



Where Town and Country Meet

**TOWNSHIP OF ESSA
BY-LAW 2011-20
“BUSINESS LICENCING”**

OFFICE CONSOLIDATION

As amended by 2014-23, 2016-83, 2018-17, 2019-75 and 2024-08

This is an office consolidation of the Township of Essa’s By-law 2011-20 as amended, specific to the licencing, regulation and governing of certain businesses, trades or occupations carried on, or engaged in, and organized public amusement within the Township of Essa.

This office consolidation has been prepared for reference and information purposes only. It is not an official version of the by-law. Official versions of all by-laws can be obtained by contacting the Clerk’s Office at 705-424-9770.

If there are any discrepancies between this consolidation and By-laws 2006-18 and 2017-18, the By-laws shall prevail.

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2011 - 20

A By-Law of The Corporation of the Township of Essa to provide for the licensing, regulation and governing of certain businesses, trades or occupations carried on, or engaged in, and organized public amusement within the Township of Essa [Repeals By-law 2007-81].

The Council of the Corporation of the Township of Essa hereby enacts as follows:

1. **TITLE AND SCOPE**

This By-law shall be known as a by-law for the licensing, regulating and governing of trades, businesses or occupations and organized public amusements or the persons carrying on, or engaged in such activities in the Township of Essa and may be cited by its short title, "The Business Licensing By-law".

2. **AUTHORITY**

Municipal Act, 2001, S.O. 2001, Chapter 25, (the "*Municipal Act, 2001*"), as may be amended from time to time, Part IV, Sections 150 through 165 inclusive.

3. **PURPOSES**

This By-law has been enacted for the purposes of health and safety, noise and nuisance control and consumer protection in the Township of Essa.

4. **PUBLIC MEETING**

Notice of the proposed amendment of By-law 2007-81 was provided on the Township website through the agenda for the Regular Council meeting of April 20, 2011.

5. **DEFINITIONS**

For the purpose of this By-law:

"Adult Entertainment Establishment" means any premises, or part thereof, in which the business carried on is provided in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

"Animal" means any canine, bovine, feline, swine, livestock, poultry or non-exotic animal residing at the same premises as a licensed operation. Exotic Animals - see Schedule 2.

"Applicant" means a person who is required to be licensed pursuant to this By-law or who has made application for a license to the Issuer of Licenses and shall include a licensee.

"Association" means a group of persons joined together to carry on a common business that is not a partnership or corporation.

"By-law Enforcement Officer" means a Municipal Law Enforcement Officer appointed by by-law for the purposes of carrying out inspections and the enforcement of municipal by-laws.

"Business" means any business wholly or partly carried on within a municipality, even if the business is being carried on from a location outside the municipality, and includes trades and occupations; exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise; the sale or hire of goods or services on an intermittent or one-time basis and

the activities of a transient trader; and the display of samples, patterns or specimens of goods for the purpose of sale or hire. A municipality shall not pass a business licensing by-law for the following:

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

“Business Day” means a day from Monday to Friday except a statutory holiday.

“Campground” means any parcel of land which is zoned for the siting of recreational vehicles and/or tents within the meaning of this By-law under Schedule 4.

“Council” means the Council for The Corporation of the Township of Essa.

“Director” means a person appointed or elected to the Board of Directors of a corporation.

"Essa" means The Corporation of the Township of Essa.

“Fee” means a payment for services and remuneration paid for goods or other property.

"Fire Official" means the person who may, from time to time, be appointed by Council to the position of Fire Official or his designate.

"Goods” as it relates to Adult Entertainment Establishment Stores means books, adult magazines, adult video tapes, pictures, slides, film, phonographic records, pre-recorded magnetic tape or any other reading, viewing or listening matter appealing to or designed to appeal to erotic or sexual appetites or inclinations.

“Inspector” means a Township Building Inspector, Fire Inspector or Chief Building Official.

"Issuer of Licenses" means the Clerk of the Township of Essa or any other person duly authorized by the Clerk.

"License" means a business license issued pursuant to By-Law 2011-20.

“License Fee” means the appropriate fee for the license as set out in the approved Fee Schedule.

"Licensee" means a person who has been issued a license pursuant to this By-law either in the current calendar year or in a previous calendar year and shall include an applicant.

“Officer” means a person appointed by the board of directors of a corporation to hold an office of management in a corporation such as president, vice-president, treasurer or secretary.

"Person" means a member of the public, an association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

"Premise" means land and includes any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business and premise shall have the same meaning.

“Recreational Facility” means an indoor or outdoor facility used for a commercial operation.

“Catering Truck” means a motorized vehicle from which refreshments are sold, in particular on construction sites for the sole purpose of providing food and drink to workers on site, and which does not solicit business in commercial or residential areas.

“Service” means to provide or perform work done and benefit conferred upon another for a fee and profit.

“Settlement Area” means urban or rural settlement areas within the municipality that are built up areas where development is concentrated and which have a mix of land uses; and lands which have been designated for development in an Official Plan over the long term planning horizon. In cases where growth areas have not been designated by the Provincial or County Planning Policies, the settlement area may be no larger than the area where development is concentrated. See items M1 through M7 attached, referencing the settlement areas of Angus, Thornton, Baxter, Ivy, Egbert, Colwell and Utopia.

"Shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.

"To Provide" means, when used in relation to any goods, magazines or video tapes, means to sell, offer to sell or display for sale, by retail or otherwise including renting or barter for trade such magazine or video tape, and "provider", "providing" and "provision" have corresponding meanings.

"Township" means The Corporation of the Township of Essa.

“Zoning By-law” means the most current comprehensive zoning by-law in force in the Township or portions thereof, as amended and passed, pursuant to the *Planning Act*, R.S.O. 1990, c. P. 13 (the “*Planning Act*”).

6. INTERPRETATION

- 6.1 Sections 1 through 15 of the By-law are intended to be the general sections applicable to all businesses in the Township. Each Schedule contains specific regulations that apply to named categories of businesses. The provisions set out in the schedules relating to a specific business category shall form part of this By-law and shall be deemed to be in addition to the provisions set out in sections 1 through 15.
- 6.2 Words used in the singular shall have corresponding meanings when used in the plural.
- 6.3 "May" will be construed as permissive.
- 6.4 "Shall" will be construed as imperative.
- 6.5 Unless the contrary intention appears in this By-law, words importing the masculine gender shall include females as well as males and the converse.
- 6.6 Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time, provided however, if what is known as "daylight saving time" has been generally adopted in the regional area for any period of the year such time shall be the time referred to during such period in any reference to time in this By-law.

7. GENERAL PROVISIONS

7.1 Licenses

No person shall carry on, conduct, operate, maintain, keep or engage in any business set forth in this By-law, without first having obtained a license from the Issuer of Licenses.

7.2 Application for License

- a. Any person wishing to obtain a license shall submit the following to the Issuer of Licenses:
- i. A completed application in the form deemed appropriate by the Issuer of Licenses;
 - ii. A Supplementary Application for the applicable schedule;
 - iii. The required license fee as outlined in the Fee Schedule; and
 - iv. Any other documentation which may be listed on the supplementary application form.
- b. If the applicant is a corporation, the applicant shall file with the application the full name of every director, officer and shareholder or other person having an interest in the shares of the corporation. As a condition of the license, the applicant shall inform the Township of any changes to the shareholder information to ensure that the Township's files are current at all times.

- c. If the applicant is a partnership, the applicant shall file with the application the full name of every partner or other person having an interest in the shares of the partnership. As a condition of the license, the applicant shall inform the Township of any changes to the partnership information to ensure that the Township's files are current at all times.
- d. If the applicant is an association, the applicant shall file with the application the full name of every person having a financial interest in the association or its business. As a condition of the license, the applicant shall inform the Township of any changes to the submitted information to ensure that the Township's files are current at all times.
- e. The Issuer of Licenses shall not issue a license until the application and license fees have been paid and all requirements have been met.
- f. The Township shall review all license fees on an annual basis and fees shall be approved as part of the Fee Schedule.
- g. If one applicant operates more than one business at the same location he shall submit one application form providing information for each business to be conducted at the location. Upon review of the application, the Issuer of Licenses shall determine whether more than one license fee must be paid, and what the most applicable fee is in a "multi-business" situation.
- h. Upon receipt of an application the Issuer of Licenses shall undertake any investigations that, in their opinion, are necessary to assess the application. All costs incurred in such investigations shall be at the applicant's expense.
- i. The applicant shall be responsible for obtaining all necessary inspections and approvals as set out in this By-law, at their own expense.
- j. The Township may refuse to issue or renew a license if the property taxes for the premises at which the licensed business is located are unpaid, or if any outstanding monies are owing to the Township for services provided to or on the subject property.

7.3 Upon receipt of a completed application and the appropriate fees for a license, the Issuer of Licenses shall:

- a. Make any inquiries with any municipal official or employee who has carried out inspections relative to the business under application;
- b. Receive reports from such municipal officials and employees as may be deemed necessary;
- c. Inquire into all relevant matters in order to ascertain if the applicant is entitled to a license under the provisions of this By-law;
- d. Ensure that all other provisions of this By-law have been complied with by the applicant prior to the issuance of any such license.

7.4 **Accessibility**

The Township may refuse to issue a license unless the proposed business complies with the Township's Accessibility Plan.

7.5 Insurance

If the Township approves the application for license, the applicant shall provide proof of current and valid liability insurance for the term of the license in the amount set out in the appropriate schedule to this By-law. The Certificate of Insurance shall show the Township as additionally insured.

The Township shall not issue a license until it is in receipt of proof of liability insurance in the required amount, showing the Township as additionally insured.

Notwithstanding certain sections of the Schedules to this By-law, the Issuer of Licenses may, at their discretion, require or permit a business to obtain an amount of liability insurance other than the amount set out.

7.6 Application for License Renewal

Any person wishing to renew a license previously granted under this By-law shall submit the following to the Issuer of Licenses annually:

- a. A renewal application in the form deemed appropriate by the Issuer of Licenses;
- b. A Supplementary Application for the applicable schedule;
- c. A site plan showing any changes that have been made to the business or the property since issuance of the last licence;
- d. The required license fee outlined in the Fee Schedule.

7.7 If the Issuer of Licenses receives an application for renewal of a license previously granted under this By-law and the appropriate license fee, they shall:

- a. Ensure that all required inspections and approvals have been obtained;
- b. Make inquiries into all relevant matters in order to ascertain if the applicant is entitled to obtain a renewed license under the provisions of this By-law;
- c. Inquire into any and all relevant changes in circumstances since the previous license was issued to the applicant;
- d. Make any inquiries of any municipal official, employee or other agency who has carried out inspections or investigations relative to the business under application;
- e. Receive reports from such municipal officials, employees or other agencies as may be deemed necessary, prior to the issuance of any such renewal license;
- f. Ensure that neither the applicant nor licensee has any unpaid fines imposed under the *Provincial Offences Act* for the contravention of the section of this By-law under which the license was granted;
- g. Ensure that all property tax payments are current on the premises at which the licensed business will be located; and
- h. Receive evidence that the applicant has obtained liability insurance in the amount set out in the appropriate schedule to this By-law and ensure that such evidence indicates that the Township is designated as additionally insured on the insurance policy.

