

BY-LAW NO. 135 -03

of the

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to, regulate and govern any business and to repeal By-laws 102-98, 124-96, 130-84 and 215-94 as amended.

WHEREAS pursuant to the Municipal Act, 2001, S.O. 2001, c.25 Section 150-162, the Council of a local municipality may pass by-laws to licence, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality.

AND WHEREAS public notice was given and a public meeting was held at which any person who attended was given an opportunity to make representation with respect to the matters herein.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

Definition:

In this by-law Business means:

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

In this by-law Business does not mean:

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

In this by-law Council means the Council of the Corporation of the City of Cambridge

In this by-law licensing officer means a person appointed by the City of Cambridge to enforce this by-law.

Short Title

1. This by-law may be known as the Business Licensing By-law.

Purpose of Business Licensing

2. The Corporation of the City of Cambridge exercises its licensing powers including imposing conditions on the classes of businesses as noted in Schedule "B" for the following purposes:
 - a) Health and Safety
 - b) Consumer Protection

Explanation

3. An explanation as to the reason why the municipality is licencing the business or imposing the conditions and how that reason relates to the purpose under section 2 of this by-law is attached as Schedule D hereto.

Power of Council

4. The powers of Council to licence, regulate and govern a business includes the power;
 - a) to prohibit the carrying on of or engaging in the business without a licence;
 - b) to refuse to grant a licence or to revoke or suspend a licence;
 - c) to fix the expiry date for a licence;
 - d) to define the classes of business and to separately licence, regulate and govern each class;
 - e) to impose conditions as a requirement of obtaining, continuing to hold or renew a license, including conditions:
 - i) requiring the payment of licence fees;
 - ii) restricting the hours of operation of the business;
 - iii) allowing, at any reasonable time, the municipality to inspect the places and premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying on of the business;
 - iv) prohibiting places or premises used for the business to be constructed or equipped so as to hinder the enforcement of this by-law.
 - v) requiring the premises of the business, or part of the premises, to be accessible to persons with disabilities.
 - f) to impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a licence;
 - g) to impose conditions, including special conditions, as a requirement of continuing to hold a licence at anytime during the term of the licence;
 - h) to licence, regulate or govern the place or premises used for the business and the persons carrying it on or engaged in it;
 - i) to regulate or govern the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on or engaging in the business; and
 - j) to exempt any business or person from all or any part of the by-law.
5. The exercise of a power under clause 4(b), (f) or (g) is in the discretion of Council and Council shall exercise its discretion:
 - a) upon the grounds that the conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty or integrity; and
 - b) hold a hearing in an open public meeting of Council prior to refusing, revoking or suspending a business licence; and
 - c) the owner of the business as noted on the Business Licence shall be notified in advance of any such hearing and, as well as, the reason for the hearing, and any party may make representation to Council regarding the refusing, revoking or suspending of a Business Licence.
6. For greater certainty "law" under section 5(a) includes the laws and regulations of Canada and the Province of Ontario and the By-laws of The City of Cambridge, including this by-law.
7. A hearing under section 5(b) shall proceed under the Statutory Powers Procedure Act, R.S.O., 1990, c.S.22 or any successor thereof, with the exception of sections 17, 17.1, 18 and 19.

