Piercing and Electrolysis
Rationale:	Health and safety
Application circulated to:	• Building and Planning Department • Business Office • Northwestern Health Unit
Special conditions:	In addition to the requirements as provided by this by-law, the following special conditions shall apply: 1. Before issuing a licence under this by-law, the Issuer of Licences shall ensure an inspection of the premises by the Northwestern Health Unit to ensure compliance of regulations, guidelines or protocols published or recommended by Provincial and Federal authorities.

Applicable to:	General Contractors
Rationale:	Health and safety; consumer protection
Application circulated to:	• Building and Planning Department • Dryden Fire Service • Business Office
Special conditions:	In addition to the requirement as outlined in this by-law, the following special conditions shall apply: 1. No person shall apply for a contractors licence without submitting confirmation of employment of a licensed electrician or plumber if a licence is required to perform the contracting work. 2. No person shall hire or employ a contractor who is not licensed under this by-law to do any work of a certified trade within the City of Dryden. A red-seal certified contractor is not required to obtain a business license. 3. No contractor licensed under this by-law shall employ any person other than someone who has a certificate of qualification, where required, or is an apprentice as designated under the Trades Qualification and Apprenticeship Act to undertake any such works within the City of Dryden. 4. No general contractor shall permit an apprentice to do any work in the City of Dryden except under the requirements of the Trades Qualification and Apprenticeship Act. 5. All general contractors must provide proof of insurance prior to approval and issuance of a licence under this by-law. 6. No contractor shall undertake any works within the City of Dryden unless licensed pursuant to the provisions of this by-law. 7. Any general contractor, both Resident or Non-resident, must hold a valid certificate of qualification under the Trades Qualification and Apprenticeship Act or have in their employ a licenced technician in that trade to qualify for a licence pursuant to this by-law. 8. Contractors undertaking any works in a certified trade under the Trades and Qualifications and Apprenticeship Act within the City of Dryden must ensure employees hold a certificate of qualification or apprenticeship. 9. No person shall hire or employ any contractor who is not licensed under this by-law to do any electrical or plumbing work respectively. 10. The past conduct of the applicant shall offer reasonable evidence that the issuance of the licence would not be adverse to the public interest and that he or she has not been convicted of an offence under the Criminal Code.