7.8 If all necessary inspections and approvals have been obtained and if the Issuer of Licenses is satisfied that the applicant is entitled to the renewal of a license, the Issuer of Licenses shall prepare and issue a renewed license to the applicant.

7.9 Form of License

Every license shall contain the following:

- a. The operating name of the business or person to whom the license is issued;
- b. The operating address of the premises or location for which the license is issued;
- c. The kind or class of license granted;
- d. The date of issuance;
- e. The date of expiration;
- f. The signature of the Issuer of Licenses or designate; and
- g. The Township's seal.

7.10 Lost or Destroyed

In the event that a license issued under this By-law is lost or destroyed the applicant shall:

- a. Submit proof of such loss or destruction to the satisfaction of the Issuer of Licenses;
- b. Submit payment of the replacement fee of fifteen dollars (\$15.00); and
- c. Upon receipt of the aforementioned, the Issuer of Licenses shall issue a duplicate license with the word "duplicate" stamped or marked on it.

7.11 Change of Name, Ownership or Location

- a. Upon change of ownership of the licensed business every licensee shall return and surrender his current license to the Issuer of Licenses. The new owner shall make application for a new license as outlined in Section 7.2 of this By-law. For the purpose of this section, a change in beneficial ownership of a licensed business that is a corporation shall be deemed to have occurred if a majority of the shares of the corporation are transferred.
- b. A license is not transferable to a new location even if there is no change in the business or the owner. The applicant must apply for a new business license pursuant to Section 7.2 and shall surrender the license issued to the business at the previous location, to the Issuer of Licenses.

7.12 Licenses Personal

No person shall have a vested interest or property right in any license or the continuance of any license. All licenses remain the property of the Township.

7.13 Nuisance Abatement

In addition to any other provisions or requirements of this By-law every licensee shall:

- a. At all times maintain and keep safe, clean and in good condition and repair any object, amusement, vehicle, place or premises for which the license is issued;
- b. Not cause, suffer, or permit any breach of any by-law of the corporation or of any local board thereof, or of any statute, order-in-council, or regulation of the legislature of the Province of Ontario or the Parliament of Canada or of any

agency, board or commission of either of them, in, upon, or in connection with the object, amusement, place or premises for, or in relation to which such license was issued;

- c. Not cause or commit any nuisance to arise in, on, or in connection with the object, amusement, vehicle, place or premises for which the license was issued;
- d. Not cause or permit any shouting, noise or other disturbance on, in, or in connection with the object, amusement, vehicle, place or premises for which the license was issued, which is, in the opinion of the Township, unnecessary, unreasonable or contrary to any municipal by-law prohibiting the same;
- e. Not cause or permit any obstruction on any highway, lane or public place near or adjoining the place or premises for which the license was issued; and
- f. Not cause or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any vehicle, place or premises for which the license was issued.

7.14 Every person who acquires a license that is issued under this By-law is responsible for the due performance and observance of all the provisions of this By-law by himself and by his employees and all other persons in, or upon the licensed premises.

7.15 Inspection

- a. The Issuer of Licenses, or his designate, including but not limited to, the Fire Official, Health Officials, Conservation Officers, Fire Fighters, Provincial Offences Officers, By-Law Enforcement Officers, Police Inspectors or Police Officers, Tobacco Enforcement Officers, or any agent, servant or employee of such servants as designated by Council, may at all reasonable times, inspect or cause to be inspected the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the carrying on of a licensed business or a business being carried on without a license, contrary to this By-law.

- b. Every person obtaining a license under this By-law, if the license applies to the occupation of such person, shall carry his license with him when engaged in the occupation for which the license is issued and every person so licensed shall, when so requested by any person authorized by the Township, produce the license for inspection.
- c. Every person obtaining a license under this By-law, where the license applies to the premises, shall keep his license posted in a clearly visible place on the premises in respect of which the license is issued and every person so licensed shall, when requested by any person authorized by the Township, produce the license for inspection.

7.16 Suspension or Refusal to Grant a License

- a. The Issuer of Licenses may refuse to issue a license to any applicant who, in the Issuer's opinion, should not be granted a license because of past breaches of this By-law or a failure to comply with the requirements of this By-law or other applicable by-laws of the Township or of any local board thereof, or of any statute, order-in-council, or regulation of the Provincial Legislature or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon or in connection with the business of the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the business.
- b. The Township of Essa retains the right to suspend a license issued under this By-law if the municipality is satisfied that the continuation of a business poses an immediate danger to the health or safety of any person, animal, or to any property, the municipality may, for the time and on such condition as it considers appropriate, without a hearing, suspend a license subject to providing the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them. Such suspension shall not exceed 14 calendar days.
- c. Notice of suspension or revocation of any license may be given by registered letter mailed to the address on the license. Receipt of such notice is deemed to occur at the time of mailing the notice and the license shall terminate two business days after receipt of notice.
- d. Upon revocation and/or suspension of a license the licensee shall:
 - i. Return all certificates and badges issued with reference to such license;
 - ii. Permit any officer to enter the premises, vehicle or other property of the licensee for the purpose of receiving or taking the certificates or badges; and
 - iii. In no way hinder, prevent or obstruct an officer from carrying out his duties.
 - iv. Cease operation of the business immediately.

7.17 Notice and Appeal

- a. If the Issuer of Licenses refuses to issue, or revokes a license, the said Issuer of Licenses shall notify the applicant, in writing, of the decision. The notice shall set out the grounds for the refusal and shall state that the applicant or licensee may appeal the decision by filing an appeal with the Clerk of the Township within ten (10) business days of receiving notice.

- b. Upon receipt of an appeal from the applicant the Clerk and Council shall follow the hearing procedure set out in this By-law.
- c. After conducting the hearing the Council may grant a license, refuse to grant a license, revoke a license or suspend a license and may make any suspension of license subject to such terms or conditions as Council may prescribe. The decision of Council is final and binding upon the applicant or any license.
- d. In making its determination, Council may have regard for the following:
 - i. Whether the applicant or licensee and the premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of the business comply with all requirements of this By-law;
 - ii. Whether the applicant or licensee has failed to promptly remedy any concern with regard to those matters set out in this By-law or has committed past breaches of this By-law;
 - iii. Whether the applicant or licensee has failed to comply with any requirements of any other applicable by-law of the Township or any local board thereof or of any statute, order-in-council or regulation of the Provincial Legislature or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon or in connection with the business or the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the business;
 - iv. Whether the applicant or licensee has any fines (due and unpaid for fifteen days or more) imposed under the *Provincial Offences Act* for the contravention of the applicable section of this By-law under which the license was granted;
 - v. Whether all property taxes due on the premises used in connection with the business have been paid; and
 - vi. Whether all water and/or sewer accounts due on the premises used in connection with the business have been paid.

7.18 Hearing Procedure

The Clerk shall fix a date and time for such matter to be considered by Council and shall mail a Notice of Hearing to the licensee (at the last address as shown in the records of the Issuer of Licenses or the current year's assessment roll) and to any other person who has applied to be heard with regard to the matter.

- a. Notice shall be mailed at least fifteen (15) days prior to the date and time fixed for the hearing.
- b. At the hearing Council shall receive a report, either verbally or in writing, from the Issuer of Licenses and from such other officers and employees of the Township as required by Council.
- c. At the hearing the licensee, either personally or through his agent or solicitor, shall be afforded an opportunity to present material and evidence relevant to the issue before Council and he may ask questions of any person presenting evidence or a report to Council relevant to the issue.

- d. Council may afford any other person who applied to be heard and who, at the discretion of Council, has an interest in the matter under discussion, may be granted an opportunity to present material and evidence relevant to the issue before Council and to ask questions of any person presenting evidence or a report to Council relevant to the issues.
- e. For the purposes of this section, a quorum of Council shall be a majority of the members of Council and a decision by the majority of members present shall be the decision of Council.
- f. Council may, after having heard all of the evidence and submissions made by the applicant/licensee and the Issuer of Licenses resolve into the Committee of the Whole to debate the matter and make a decision.
- g. The decision made by Council sitting as the Committee of the Whole shall be confirmed in open Council by Resolution immediately following the meeting of the Committee of the Whole and a certified copy of such resolution shall be mailed to the licensee, to any person who has appeared before Council and requested that a copy of the resolution be provided to them and to the Issuer of Licenses.

7.19 **General**

- a. No person shall engage in, or continue to conduct, or permit any person to engage in or continue to conduct, a business for which a license is required under this By-law while such license is suspended or revoked.
- b. Every person engaging in any business for which he is required to be licensed by the provisions of this By-law shall be responsible to comply with all the terms of this By-law.
- c. For the purposes of this By-law, a business shall be deemed to be carried on within a municipality even if any part of the business is carried on outside of the municipality.
- d. In addition to the authority provided in the *Municipal Act*, and subject to other relevant legislation, the Council of a local municipality may pass by-laws for the licensing, regulating and governing any business carried on within the municipality.

8. **OFFENCES AND PENALTIES**

- 8.1 Any person who contravenes any provision of this By-law unless otherwise provided herein is guilty of an offence.
- 8.2 Each day that a breach of this By-law continues shall constitute a separate offence.
- 8.3 If the contravention relates to the licensing, regulating or governing of an adult entertainment establishment, every person who commits a contravention and every director or officer of a corporation who concurs in the contravention by the corporation is guilty of an offence and upon conviction is liable to a fine not exceeding \$25,000, or to imprisonment for a term not exceeding one year, or to both.

- 8.4 Where an owner is convicted of knowingly carrying on or engaging in a trade, calling, business or occupation on, in, or in respect of any premises or part thereof without a license required by a by-law passed under the *Municipal Act, 2001*, the Court shall order that the premises or part thereof be closed to any use for any period not exceeding two years.
- 8.5 Where a person is convicted of a contravention of a by-law passed under Sections 150 through 165 of the *Municipal Act, 2001*, the Court may order that the premises or part thereof be closed to any use for any period not exceeding two years.

9. **SEVERABILITY**

Should any section, subsection, clause, paragraph, schedule or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part has been struck out.

10. **ENFORCEMENT**

This By-law shall be enforced by Township's By-Law Enforcement Officers and the Nottawasaga Detachment of the Ontario Provincial Police.

11. **ADMINISTRATION**

This By-law shall be administered by the Clerk as the Issuer of Licenses, or their duly authorized representative.