Application

8. Every class of business as noted in Schedule "A" requires a business licence.

9. Every class of business as noted in Schedule "B" shall comply with the applicable conditions.
10. Every application for a Business Licence shall be accompanied by;
 - a) the business name
 - b) the type of business
 - c) the municipal address of the location at which the business operates
 - d) the names and address of the applicant
 - e) the telephone number of the business
 - f) the home telephone number of the applicant
 - g) the previous use of the business location/occupancy
 - h) the name and address of each person with a propriety or a partnership interest in the business
 - i) the name of any business currently or within the last five years operated by the applicant
 - j) the signature of the applicant
 - k) the signatures of:
 - (i) Zoning Administrator
 - (ii) Building Inspector
 - (iii) Chief Fire Official or designate
 - (iv) Medical Officer of Health or designate
(where applicable)
 - l) the appropriate license fee as noted in Schedule "C"
 - m) any other similar information required by the Licensing Officer or specifically required pursuant to further sections of this by-law for both initial and renewal licensing
11. A Business Licence shall apply only to the location, person and class of business for which it was issued except that a business licence may be transferred if the business location or business owner changes.
12. An application for a transfer of a Business Licence shall be made in writing to the Licensing Officer within five (5) business days of the relocation of the business and shall be accompanied by the appropriate transfer fee as noted in Schedule "C".
13. Every application for a transfer of a Business Licence as to location shall be subject to approval of the Zoning Administrator, Chief Fire Official or designate, Building Inspector, Medical Officer of Health or designate (if applicable) and shall be accompanied by the appropriate transfer fee as noted in Schedule "C".
14. Every application for a transfer of a Business Licence as to owner may be subject to approval of the Chief Fire Official or designate, Building Inspector, Medical Officer of Health or designate, or Waterloo Regional Police at the discretion of the Licensing Officer and shall be accompanied by the appropriate transfer fee as noted in Schedule "C".
15. Where Council revokes a Business Licence, the Licensee shall be entitled to a refund of the licence fee proportionate to the un-expired term for which it was granted.
16. Every Business Licence shall be valid for the calendar year in which it is issued and shall expire on the 31st day of December.
17. Every Business Licence shall be subject to renewal annually upon payment (January 1st) of the appropriate renewal fee as noted in Schedule "C".
18. Every person who contravenes the provisions of this by-law, and every director or officer of a corporation, who concurs in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000 exclusive of costs, for each offence pursuant to Section 161(2) of the Municipal Act, 2001, s.o. 2001, c.25 or any successor thereof.
19. When a corporation is convicted of an offence under section 15 of this by-law, the maximum penalty that may be imposed on the corporation is \$50,000, exclusive of costs, for each offence pursuant to Section 161(3) of the Municipal Act, 2001, s.o. 2001, c.25 or any successor thereof.

20. This by-law expires five (5) years after it comes into force or the day it is repealed which ever comes first.
21. That By-laws 102-98, 124-96, 130-84 and 215-94 as amended are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME,
ENACTED AND PASSED, THIS 23RD DAY OF JUNE, A.D., 2003

"Doug Craig"
MAYOR

"David W. J. Calder"
DEPUTY CLERK

SCHEDULE "A"
TO BY-LAW NO. 135 -03
OF THE
CORPORATION OF THE CITY OF CAMBRIDGE

CLASSES OF BUSINESS

Arcades
Bakeshops
Barbers
Body Piercing
Boat Rentals
Fresh Meat/Fish/Deli
Hairdressing Establishments
 Manicures
 Pedicures
 Waxing
 Esthetics
 Ear Waxing
 Electrolysis

Motor Vehicle Racing (includes boats)
Nail Salon
Pedal Vehicles
Public Address Systems
Public Garage
 Repair
 New/used car sales
 Selling/storing gas/oil

Public Halls
Refreshment Vehicles
Restaurants
Retail Exhibition Shows
Tattoo Parlours

SCHEDULE "B"

ARCADES

All Amusement Arcades are to be located in an enclosed shopping mall which is not closer than 500m to a public or separate elementary or secondary school. This schedule is pursuant to The City of Cambridge Zoning By-law 150-85 sections 3.3.3.1 (ii).

BAKE SHOP

No person shall operate a business where bread is made for sale, hereafter referred to as a "bake shop" without a licence.

Every operator of a bakeshop shall comply with the provisions of the Bread Sales Act, Chap. B.11, R.S.O., 1990.

The Regional Medical Officer of Health and the Municipal By-law Enforcement Officer are hereby appointed inspectors for the purpose of enforcing the provisions of the Bread Sales Act.