12. **FORCE AND EFFECT**

12.1 This By-law shall come into force and take effect on and from the day it is finally passed by Council and unless earlier revoked.

12.2 Every license issued under this By-law shall expire at 11:59 p.m. on December 31st of the year for which the business license was issued.

13. **APPLICATIONS**

13.1 Any person providing false information in any application or supplementary application pursuant to this By-law is guilty of an offence.

13.2 Any person who is issued a license pursuant to this By-law shall report any change in information in any submitted application forms to the Issuer of Licenses within fifteen (15) business days of such change.

13.3 The granting of a license shall not, in any way, be deemed to be a waiver by the Township of compliance with any other applicable by-laws of the Township or any other legislation.

14. **EXISTING BY-LAWS**

14.1 Nothing in this By-law shall override the provision of Essa's Comprehensive Zoning By-law.

14.2 By-Law 2007-81 is hereby repealed.

14.3 By-laws 2006-18 and 2006-64 - Canine Control; 2006-48 - Transient Traders; and 2007-53 and 2007-58 - Breeding; shall all remain in place and have effect, in conjunction with and in adherence to the provisions set out herein.

15. **EFFECTIVE DATE**

This By-law shall come into force upon the final passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME and finally passed this 20th day of April, 2011.

Terry Dowdall, Mayor

Shawna Stone, Clerk

SCHEDULE "1"

KENNELS

1. **Authority**

Municipal Act, 2001, S.O. 2001, c. 25, Section 11 (3) 9 and Section 150.

2. **Purpose**

The licensing of kennels is for the purpose of nuisance control, consumer protection and health and safety.

3. **Definitions**

"Breeding Kennel" means a kennel or property housing three (3) or more dogs which are kept for the purpose of reproduction and sale until they reach the age of 12 weeks. Refer to By-law 2007-53, as amended.

"Canine Control Officer" includes the person, firm, corporation or association who has entered into a contract with or is employed by the Township to control dogs, and any servants or agents named on such contract. For the purposes of this By-law, Essa's Canine Control Officers may be appointed Municipal By-law Enforcement Officers in accordance with Section 15 of the *Police Services Act*, R.S.O. 1990, c. P. 15.

"Dog" means any male or female dog, spayed bitch or neutered male, over the age of 12 weeks.

"Dog Owners Liability Act" (DOLA) refers to the Provincial legislation and Regulations governing dog ownership, and dangerous dogs, in Ontario.

"Keep" means to be in the care, custody, control or possession of a canine.

"Kennel" means an enclosed building, made of four walls and a roof, used for the keeping, breeding or boarding of dogs or any other function normally associated or related thereto.

"Kennel License" means a license issued pursuant to this By-law.

"Owner" of a dog includes any person who possesses or harbours a dog and "owns" or "owned" have a corresponding meaning.

"Pit Bull" includes a pit bull terrier, a Staffordshire bull terrier, an American Staffordshire terrier, an American pit bull terrier, or a dog that has an appearance and physical characteristics.

4. **General**

4.1 Any household, business or property housing more than three (3) dogs constitutes a kennel and is subject to the requirements of this By-law.

4.2 No person shall own, operate, manage, control, supervise, or have located on any property, any kennel unless a kennel license has been issued by the Township for the property.

4.3 Each applicant shall complete the appropriate Supplementary Application in the form in addition to the Application for Business License.

- 4.4 To provide a buffer for noise attenuation and nuisance control no kennel license shall be issued unless the kennel complies with the following minimum standards:
- a. No part of any kennel (including runs) shall be closer than 30 metres (98.4 feet) from an abutting property line nor closer than 100 metres (328.1 feet) from any highway, road or street;
 - b. No part of any kennel shall be within 150 metres (492.1 feet) of a residential dwelling on adjacent property; and
 - c. The kennel must be located on a lot with a minimum area of 1.5 hectares (3.7 acres).
- 4.5 In the case of a proposed kennel that has not been built, an applicant for a kennel license shall submit drawings along with a license application, and all other information as the Township may require to determine whether the proposed kennel and runs conform with the requirements of this By-law.
- 4.6 If the Township is satisfied that the kennel and runs conform with the requirements of this By-law a kennel license may be issued.
- 4.7 Kennels shall be operated and maintained in accordance with the following regulations:
- a. Each kennel shall provide sufficient space for the animals which are kept therein to stand and be in comfort, and being no less than 1.5 square metres (16.1 square feet) per animal;
 - b. Each kennel shall be kept in a sanitary, well ventilated, clean condition and free from offensive odours, disease and vermin;
 - c. Each kennel shall contain facilities to provide each animal with adequate access to drinking water;
 - d. No kennel or part thereof shall be used for human habitation; and
 - e. All animals shall be confined to the kennel building between the hours of 9:00 p.m. and 6:00 a.m.
- 4.8 The holder of a kennel license shall ensure that a responsible person designated by such holder is in attendance at the kennel at least once every 24 hours.
- 4.9 The holder of a kennel license shall keep each dog confined within the kennel or runs unless such dog is under the control of a responsible person designated by such holder.
- 4.10 Notwithstanding any other provision of this By-law for the purpose of nuisance control and safety, the following provisions apply to kennels and kennel licenses under this By-law:
- a. No person shall keep or allow more than 15 dogs at any licensed kennel at any time;
 - b. No more than one kennel license may be issued for any one property;
 - c. No person shall obtain a kennel license in respect of any property if a kennel license has been issued for any abutting property.

- 4.11 The license of any person who contravenes any provision of this By-law shall be revoked.
- 4.12 Notwithstanding any other provision of this By-law, the number of kennel licenses issued by the Township shall not exceed 25 in number at any one time.
- 4.13 This By-law is to be enforced by the appointed Canine Control Officer, By-Law Enforcement Officers. Officers from the Ontario Society for the Prevention of Cruelty to Animals, and the Ontario Provincial Police may also be involved in investigations.

5. **Insurance**

- 5.1 The Township shall not issue a license under this schedule unless the applicant obtains liability insurance in the amount of two million dollars (\$2,000,000.00) and provides the Township proof of such insurance, showing the Township as additionally insured.
- 5.2 The applicant shall keep the liability insurance current for the term of the license and shall instruct the insurer to provide 10 days' written notice to the Township of any cancellation, expiry or variation of such insurance.
- 5.3 The business license shall be invalid upon the cancellation or expiry of the liability insurance.

6. **Breeding Kennels**

Refer to By-law 2007-53, as amended.

SCHEDULE "2"

EXOTIC ANIMALS

1. **Authority**

Municipal Act, 2001, S.O. 2001, c. 25, Section 11 (3) 9 and Section 150 (1).

2. **Purpose**

The licensing of keeping certain animals is for the purpose of public safety and nuisance control.

3. **Definitions**

"Animal" includes birds and reptiles.

"Animal, prohibited or dangerous" means any animal that is or deemed to be potentially harmful to humans by nature, aggression, venom, toxins or size and that require specifically designed, secure enclosures to ensure safekeeping including those animals listed on Appendix B.

"Enclosure" means any cage, container, or structure to keep an animal confined for safekeeping and includes the descriptions and specifications set out in Appendix C.

"Keep" means the act of care, custody, control or possession of an animal.

"Owner" means the person who owns the animal and includes any person who keeps, harbours, or is in control of the animal within Essa, and where the owner is a minor, the person responsible for the custody of the minor.

"Zone" means a designated area of land use as specified by Essa's Zoning By-law.

4. **Exemptions**

4.1 No person shall keep, breed or board any prohibited or dangerous animal, within the Township of Essa.

4.2 Section 4.1 of this By-law schedule shall not apply to prevent the keeping of any domesticated animal listed in Appendix A, or any prohibited or dangerous animal, provided that the animal is:

- a. in a veterinary hospital under the care of a licensed Veterinarian;
- b. in an OPP office;
- c. licensed by the Ontario Ministry of Natural Resources; or
- d. in an accredited zoo, or a zoo belonging to the Canadian Association of Zoos and Aquariums, on lands specifically zoned for such use, where the applicant will provide a liability insurance certificate in the amount of two million (\$2,000,000.00) naming the Township of Essa as an additional insured.

4.3 Notwithstanding this By-law, any person who owned a prohibited or dangerous animal prior to the passing of By-law 2011-20 may be permitted to keep said animal if:

- a. the animal is registered with the Township utilizing the Supplementary Application;
- b. the animal is micro-chipped for identification purposes (if applicable and possible);
- c. the animal is either spayed or neutered;
- d. after an inspection by the Township's By-law Enforcement Officer, the By-law Enforcement Officer is satisfied that the animal is being kept in a humane manner and that adequate precautions are being taken to ensure that the animal cannot escape its enclosure or in any way pose a danger to the public, in keeping with all other Sections of this By-law.
- e. the applicant provides a liability insurance certificate in the amount of \$2,000,000 naming the Township of Essa as an additional insured. The applicant shall keep the liability insurance current for the term of the license and shall instruct the insurer to provide 10 days written notice to the Township of any cancellation, expiry or variation of such insurance. The business license shall be invalid upon the cancellation or expiry of the liability insurance.

4.4 If any of the above requirements are unable to be met for any reason, written documentation from the authorizing body must be provided and approved by the Issuer of Licenses to support the owner's reason why the condition cannot be met.

5. **Registration**

Registration of a prohibited or dangerous animal should take place with the Township with a fee to be remitted to the Township in an amount set out in the Fee Schedule as it may be amended from time to time. Upon registration and if the Township is satisfied that all parts of the Section 4 of this By-law schedule have been met, the owner of a prohibited or dangerous animal will be issued a permit to display in a prominent location identifying the presence of a prohibited or dangerous animal.

6. **Responsibility of Animal Ownership**

6.1 Any person who owns a prohibited or dangerous animal shall:

- a. treat it in a humane manner;
- b. provide the necessary food, water, housing, care and attention as required to address the biological and behavioural needs of the animal, with species specific consideration;
- c. treat it so that offensive odours and the transfer of disease are minimized; and
- d. remove any excrement from the animal's enclosure and dispose of it in a sanitary manner.

6.2 An owner shall have:

- a. adequate knowledge of the species regarding nutritional, health care, social and housing requirements to address the biological and behavioural needs of the animal; and
- b. not acquired a prohibited or dangerous animal through illegal means.

7. **Care of Animals and Enclosure Requirements**

7.1 Care of Animals

- a. Every person who keeps a prohibited or dangerous animal within the Township shall provide the animal or cause it to be provided with adequate and appropriate care, food, water, shelter, exercise, behavioural enrichment, attention and veterinary care as may be required to meet the biological and behavioural needs of the animal;
- b. If a prohibited or dangerous animal is customarily kept outdoors, the owner of the animal shall provide for the safekeeping of the animal including for its use at all times a structurally sufficient, weather-proofed and insulated enclosure of appropriate size and dimension for the species;
- c. No person shall keep a prohibited or dangerous animal within the Township in an unsanitary condition. Enclosures must be cleaned regularly, not allowing excessive accumulation of urine and feces. An animal is kept in an unsanitary condition where the keeping of the animal results in an accumulation of faecal matter, an odour, insect infestation or rodent attractants which endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of anyone;
- d. No person shall permit any prohibited or dangerous animal to run at large or to trespass within the Township. A prohibited or dangerous animal must remain securely on the owner's property in accordance with the Enclosure Requirements Section of this By-law schedule except for necessary visits to a veterinarian's office. On occasions of transporting a prohibited or dangerous animal, such animal must be transported in an approved temporary transporting cage and should not be placed on a leash; and
- e. No person shall permit a prohibited or dangerous animal to breed with other animals.

7.2 Enclosure Requirements

- a. A prohibited or dangerous animal shall be kept in an escape-proof enclosure or container which complies with the requirements set out in Appendix C;
- b. Properties containing a prohibited or dangerous animal shall have a securely constructed perimeter fence built to meet the specifications set out in Appendix C; and
- c. Where a prohibited or dangerous animal is to be shown or displayed to the public, there shall be no opportunity for physical contact between members of the public and the animal. An owner who shows or displays a prohibited or dangerous animal to the public shall take all reasonable steps to ensure that members of the public are safe from harm.

8. **Enforcement**

- 8.1 A prohibited or dangerous animal running at large within the Township may be impounded or destroyed if necessary to ensure the safety of the public. All animals that are deemed on inspection to be improperly enclosed or cared for may be impounded or destroyed if necessary to ensure the safety of the public. Any owner of an animal impounded or

destroyed pursuant to this By-law shall be liable to pay all costs of impounding or destroying the animal, its care and upkeep and all other reasonable costs related thereto.

- 8.2 If a complaint related to matters governed by this By-law is registered with the Township, then an investigation, including inspection, may take place.
- a. The By-law Enforcement Officer, or any person acting under his or her instruction, has the power of entry under Section 435 of the *Municipal Act*;
 - b. A person exercising a power of entry must produce proper identification; or
 - c. A person exercising a power of entry shall not enter or remain in any room or place actually used as a dwelling unless,
 - i. the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under Section 158 of the *Provincial Offences Act*;
 - ii. a warrant issued under Section 158 of the *Provincial Offences Act* is obtained; or
 - iii. the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health and safety of any person.

SCHEDULE 2, APPENDIX "A"

DOMESTICATED ANIMALS

All domestic dogs

All domestic cats

All domestic ferrets

Rodents kept domestically including hamsters, rats and mice, and guinea pigs

SCHEDULE 2, APPENDIX “B”

PROHIBITED AND DANGEROUS ANIMALS

Bats

Canids (such as wolves) except domestic dogs

Crocodylians

Edentates (including anteaters, sloths and armadillos)

Elephants

Felids (including cougars, lions, lynx, panthers and tigers) except domestic cats

Hyenas

Marsupials (such as kangaroos and opossums)

Mustelids (such as skunks)

Non-human primates

Procyonids (such as raccoons)

Raptors (including eagles, hawks and owls) * except for those licensed under the Ministry of Environment

Ursides (bears)

Venomous arachnids (spiders)

Venomous reptiles and constrictors (including pythons and anacondas)

SCHEDULE 2, APPENDIX "C"

ENCLOSURE REQUIREMENTS FOR A PROHIBITED OR DANGEROUS ANIMAL

Enclosures for venomous reptiles and constrictors:

1. Enclosures shall be kept indoors in a secure and locked area.
2. Enclosures shall be constructed of solid wood, fibreglass, plastic or metal.
3. Enclosures themselves must be secure and key-locked. There shall be a sign displaying the words "**LIVE VENOMOUS ANIMAL(S), DO NOT TOUCH**", which shall be posted outside the enclosure and include a listing of emergency phone numbers.
4. Enclosures should provide: adequate heat in a manner such that an animal can escape direct heat (note, thermometers and a back-up heat source are recommended) and a rougher surface to facilitate shedding (for snakes).

Enclosures for other prohibited or dangerous animals:

1. Enclosures shall be no less than 9 m x 12 m comprised of 9-gauge chain link fence, which fence is to be 3 m in height.
2. The top of the enclosure must be covered and shall be comprised of 9-gauge chain link fence with the required trusses, except in the case of enclosures for canids.
3. Main corner posts are to be 7.6 cm metal posts. There will be additional cross posts placed horizontally at 1 m and 2 m from the bottom of the fence. The bottom of the enclosure shall be buried securely into the ground at a depth of 1 m.
4. 10.16 cm reinforced mesh shall be attached to the bottom of the enclosure and shall extend no less than 1 m into the enclosure and weighted down by rocks.
5. Enclosures shall provide an additional secured area attached to the main enclosure for when the enclosure is being cleaned.
6. Doors shall open into enclosures.
7. There is to be a second chain link fence 1.8 m out from the enclosure and at least 1.2 m high. "DANGER" signs must be posted on the outer fence and visible to the public.
8. A secure perimeter fence must encompass the entire property of an owner, or an area as deemed appropriate by the By-law Enforcement Officer, at a height of no less than 1.8 m.

SCHEDULE "3"

ADULT ENTERTAINMENT INDUSTRY

1. **Authority**

Municipal Act, 2001, S.O. 2001, c. 25, Section 154.

2. **Purpose**

The licensing of adult entertainment establishments is for the purpose of nuisance control within the Township.

3. **Definitions**

"Adult Entertainment" includes:

- a. Services of which the principal feature or characteristic is the nudity or partial nudity of any person.
- b. Services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.
- c. Any premises or part thereof in which goods are sold designed to arouse any person from acquiring or being subjected to the goods displayed and available to the public. Shall include, but not limited to novelty shops and adult video shops.

"Attendant" when used in reference to an adult entertainment establishment means any person who provides, at or in an adult entertainment establishment, services designed to appeal to erotic or sexual appetites or inclinations.

"Operator" means a person who alone or with others has the right to possess or occupy an adult entertainment establishment and includes the manager or his or her delegate who shall be on the premises at all times and who shall be at least nineteen (19) years of age.

"Owner" means a person who alone or with others has the right to possess or occupy an adult entertainment establishment and includes a lessee of an adult entertainment establishment or of premises upon which an adult entertainment establishment is located.

"Person" means an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors, or other legal representatives of a person to whom the same can apply according to laws.

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

"Services Designed to Appeal to Erotic or Sexual Appetites or Inclinations" see definition of Adult Entertainment Establishment.

4. **General**

- 4.1 No person shall operate an adult entertainment establishment except in accordance with the terms of this By-law.

- 4.2 No person shall operate, permit or maintain the business, trade or occupation of an adult entertainment establishment, within the Township without first having obtained a license to do so.
- 4.3 Every person carrying on the business of an adult entertainment establishment shall prominently display at each entrance to the premises signage reading: "ADULT ENTERTAINMENT ESTABLISHMENT".
- 4.4 No owner or operator of an adult entertainment establishment shall place or permit to be placed any sign or any other advertising device on any lands and premises occupied by the adult entertainment establishment, except a sign containing the words "Adult Entertainment Establishment" and the name under which the business is operated provided that such name does not include any of the following words: "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication.
- 4.5 Portable signs shall not be permitted in conjunction with an adult entertainment establishment.
- 4.6 In addition to normal regulations pertaining to signs, the following provisions shall apply to adult entertainment signs:
 - a. Only facia signs shall be permitted and the signs for the adult entertainment establishments must be on that part of the building containing the adult entertainment establishment;
 - b. Signs shall contain the establishment name only; no pictures or symbols shall be allowed;
 - c. No person shall distribute any printed matter within the Township, the dominant purpose of which is the promotion of adult entertainment establishments; and
 - d. No person shall verbally, by means of loudspeakers or any electronically amplified sound, advertise adult entertainment establishments in the Township.
- 4.7 No person shall provide services in any adult entertainment establishment unless such premises are licensed under the provisions of this By-law.
- 4.8 Every licensee shall maintain a current list of all entertainers, the professional name under which they perform, their legal name, current residing address, and current mailing address.
- 4.9 No license shall be issued to an owner or operator of an adult entertainment establishment unless:
 - a. The applicant is at least nineteen (19) years of age;
 - b. The Ontario Provincial Police have provided a written report indicating that the Applicant has not received a conviction under one of the following sections of the *Criminal Code of Canada*. S.173 of the Criminal Code (indecent acts) S.212 of the Criminal Code (procuring) S.213 of the Criminal Code (prostitution);
 - c. The premises comply with the zoning by-law regulations or any other applicable requirements of the Township, Fire Code, Building Code and Public Health Act;

- d. The Fire Official has reported in writing that the premises complies with fire regulations;
- e. The Simcoe County Health Unit has reported in writing that the premises in connection with which the license is sought are suitable for the purpose of the license application and are in a sanitary condition;
- f. In the case of an operator's license, the operator provides the name of the owner whose entertainment establishment the operator intends to operate; and
- g. The applicant has paid to the Township the license fee prescribed by this By-law.

5. **Age Restriction**

No owner or operator shall permit any person under the age of eighteen (18) years to enter or remain in the adult entertainment establishment, owned or operated by the owner or operator.

6. **Hours of Operation**

6.1 No person, owner or operator shall operate an adult entertainment establishment other than at the hours set out below:

Day	From	To
Monday	8:00 pm	1:00 am of the following day
Tuesday	8:00 pm	1:00 am of the following day
Wednesday	8:00 pm	1:00 am of the following day
Thursday	8:00 pm	1:00 am of the following day
Friday	12:00 pm	1:00 am of the following day
Saturday	12:00 pm	1:00 am of the following day

All adult entertainment establishments shall be closed and remain closed on all of the days defined below:

- SUNDAY
- NEW YEAR'S DAY
- FAMILY DAY
- GOOD FRIDAY
- EASTER MONDAY
- THANKSGIVING DAY
- REMEMBRANCE DAY
- CHRISTMAS DAY
- BOXING DAY

Any day appointed by proclamation of the Governor General or the Lieutenant Governor as a public holiday or for a general fast or Thanksgiving.

When any of the aforesaid days falls on a Sunday, except Remembrance Day, the next day following.

7. **Attendants**

7.1 Proof of Age and Photo ID

No owner or operator shall permit any attendant on the premises licensed pursuant to this Schedule and by-law without first having been provided with the appropriate photo identification and proof of age. Until this proof of age is submitted, the attendant shall not be permitted on the premises and failing which

the owner and/or operator shall be subject to suspension or revocation of the license held pursuant to this schedule.