Any contravention of the Bread Sales Act or of this by-law, upon conviction, result in the licence pursuant to this by-law being revoked.

BOAT RENTALS

No person shall keep boats for hire without a licence.

Every operator shall provide one government approved life preserver for each occupant of a boat.

Every operator will purchase liability insurance in the amount of \$2,000,000.00 insuring the operator and the City of Cambridge and any employee of the operator conducting business pursuant to this licence. A certified copy of the insurance shall be filed with the City and be in good form and content satisfactory to the City prior to the issuance and shall be in good standing at all times.

PEDAL VEHICLES (Frozen Confections)

Every person who operates a pedal vehicle as a catering vehicle is limited to the sale of frozen confections is restricted to operating in residential zones of the City.

No person shall sell frozen confections from a pedal vehicle within 100 metres of a retail establishment licensed to sell foodstuffs.

PUBLIC GARAGE

Every operator of a Public Garage shall comply with the Highway Traffic Act, ss.59, Chap. H.8, R.S.O., 1990 and Ontario Regulation 595, Garage Licence.

PUBLIC HALL

For the purposes of this by-law "public hall" means a building or portable structure or tent with a seating capacity of 100 persons or greater that is offered for use or used as a place of public assembly for any meeting or entertainment which includes dancing, exhibition, concerts, shows, variety programs, public luncheons and dinners, games or sporting contests, where an admission fee is charged or rented or leased.

No person shall own or operate a public hall without a licence.

Every religious organization and service organization shall be exempt from the licence fee in relation to use of a public hall by only the organization.

Every operator of a public hall shall comply with the Public Halls Act, Chap. P.39, R.S.O., 1990.

REFRESHMENT/CATERING VEHICLES

Every person who operates a refreshment/catering vehicle shall comply with the provisions of the Health Protection and Promotion Act, ss. 16, Chap, H.7, R.S.O., 1990 and Ontario Regulations 562, Catering Vehicles and Mobile Preparation Premises.

Every person who operates a catering vehicle shall take out a separate licence for each catering vehicle owned and operated in the City of Cambridge.

Every person who operates a catering vehicle shall restrict sales to employees of industrial and commercial establishments and to workers on construction sites.

RESTAURANTS

Every person who operates a food premise shall comply with the provisions of the Health Protection and Promotion Act, ss. 16, Chap H.7, R.S.O., 1990 and Ontario Regulation 562, Food Premises. Pre packaged foods exempt from this by-law and schedule.

RETAIL EXHIBITION

The license fee for a Retail Exhibition licence shall be paid by the promoter/organizer of the Retail Exhibition show.

Every applicant for a Retail Exhibition licence shall provide a completed application form, the required license fee, length of show and a list of all proposed vendors and goods.

All locations chosen for Retail Exhibition Shows must meet the following inspections: Zoning, Building (tents), Fire Department and Health Department where applicable.

SCHEDULE "C"

TO

BY-LAW NO. 135 -03

BUSINESS LICENSE FEES

1.	New Licence per function	\$60.00
2.	Renewal Fee per function	\$45.00
3.	Transfer Fee (new location) (flat rate)	\$60.00
4.	Transfer Fee (new owner) (flat rate)	\$30.00

SCHEDULE "D"

TO BY-LAW NO. 135-03

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Explanation:

The Corporation of the City of Cambridge is licensing and imposing conditions on the classes of businesses as noted in Schedule "B" of this by-law for the purposes of Health and Safety and Consumer Protection. Any class of business involved in the activity of food preparation require Regional Health Department inspection to ensure proper food handling and food preparation processes are practiced. Classes of business in the personal care activities such as hairdressing, esthetics and tattooing also require Regional Health Department inspection to ensure proper sanitary precautions are taken. Depending on the class of business being licensed building code compliance is ensured through the licensing process, which provides further protection to the public.