- 7.2 Notwithstanding any other provisions in this By-law to the contrary, an adult entertainment establishment is not considered to be a place of entertainment, a private or commercial club, tourist establishment, a recreational use, a commercial recreational establishment or any other use not specifically defined as an adult entertainment establishment.

8. **Prohibitions**

- 8.1 No attendant shall, while providing services as an attendant, touch or be touched by or have any physical contact with, any other person, in any manner whatsoever involving any part of any person's body.
- 8.2 No owner or operator shall, in respect of any adult entertainment establishment owned or operated by such person, knowingly permit any attendant, while providing services as an attendant, to touch or be touched by, or have any physical contact with any other person, in any manner whatsoever involving any part of any person's body.
- 8.3 All services provided by attendants shall be provided within view of the main stage area without obstruction by walls, curtains or any other enclosures. No attendant shall provide any service within any area whatsoever which is not open to view by all customers.
- 8.4 No owner or operator shall, in respect of any adult entertainment establishment owned or operated by such person, allow any service to be provided by any attendant within any area whatsoever which is not open to view by all customers, and in the same manner as set out in Section 8.3.
- 8.5 No owner shall permit any person other than the attendants to be on the performance stage while adult entertainment is being performed.

9. **Location**

- 9.1 An adult entertainment establishment shall be allowed only in a building where it is the sole use.
- 9.2 The property containing an adult entertainment establishment shall be located at least 300 metres from any other property containing an adult entertainment establishment.
- 9.3 The property containing an adult entertainment establishment shall be located at least 500 metres from any residential, institutional or open space zone.
- 9.4 Notwithstanding any other provisions to the contrary, an adult entertainment establishment shall not be permitted within 500 metres, measured in a continuous path over the shortest horizontal distance, of any public or private school, day care or nursery school, place of worship, library, school bus stop,

government office and public service buildings such as a post office, public parks and recreation areas and medical building or facility.

10. **Inspection**

- 10.1 On receipt of an application for a license or for any renewal of a license or at any time during the period when the business is open for operation and all times thereafter, the Issuer of Licenses, Fire Official or designate, Chief Building Official, any Police Officer or By-Law Enforcement Officer may at any reasonable time enter upon the premises of the applicant or licensee to make an inspection to ensure that all the provisions of this By-law have been satisfied, and upon entry, all employees and attendants shall identify themselves to verify compliance with provisions of this By-law.
- 10.2 No person shall obstruct the Issuer of Licenses or designate, Chief Building Official, any Police Officer or By-Law Enforcement Officer from inspecting premises or withhold, destroy, conceal or refuse to furnish any information or thing required by any one of the aforesaid official(s) conducting the inspection.

11. **Insurance**

- 11.1 The Township shall not issue a license under this schedule unless the applicant obtains liability insurance in the amount of three (\$3) million dollars and provides the Township proof of such insurance, showing the Township as additionally insured.
- 11.2 The applicant shall keep the liability insurance current for the term of the license and shall instruct the insurer to provide ten (10) days written notice to the Township of any cancellation, expiry or variation of such insurance.
- 11.3 The business license shall be invalid upon the cancellation or expiry of the liability insurance.

SCHEDULE "4"

SEASONAL CAMPGROUNDS

1. **Authority**

Municipal Act, 2001, S.O. 2001, c. 25, Section 164.

2. **Purpose**

The licensing of campgrounds is for the purpose of regulating the placement of camping vehicles and tents on the property making up the campground and to make provisions for the basic health, safety and welfare of occupants of such parks.

3. **Definitions**

For the purposes of this By-law, the following words shall have the meaning ascribed herein:

"Campground" means any parcel of land that is zoned for the locating of recreational vehicles and/or tents within the meaning of the by-law.

"Mobile Home" means a transportable single detached dwelling unit designed and built to be transported on its own chassis or frame, notwithstanding that its running gear is or may be removed, that it is constructed or manufactured to provide a permanent residence for one or more persons. The maximum width of this unit is 6.0 m. The mobile home is designed for long-term year-round occupancy. It has facilities for cooking, eating, living, sleeping and sanitation.

"Occupant" means any person who pays for the use of a site.

"Owner" means the person who holds legal title to a piece of property.

"Park Model Trailer" means a portable structure built on a single chassis and mounted on wheels that is intended as living quarters for seasonal camping and is designed for periodic relocation and having:

- a. a gross floor area, including lofts, not exceeding 50 square metres (538 square feet) when set up ; and
- b. a width greater than 2.6 metres (8.5 feet) when prepared for transit.

"Recreational Vehicle" means any vehicle intended for recreational purposes and which is self propelled and used only as temporary living, sleeping or eating accommodation of persons including, but not limited to a vehicle with at least one of the following:

- a. plumbing fixtures;
- b. fuel burning appliances; or
- c. a 120 volt electrical component.

"Site" means a parcel of land within a campground intended for the use of one party of tourists or campers, including vehicle parking.

“**Tent**” means a collapsible shelter of canvas or other fabric used for camping outdoors.

“**Travel Trailer**” means a portable structure, other than a recreational vehicle, intended as temporary living accommodations, including structures commonly referred to as travel trailers, slide-in campers, chassis mounted campers and tent trailers having the following features:

- a. an overall length not exceeding 12.5 metre (41 feet); and
- b. an overall width not exceeding 2.6 metre (8 feet, 6 inches). Width shall mean the sum of the distance from the vehicle centre line to the outmost projections on each side when the vehicle is folded or condensed for transit.

4. **Regulation of Campgrounds**

- 4.1 No person shall operate a campground in Essa except in accordance with the terms of this By-law.
- 4.2 Campgrounds operated within the Township of Essa shall:
 - a. Only operate on lands properly zoned under the zoning by-law, for the particular use covered by the proposed license.
 - b. Be divided into lots, and each lot shall be occupied by no more than:
 - i. one park model trailer;
 - ii. one recreational vehicle; or
 - iii. one travel trailer.
 - c. Operate in accordance with all applicable laws of the Province of Ontario, the County of Simcoe and the Township of Essa, and only in accordance with up-to-date approvals issued by all of the applicable authorities. Without limiting the generality of the foregoing, such approvals shall include the approval of the local Fire Official with respect to the presence of appropriate fire prevention facilities and including facilities for effective fire fighting, approvals from the Simcoe County District Health Unit and the Ministry of the Environment with respect to sewage disposal systems, potable water supply and distribution systems, including any underground piping necessary for communal water and sewage systems.
- 4.3 Despite Section 4.2 (a), nothing in this section shall prevent the use of any lands for purposes of a campground as defined herein provided that such use was legally established under the zoning by-law in existence at the time of the establishment of the use and that use has continued uninterrupted since the time of being established. The exception contained within this section shall only extend to that portion of the lands actually being occupied and used for the locating of tents and recreational vehicles on the day of coming into force of this By-law.
- 4.4 Every licensee shall:
 - a. Ensure that adequate and unobstructed access is provided to every occupied lot for emergency vehicles.
 - b. Ensure that every lot is equipped with a metal refuse container(s) with a self-closing lid, and such container(s) shall be kept in a clean and sanitary condition and emptied at least once daily.

5. **Lot Restrictions**

- 5.1 No person shall construct on any site any structure, addition, or add on of any kind unless the addition has been specifically manufactured for the park model trailer, recreational vehicle or travel trailer located within the site and such addition is in compliance with the *Building Code Act, 1992*, S.O. c.23.
- 5.2 No person shall erect or locate, or permit to be erected or located, a mobile home within the campground unless permitted under section 46 (1) of the *Planning Act*, R.S.O. 1990, c. P. 13.

6. **Suspension and Revocation of License**

- 6.1 On the recommendation of the Issuer of Licenses, Municipal Council reserves the right to suspend, cancel or revoke a campground license in the event that:
 - a. The licensee has breached this By-law;
 - b. In the opinion of Council it is in the public interest to do so.

7. **Administration, Enforcement and Inspection**

- 7.1 An Inspector under this section of the by-law:
 - a. Has the power to enter upon and examine any land or premises being used or purported to be used as a campground within the Township of Essa at any reasonable time or times; and
 - b. May be accompanied by such other person or persons as they deem necessary to properly carry out their duties under this By-law.

8. **Insurance**

- 8.1 The Township shall not issue a license under this schedule unless the applicant obtains liability insurance in the amount of three (\$3) million dollars and provides the Township proof of such insurance, showing the Township as additionally insured.
- 8.2 The applicant shall keep the liability insurance current for the term of the license and shall instruct the insurer to provide 10 days' written notice to the Township of any cancellation, expiry or variation of such insurance.
- 8.3 The business license shall be invalid upon the cancellation or expiry of the liability insurance.

SCHEDULE "5"

CATERING TRUCKS

1. **Authority**

Municipal Act, 2001, S.O. 2001, c. 25, as amended, Sections 150 through 153.

2. **Purpose**

The licensing of catering trucks is for the purpose of health and safety of the public.

3. **Definitions**

"Catering truck" means a motorized vehicle from which refreshments are sold, in particular on construction sites for the sole purpose of providing food and drink to workers on site, and which does not solicit business in commercial or residential areas.

"Public Property" means all property in the Township owned by the Municipal, Federal or Provincial Government, or public Boards or Agencies, including but not limited to, parks, roads, streets, highways (both the traveled and untraveled portions), and public building sites (arenas, Administration Centre, etc.).

"Refreshment" means any food or drink which is sold ready to eat or drink without any further preparation.

"Transient Trader" means the operation of any business, commerce or trade, or the sale of any good or service on a temporary, intermittent or one time basis on any road allowance, municipally owned property, private property, or other public space. Any such activity is prohibited under By-law 2006 – 48, being a By-law to prohibit the sale or hire of goods or services by Transient Traders.

4. **General**

- 4.1 No person shall operate a mobile food vending or preparation vehicle, or offer for sale any food or drink from a mobile vehicle or cart within the Township of Essa, with the exception of a Catering Truck for the construction industry.
- 4.2 No person shall operate or maintain a Catering Truck within the Township, or offer any food or drink for sale, without first obtaining a license.
- 4.3 No person shall operate or maintain a Catering Truck without prominently displaying a license issued by The Township of Essa.
- 4.4 No person shall obtain a license without first obtaining written approvals from the Simcoe County District Health Unit and the Fire Official of the Township.
- 4.5 Every applicant must submit an Application for Business License along with a Supplementary Application Form.
- 4.6 Prior to the issuance of a Catering Truck license, and prior to the renewal of each catering truck license, the applicant shall produce for the Issuer of Licenses or designate, signed evidence of inspection from a qualified propane fitter, that the propane-fueled appliances, if any, installed on the vehicle comply with the *Ontario Propane Code*.

- 4.7 At any time before issuing a license or during the term of the license, Essa Township may make all investigations which it deems necessary or which are required by law. If such investigations disclose no reason to believe that the carrying on of the business would result in a breach of the law or be in any way adverse to the public interest, a license may be issued.
- 4.8 If the investigation referred to in paragraph 4.7 discloses any reason to believe that the carrying on of the business may result in a breach of the law or may in any way be adverse to the public interest, the application shall be refused.
- 4.9 The Township of Essa shall provide written notification of the refusal to any applicant who applies to operate an ice cream truck, chip wagon, hot dog cart, or other mobile food vending vehicle other than a Catering Truck for the purposes set out herein.
- 4.10 No person shall operate or maintain a catering truck on public property or provide goods for sale to the public at events held within the municipality such as festivals, games of sport and similar activities.
- 4.11 Catering Trucks may only offer goods for sale upon the consent of the owner of the property or development under construction.
- 4.12 Every licensee shall:
 - a. Ensure that every Catering Truck is equipped with a metal refuse container(s) and/or recycling containers which shall be kept in a clean and sanitary condition to prevent the spread of litter and debris; and
 - b. Ensure that every refuse container is located in such a position on the vehicle so as to be easily accessible by persons making purchases while the vehicle is stopped.
- 4.13 Every licensee agrees to maintain the Catering Truck in a clean and safe condition.
- 4.14 Every licensee shall ensure that the area surrounding the licensed vehicle is left in a clean and tidy condition, free of garbage, litter and debris which may have been left from items purchased from the vehicle.
- 4.15 The By-law Enforcement Officer, Fire Chief, Building Inspector or Chief Building Official may, at all reasonable times, inspect as much of a vehicle as is used for the carrying on of the business for which any person has or is required to have a license under this Schedule, and no person who has or is required to have a license under this Schedule shall obstruct or hinder the inspection aforesaid, or cause or permit the same to be obstructed or hindered.
- 4.16 Every licensee shall ensure that every motorized Catering Truck is equipped with an audible reversing alarm to warn the public when the vehicle is moving backward.

5. **Insurance**

- 5.1 The Township shall not issue a license under this Schedule unless the applicant obtains liability insurance in the amount of three (\$3) million dollars and provides the Township proof of such insurance, showing the Township as additionally insured.

- 5.2 The applicant shall keep the liability insurance current for the term of the license and shall instruct the insurer to provide 10 days' written notice to the Township of any cancellation, expiry or variation of such insurance.
- 5.3 The business license shall be invalid upon the cancellation or expiry of the liability insurance.

SCHEDULE "6"

SALVAGE YARDS

1. **Authority**

Municipal Act, 2001, S.O. 2001, c. 25, as amended, Sections 150 through 153.

2. **Purpose**

The licensing of the operating of salvage yards is for the purpose of nuisance control and health and safety.

3. **Definitions**

"Licensed Tire Compound" is defined under the *Environmental Protection Act*.

"Neutral" means having little or no colour and blending with the surrounding environment.

"Revoked" means loss of license.

"Salvage Yard" means an automobile wrecking yard or premises, and any similar wrecking yard.

4. **General**

- 4.1 No person shall operate a salvage yard in the Township unless the person is a holder of a valid license issued under this By-law.
- 4.2 No person shall operate a salvage yard unless the land on which the salvage yard is located has been specifically zoned for such a use and complies with the Township's most current zoning by-law or is a permitted non-conforming use under such by-law.
- 4.3 No person shall operate a salvage yard on land that is covered by water or prone to flooding and no person shall locate a salvage yard operation so that drainage leads to any watercourse.
- 4.4 Any person operating a salvage yard shall locate the operations on the site so as to keep dust, noise, traffic, and other disturbances to a minimum.
- 4.5 An operator of a salvage yard shall keep the salvage yard free from fire hazards, vermin and other hazards to the health and safety of persons or property.
- 4.6 No person shall openly burn, or permit open burning of any material in a salvage yard.
- 4.7 No person shall operate a salvage yard in a disorderly fashion or leave the salvage yard attended by other than a responsible person.
 - a. All fluids, including antifreeze and gasoline, shall be drained from derelict vehicles before they are processed.
 - b. All fluids are to be disposed of in accordance with the *Environmental Protection Act*, R.S.O. 1990, c. E. 17, and other applicable legislation, unless they are properly stored for the purposes of resale.

- 4.8 Salvage yard operators shall obtain a letter of compliance from the Ministry of the Environment certifying the safe operation of the salvage yard. The Township shall not issue a license or license renewal prior to the submission of the letter of compliance to the Issuer of Licenses.
- 4.9 This By-law does not include a licensed tire compound as defined under the *Environmental Protection Act*, R.S.O. 1990, c. E. 17.

5. **Licensing**

- 5.1 A supplementary application for a license to operate a salvage yard pursuant to this By-law shall be submitted in addition to the Business Application Form.
- 5.2 For the purposes of ensuring safe storage of materials and proper year round emergency access, in addition to the information the supplementary application, the applicant shall submit a site plan of the salvage yard showing the following:
- a. The boundary of the salvage yard;
 - b. The elevation of the property and the location of all drainage areas and all watercourses within 91 metres (100 yards) of the exterior boundary of the salvage yard operation;
 - c. The location of all existing and proposed buildings, driveways, parking areas, roads, grades and exterior storage areas;
 - d. The location of all operating areas, dismantling areas and other areas in which noise or dust is likely to be generated;
 - e. The location, height and type of construction of all fences;
 - f. All fire prevention equipment.
- 5.3 The site plan shall be updated annually to show any changes, and shall be legible with accurate measurements.
- 5.4 All fire prevention equipment and procedures must be approved in writing by the Fire Official of the Township before the application will be considered complete.
- 5.5 A license may be revoked on any of the following grounds:
- a. If any of the provisions of this By-law are contravened by the license holder;
 - b. If the license holder fails to operate the salvage yard in accordance with the application and license;
 - c. If the license holder's license has been suspended or cancelled under Section 59 of the *Highway Traffic Act*, R.S.O. 1990, c. H8, as amended;
 - d. If a revoked license is to be reinstated, all infractions must be satisfactorily rectified in or out of court, as well as all fines and/or fees paid prior to receiving reinstatement; and
 - e. A fee as prescribed in the Fee Schedule will be levied for the reinstatement once item 5.5 (d) has been adhered to.

- 5.6 A license may be refused:
- a. If the license holder has made any false statement in an application for license under this By-law;
 - b. If a license for a salvage yard at the same location, or operated at any other location in the Township by the same person or company as the proposed salvage yard, has been previously revoked under Section 5.5;
 - c. If the Township has reasonable grounds to believe that the salvage yard would not be established or operated in accordance with the provisions of this By-law or any other applicable by-law or legislation; or
 - d. If a salvage yard is not a permitted use on the subject land pursuant to the Township's Zoning By-law, or if the site is located in such proximity to a residential or built up area that its operation may cause interference with the enjoyment of amenities by the surrounding residents.
- 5.7 A license shall be refused where the applicant does not have a license to operate a salvage yard, issued under Section 59 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, or where his license under the said Section has been suspended or cancelled.
- 5.8 A license may be renewed provided the license holder maintains his operation in accordance with this Schedule, and upon completion of the Business Application Form and appropriate Supplementary Application as well as the payment of all fees.
- 5.9 Any person that owns or operates an unlicensed salvage yard or has his license revoked pursuant to this By-law shall, upon receiving written notice to do so, remove all derelict vehicles and used or scrapped vehicle parts from the site to an approved salvage yard, or shall remove all the aforesaid items to a licensed location for proper and immediate disposal.

6. **Hours of Operation and Inspection**

- 6.1 No person shall conduct any operations, including dismantling operations, between the hours of 6:00 p.m. and 7:00 a.m.
- 6.2 No person shall prevent a By-law Enforcement Officer of the Township from inspecting the premises of a salvage yard at any time.
- 6.3 A license holder shall permit and provide entry to a By-law Enforcement Officer to inspect the premises of a salvage yard, including all dismantling machinery, vehicles and the interior of any building to determine compliance with the provisions of this By-law.

7. **Building and Site Requirements**

- 7.1 No person shall operate a salvage yard operation other than within an enclosed building or within an area surrounded by a fence or other visual barrier that is a minimum of 2.438 metres (8 feet) in height.
- 7.2 The fence in subsection 7.1 a. above shall be either masonry, metal, wood or a composition thereof, and if constructed of wood or metal, shall be a uniform neutral colour.

- 7.3 No vehicle or salvage shall be stacked to a height greater than the fence or visual barrier erected in accordance with subsection 7.1 above.
- 7.4 An existing fence is satisfactory for the purpose of this section if it is a uniform, neutral colour and provided that any new fence or replacement fence is of a uniform composition.
- 7.5 The storage of vehicles or salvage is not permitted outside the compound or on the front parking area of the salvage yard. The front area must be kept clean at all times.
- 7.6 A salvage yard shall have a driveway of a minimum width of 7.62 metres (25 feet).
- 7.7 All driveways and parking areas shall be treated so as to provide a stable surface for the movement and parking of vehicles.
- 7.8 All buildings and all fences in a salvage yard shall be kept in a good state of repair and in conformity with all applicable legislation and by-laws of the Township, including the Property Standards By-law.

8. **Insurance**

- 8.1 The Township shall not issue a license under this schedule unless the applicant obtains liability insurance in the amount of three (\$3) million dollars and provides the Township proof of such insurance, showing the Township as additionally insured.
- 8.2 The applicant shall keep the liability insurance current for the term of the license and shall instruct the insurer to provide 10 days' written notice to the Township of any cancellation, expiry or variation of such insurance.
- 8.3 The business license shall be invalid upon the cancellation or expiry of the liability insurance.

SCHEDULE "7"

TAXIS

1. **Authority**

The *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, Section 156.

2. **Purpose**

The licensing of taxis is for the purpose of health and safety and consumer protection.

3. **Definitions**

"Accessible Taxicab" means a taxicab for the conveyance of persons with physical, emotional or mental disabilities, as approved by the Ontario Ministry of Transportation.

"Driver" means the individual who has care and control of the taxicab and is licensed or required to be licensed under this By-law.

"Driver Abstract" means a record provided by the Ministry of Transportation providing information, driver history, convictions, discharges and other actions for a three year period on an individual

"Motor vehicle" includes taxicabs and buses.

"Own" includes lease, and "owner" has a corresponding meaning.

"Owner" means the individual or corporation who owns the taxicab or a series of taxicabs, and who may also be a driver.

"Police Clearance Letter" means a letter issued by a local police authority showing the results of a search of the Canadian Police Information Centre for criminal records and for any files held by local police on an individual.

"Taxicab" means a vehicle licensed in accordance with this By-law and the Ontario Ministry of Transportation for the conveyance of persons or property, and which provides for the collection of fares charged for the conveyance.

"Transfer" means when a license is transferred from one vehicle to another.

4. **General**

4.1 No person shall own, drive or permit to be driven for hire, any motor vehicle for the conveyance of passengers or goods wholly within or from within the limits of the Township unless such person has applied for and obtained a license for such purposes from the Corporation of the Township of Essa.

4.2 The owner of any motor vehicle referred to in Section 2 of this By-law shall apply for a license for each vehicle which said owner owns or leases and shall pay a fee as set out in the Township's Fee Schedule for each vehicle licensed by the same owner.

- 4.3 No taxicab owner shall permit any taxicab to be driven or to drive a taxicab for hire with any mechanical defects such as to render it unsafe or unfit under the provisions of the *Highway Traffic Act*.
- 4.4 All applications for licenses under this category shall contain the following and shall be filed with the Issuer of Licenses before any license may be issued:
- a. A supplementary application form containing all information and signed by the applicant.
 - b. A certificate of insurance not more than 30 days old certifying that the owner and driver of each vehicle for which a taxi cab vehicle license is being applied for are insured for public liability, property damage, and passenger hazard, with a minimum of \$3,000,000.00 coverage per incident or occurrence and written confirmation from the insurer that the Municipality will receive at least ten (10) days written notice prior to any cancellation, expiry or variation thereof.
 - c. A valid Vehicle Safety Standards Certificate not more than 30 days old, as prescribed by the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, with respect to each taxi cab for which a taxi cab vehicle license is being applied for, and for any renewal or transfer thereof.
 - d. A copy of the Ontario vehicle registration – Vehicle Portion, for each vehicle to be licensed.
- 4.5 The transfer of licenses from one vehicle to another will be subject to a fee as set out in the Township's Fee Schedule.
- 4.6 Licenses respecting the ownership of a motor vehicle to which this By-law applies shall only be issued after consideration of the application by Council on the recommendation of the Issuer of Licenses.
- 4.7 A license in a form as approved by Council from time to time shall be issued for each vehicle licensed under this By-law and said license shall display the license number under this By-law, the Province of Ontario motor vehicle license number, year, make, model, registered owner, lessee (if any), and serial number of the vehicle for which it was issued.
- 4.8 The Issuer of Licenses shall issue the license referred to in Section 4.7 and shall keep a record of all information shown on said license.
- 4.8 The owner and driver of any vehicle licensed under this By-law schedule shall ensure that the license issued under Section 4.7 is carried at all times in the vehicle to which it applies and securely fastened so as to be readily discernible by a person seated anywhere in the vehicle other than the driver's seat.
- 4.9 All drivers of taxicabs licensed under this By-law must be a minimum of eighteen (18) years old.
- 4.10 All taxi cab drivers shall apply for a license to drive under a licensed taxi cab company. Applicants are required to complete the Taxi Cab Driver Application form and supply the following information:
- a. A copy of a valid Ontario driver's license for the applicant.
 - b. A Criminal Record check or police clearance letter not more than 30 days old.
 - c. A driver's abstract for the owner/applicant, not more than 30 days old.

- 4.10 Any license issued under this By-law may be revoked by the Council at any time, if any of the following exists or occurs:
- a. The licensee is convicted of an offence under the Criminal Code of Canada or the *Highway Traffic Act*.
 - b. The licensee is charged or convicted of an offence under this By-law.
 - c. The insurance on any vehicle subject to this By-law is cancelled or suspended.
 - d. Any event occurs which, in the opinion of the Council, is reasonably likely to reoccur or otherwise endanger the safety, health or peace of mind of the inhabitants of the Township of Essa if such license is not revoked.
- 4.11 The dispatch office or office space from which the taxicab licensed under this By-law operates shall be located within The Township of Essa, and the owner of a taxicab wishing to be licensed in The Township of Essa must be the owner or lessee of such property.
- 4.12 Each taxicab licensed in accordance with this By-law shall display the Township of Essa Taxi License sticker on the licensed vehicle so as to be clearly visible to the consumer.

5. **Taxis used for School Transportation**

- 5.1 The owner or driver of a taxi shall, while such taxi is being used for the transportation of children to or from school, observe and comply with the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, and regulations thereunder.
- 5.2 All persons issued a license under this By-law shall file with the Issuer of licenses the following:
- a. A new application within ten (10) days should any change occur in the information previously filed.
 - b. Proof of insurance coverage as in Section 4.4 b of this Schedule within 10 days of the expiry date shown in the application.
- 5.3 This By-law does not apply to the following:
- a. Regularly scheduled and charter bus lines.
 - b. Trucking operations for the conveyance of goods.
 - c. Parcel and mail delivery services where the usual and predominant course of business is the conveyance of goods.
 - d. School buses.
 - e. The conveyance of goods or passengers through the Township or from outside the Township to a point within the Township.
 - f. The conveyance of goods and passengers from within the Township to a point or points outside the Township when the request for said conveyance was received

outside the geographical limits of the Township of Essa, and where the taxi originated its trip from outside the geographic limits of the Township of Essa.

6. Accessible Taxicabs

- 6.1 An owner may utilize an existing taxicab license issued to him for use on an accessible taxicab.
- 6.2 Every accessible taxicab shall meet the current regulations pursuant to the *Highway Traffic Act* with respect to vehicles for the transportation of physically disabled passengers. Written approval from the Ministry of Transportation shall be provided at the time of application prior to the license being issued.
- 6.3 A sign or decal displaying the international symbol for disability must be placed on an accessible taxicab and located at the rear of the vehicle.
- 6.4 Every driver of an accessible taxicab shall offer assistance as required to facilitate the entry or exit of a physically disabled person into or out of an accessible taxicab and securely fasten all wheelchairs so that they are prevented from moving when the taxicab is in motion.
- 6.5 Where a taxicab owner offers wheelchair accessible service and such service is requested by a physically challenged person, the owner shall provide priority service for such request. In the event the accessible taxicab has been dispatched to a customer not requiring the services of an accessible taxicab, but the accessible taxicab has not been engaged, the owner shall ensure that another taxicab is dispatched to respond to the customer not requiring the accessible taxicab and shall ensure that the accessible taxicab is dispatched to the customer requiring the service.

7. Insurance

- 7.1 In accordance with Section 4.4 b) above, The Township shall not issue a license under this schedule unless the applicant obtains liability insurance in the amount of three (\$3) million dollars and provides the Township proof of such insurance, showing the Township as additionally insured.
- 7.2 The applicant shall keep the liability insurance current for the term of the license and shall instruct the insurer to provide 10 days' written notice to the Township of any cancellation, expiry or variation of such insurance.
- 7.3 The business license shall be invalid upon the cancellation or expiry of the liability insurance.

SCHEDULE "8 A"

RECREATIONAL FACILITIES – RECREATIONAL ACTIVITIES

1. **Authority**

Municipal Act, 2001, S.O. 2001, c. 25, as amended, Sections 150 through 153.

2. **Purpose**

The licensing of recreational facilities and events is for the purpose of nuisance control, consumer protection and ensuring the health and safety of the public.

3. **Definitions**

"Archery/Shooting Range" means any premises or part thereof in which the activity carried on is the facilitation of target ranges at which participants shoot with either bows and arrows, firearms.

"Arena" means any privately owned premises or part thereof in which there is an ice pad or rink which may be used for skating, and/or a gymnasium, or any space used for recreation, sporting events, amusements or physical activities.

"Bingo Hall" means any premises or part thereof in which games of Bingo are held for profit or for charitable purposes by the business owner, or a registered charitable organization.

"Driving Range" means any premises or part thereof in which the business carried on is the facilitation of ranges at which participants drive or putt golf balls.

"Flea Market or Trade Show" means any premises or event or part thereof in which the business carried on is the sale of discounted and/or second-hand goods.

"Go-Kart Facility" means any premises or part thereof that contains a race track constructed for miniature motorized vehicles which may be known as go-karts.

"Golf Course" means any premises or part thereof at which the business carried on is the facilitation of golf games, and/or a driving range.

"Indoor Entertainment, Play Place or Indoor Tournament" means any premises, event or part thereof at which the business carried on is the facilitation of indoor games, toys, activities, sporting events and amusements other than those otherwise specified in this By-law including but not limited to archery/shooting ranges, arcade halls, billiard halls, bowling allies, batting cages, indoor recreational centres, paintball facilities, sports tournaments and indoor golf facilities, go-kart tracks but shall not include events held by local schools.

"Motor Vehicle Racing" means the competitive racing of any self propelled vehicle, all terrain vehicle, snow machine, motor cycle, cart, dirt bike, truck or any conveyance with wheels or runners.

"Outdoor Entertainment, Play Place or Outdoor Tournament" means any premises, event, or part thereof at which the business carried on is the facilitation of outdoor games including but not limited to batting cages, go-kart tracks, paintball facilities, skateboard parks, sporting events and live entertainment venues or water parks, but shall not include events held by local schools. Where the main event is outdoors this definition is intended to include, without limiting the generality of the foregoing, club houses, pro shops, snack bars and equipment sheds.

“Paintball Facility” means any indoor or outdoor area, grounds or facility operated as a paintball facility.

“Petting Zoo” means any premises or part thereof in which the business carried on is the keeping of animals for the purpose of allowing customers to interact and touch such animals. This item is not to be confused with Exotic Animals, noted under Schedule 2.

“Recreational Facility” means an indoor or outdoor trade, business or occupation where members of the public enjoy any pleasurable interest, activity, pastime or amusement whether or not a fee is paid. This definition shall also apply to places of amusement, arcades, fitness clubs, public halls, circuses, menageries, bowling alleys, roller rinks, arenas and private contractors who may be contracted from time to time to operate recreational properties and programs.

“Township Facility” means lands or buildings owned by the Township of Essa.

“Traveling Midway” means a temporary amusement park set up within the municipality that includes but is not limited to amusement rides and midway games.

4. **General**

- 4.1 No person shall operate an archery/shooting range, race track, paintball facility, driving range, flea market, go-kart facility, golf course, bingo hall, indoor or outdoor entertainment or play place, petting zoo, theatre, motor vehicle racing facility, or traveling midway, or any other type of recreational facility or event unless such person has applied for and obtained a license for such purposes from the Corporation of the Township of Essa.
- 4.2 No license shall be issued to an owner or operator of a business under this schedule unless:
- a. The premises complies with the zoning by-law regulations and land use designation, or any other applicable requirements of the Township Zoning By-law, Official Plan, Fire Code, Building Code and Public Health Act;
 - b. The Fire Official has reported in writing that the premises comply with fire regulations;
 - c. The Simcoe County Health Unit has reported in writing that the premises in connection to the operation with which the license is sought are suitable for the purpose of the license application and are in a sanitary condition; if required by the Issuer of Licenses.
 - d. The applicant has paid the license fee prescribed in the Fee Schedule;
 - e. If applicable, the business and the equipment and devices used therein comply with the *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16, and other legislation setting standards relevant to the particular business; and
 - f. The applicant provides information relating to the equipment, vehicles and other personal property used or kept for hire in connection with the business as requested by the Township.
- 4.3 No owner or operator shall cause or permit to be caused noise emanating from the business or operation that is, in the opinion of the Township, at a level that constitutes a nuisance or interferes with neighboring property uses.
- 4.4 An investigation of the activities interfering with neighbouring properties or causing noise may be carried out by any Township official or other persons designated by the Township.

- 4.5 In the event that the Township has notified the owner or operator of a breach of section 4.3 above, and if the breach is not remedied within the time outlined by the Township representative, the Township shall revoke the business license. Notice for the purposes of this section shall include informing the owner or operator or his or her representative of the breach of section 4.3 in person, by telephone, by fax or by personal mail. If notice is given by fax, it shall be deemed to be received on the first business day following the transmission and if notice is given by mail it shall be deemed to be received two business days after mailing.
- 4.6 No person shall operate a business under this section in a disorderly fashion or leave the business attended by anyone other than a responsible person.
- 4.7 Any person operating a business under this Schedule shall locate the facility or “active use areas” on the site so as to keep dust, noise, traffic, litter and other disturbances to a minimum, so as to adversely affect any neighbouring property.
- 4.8 No person shall permit any animal used in connection with such business to run at large or to trespass within the Township. Such person shall also require all animals to be leashed when not enclosed in a cage or building.
- 4.9 For the purposes of ensuring diminished nuisance, noise abatement, and proper year round emergency access, unless the applicant is locating its business within a Township facility, the applicant shall submit a site plan of the business facility with the license application showing the following:
- a. The boundary of the active use areas;
 - b. A minimum distance of 1000 metres from a settlement area, as defined in the Official Plan and/or the Zoning By-law for the Township of Essa, including the settlement areas of Angus, Baxter, Thornton, Colwell, Egbert, Ivy and Utopia, as shown on items M1 through M7 attached;
 - c. The location of all existing and proposed buildings, driveways, parking areas, roads, grades and location and description of activities taking place on site;
 - d. The location, height and type of construction of all fences and gates; and
 - e. All fire prevention equipment, and emergency access routes.
- 4.10 The operator shall update such site plan annually or more frequently if required to keep the Township records current and accurate.

5. **Alcohol Prohibited**

Any person operating a business under this schedule shall prohibit the consumption of alcohol on all public lands, including all municipal facilities used for the carrying out of the business unless authorized by the municipality and subject to the conditions of such authorization.

6. **Hours of Operation**

- 6.1 No owner or operator shall operate an indoor entertainment or play place or bingo hall outside of the hours set out for such business in the supplemental application form.
- 6.2 No owner or operator shall operate an outdoor entertainment or play place, archery or shooting range, driving range, flea market, paintball facility, go-kart facility, golf course, petting zoo or traveling midway, other than at the hours set out for such businesses in the applicable Supplementary Application.

7. **Inspection**

- 7.1 On receipt of an application for a license or for any renewal of a license, or at any time during the period when the business is open for operation and all times thereafter, the Issuer of Licenses, Fire Official or designate, Chief Building Official, any Police Officer or By-Law Enforcement Officer may at any reasonable time, enter upon the premises of the applicant or licensee to make an inspection to ensure that all the provisions of this By-law have been satisfied.
- 7.2 No person shall obstruct the Issuer of Licenses or designate, Fire Official or designate Chief Building Official, any Police Officer or Municipal Law Enforcement Officer from inspecting premises or withhold, destroy, conceal or refuse to furnish any information or thing required by any one of the aforesaid official(s) conducting the inspection.

8. **Insurance**

- 8.1 The Township may refuse to issue a license under this Schedule unless the applicant obtains liability insurance in the amount of three (\$3) million dollars and provides proof of such insurance showing the Township as additionally insured. The Township may refuse to issue a license under this schedule if the applicant fails to provide proof of such insurance.
- 8.2 The applicant shall keep the liability insurance current for the term of the license and shall instruct the insurer to provide 10 days' written notice to the Township of any cancellation, expiry or variation of such insurance.
- 8.3 The business license shall be invalid upon the cancellation or expiry of the required liability insurance.

SCHEDULE "8 B"

RECREATIONAL FACILITIES – EVENT VENUES

1. **Authority**

Municipal Act, 2001, S.O. 2001, c. 25, as amended, Sections 150 through 153.

2. **Purpose**

The licensing of Recreational Facilities - Event Venues is for the purpose of nuisance control, consumer protection and ensuring the health and safety of the public.

3. **Application**

This requirements for licensing outlined in this Schedule apply only to properties where Wedding Barns are permitted in accordance with land use planning and the Township's Zoning By-law.

4. **Definitions**

"Event Venue" means any place of public assembly where members of the public gather together for the purpose of any meeting, entertainment or witnessing of nuptials, where an admission fee is charged, or where after admission a charge is made or a fee collected, or where the event venue is rented or leased by any person or organization for any such function, but does not include churches or places of worship. Types of events may be weddings, conferences etc.

5. **General**

5.1 No person shall operate a public hall, event centre, wedding barn or conference facility for an event venue unless such person has applied for and obtained a license for such purposes from the Corporation of the Township of Essa.

5.2 No license shall be issued to an owner or operator of a business under this schedule unless:

- a. The premises complies with the Zoning By-Law Regulations and Land Use Designation, or any other applicable requirements of the Township's Zoning By-law, Official Plan, Fire Code, Building Code and Public Health Act;
- b. The Fire Official has reported in writing that the premises comply with fire regulations;
- c. The Simcoe County Health Unit has reported in writing that the premises in connection to the operation with which the license is sought are suitable for the purpose of the license application and are in a sanitary condition, if required by the Issuer of Licenses.
- d. The applicant has paid the license fee prescribed in the Fee Schedule;
- e. If applicable, the business and the equipment and devices used therein comply with the *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16, and other legislation setting standards relevant to the particular business; and

- 5.3 No owner or operator shall cause or permit to be caused noise emanating from the business or operation that is, in the opinion of the Township, at a level that constitutes a nuisance or interferes with neighboring property uses and is in compliance with all Municipal By-laws.
- 5.4 An investigation of the activities interfering with neighbouring properties or causing noise may be carried out by any Township official or other persons designated by the Township.
- 5.5 In the event that the Township has notified the owner or operator of a breach of section 5.3 above, and if the breach is not remedied within the time outlined by the Township representative, the Township shall revoke the business license. Notice for the purposes of this section shall include informing the owner or operator or his or her representative of the breach of section 5.3 in person, by telephone, fax, e-mail or by personal mail. Once Notice has been provided, it shall be deemed to be received on the first business day following the transmission and if notice is given by mail it shall be deemed to be received two business days after mailing.
- 5.6 No person shall operate a business under this section in a disorderly fashion or leave the business attended by anyone other than a responsible person.
- 5.7 Any person operating a business under this Schedule shall locate the facility or "active use areas" on the site so as to keep dust, noise, traffic, litter and other disturbances to a minimum, so as to adversely affect any neighbouring properties.
- 5.8 For the purposes of ensuring diminished nuisance, noise abatement, and proper year round emergency access, the applicant shall submit a site plan of the facility for the event with the license application showing the following:
- a. The boundary of the active use areas;
 - b. The location of all existing and proposed buildings, driveways, parking areas, roads, grades and location and description of activities taking place on site;
 - c. The location, height and type of construction of all fences and gates; and
 - d. All fire prevention equipment, and emergency access routes.
- 5.9 The operator shall update such site plan annually or more frequently if required to keep the Township records current and accurate.

6. **Regulation of Alcohol**

- 6.1 Any person operating a business under this schedule shall prohibit the consumption of alcohol on all public lands, including all municipal facilities used for the carrying out of the business unless authorized by the municipality and subject to the conditions of such authorization.
- 6.2 The owner or operator of a business that has been granted permission from the Municipality to allow for the consumption of alcohol shall provide the municipality with a copy of their valid Liquor License and/or Special Occasion Permit (SOP) upon application of a business license and subsequent renewals thereafter. (Note Special Occasion Permits are valid for one event only. The municipality is required to receive copies of each individual SOP issued by the AGCO for individual events, if there is no valid Liquor License.

- 6.3 Where a Liquor License has been obtained and approved by the regulating authority, all owners and/or operators shall ensure that all conditions set within the approval shall be complied with. The owner is required to provide the municipality with a copy of the liquor license at the time of application and with each subsequent renewal thereafter.

7. **Special Occasion Permits Where Food is Served**

- 7.1 Upon request, the holder of this license is required to provide the municipality proof that the Health Unit has received and approved an SOP where food is to be served to persons in attendance for every event

8. **Hours of Operation**

- 8.1 No owner or operator shall operate outside the hours set out for in the supplemental application form.
- 8.2 No owner or operator shall host more than thirty (30) events during each calendar year.

9. **Inspection**

- 9.1 On receipt of an application for a license or for any renewal of a license, or at any time during the period when the business is open for operation and all times thereafter, the Issuer of Licenses, Fire Official or designate, Chief Building Official, Health Department Inspector, Police Officer or By-Law Enforcement Officer may at any reasonable time, enter upon the premises of the applicant or licensee to make an inspection to ensure that all the provisions of this By-law have been satisfied.
- 9.2 No person shall obstruct the Issuer of Licenses or designate, Fire Official or designate Chief Building Official, Health Department Inspector, Police Officer or Municipal Law Enforcement Officer from inspecting premises or withhold, destroy, conceal or refuse to furnish any information or thing required by any one of the aforesaid official(s) conducting the inspection.

10. **Insurance**

- 10.1 The Township may refuse to issue a license under this Schedule unless the applicant obtains liability insurance in the amount of two (\$2) million dollars and provides proof of such insurance showing the Township as additionally insured.
- 10.2 The applicant shall keep the liability insurance current for the term of the license and shall instruct the insurer to provide 10 days' written notice to the Township of any cancellation, expiry or variation of such insurance.
- 10.3 The business license shall be invalid upon the cancellation or expiry of the required liability insurance.

11. **Limitations**

- 11.1 The following limitations apply to holders of licenses issued under the schedules as follows:
- a. Maximum of 30 events per season
 - b. License is valid from January 1st to December 31st each calendar year and is required to be renewed on an annual basis.
 - c. Events shall end no later than 11:00 p.m.

SCHEDULE "9"

TOW TRUCK LICENSING PROVISIONS

Schedule 9 was repealed by By-law 2024-08 as a result of the implementation of the [Towing Storage and Safety Enforcement Act](#).

Licensing for the towing industry is required to be obtained through the Province. For more information, please visit: [Get a towing or vehicle storage certificate | ontario.ca](#)