

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10TH FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^E ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
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RECEIVED

MAR 24 2017

CLERK'S

March 13, 2017

Ilidia Sa Melo
City of Cambridge
50 Dickson Street, P.O. Box 669
Cambridge, ON N1R 5W8

Dear Ms. Sa Melo:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 142-16 of the City of Cambridge**

Enclosed herewith are the original Orders, and the original schedules of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

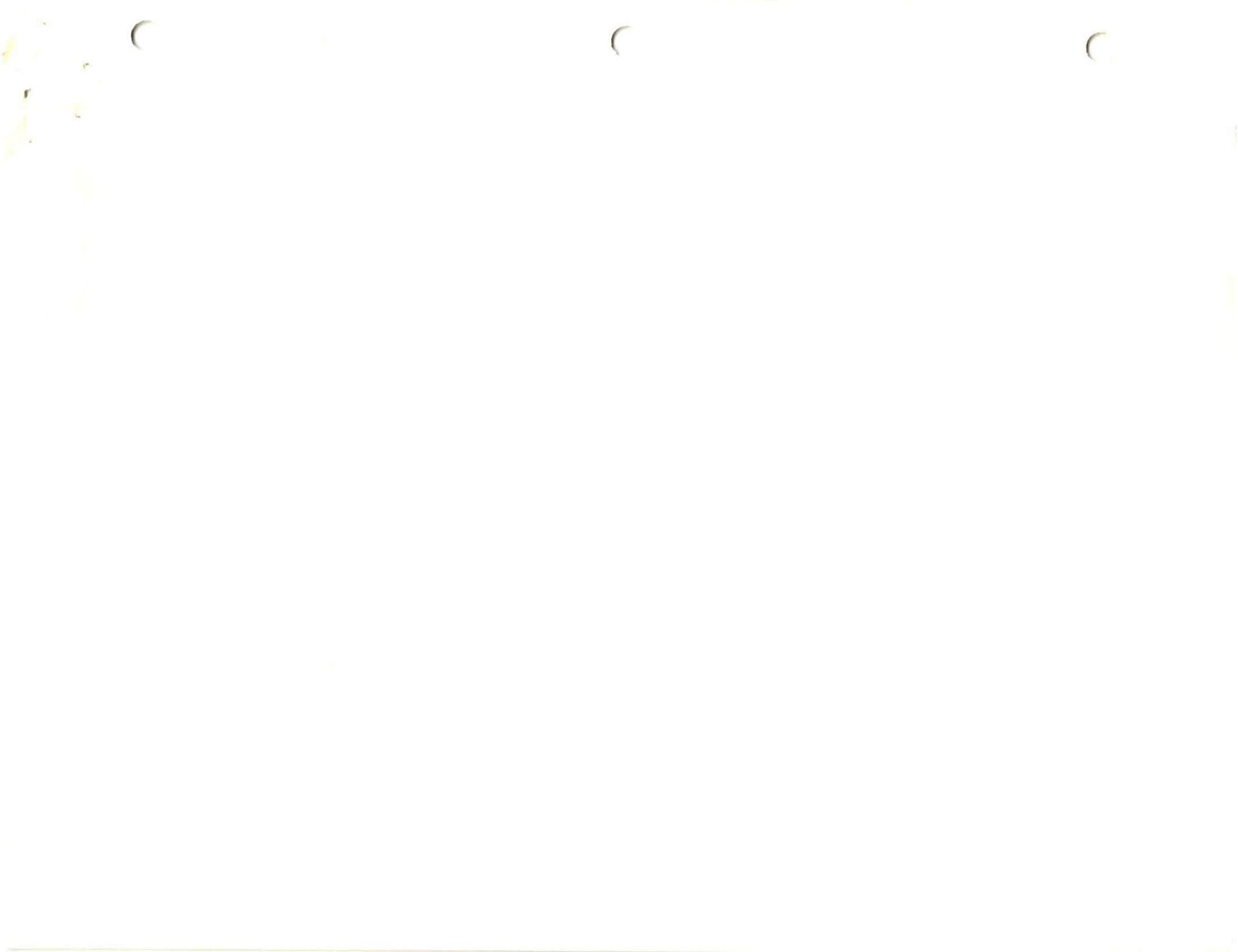
I have forwarded the copies of the Orders and the schedules of set fines to the Provincial Offences Court in Kitchener together with a copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read 'Stephen J. Fuerth'.

Stephen J. Fuerth
Regional Senior Justice
West Region

encl.
/cb



ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

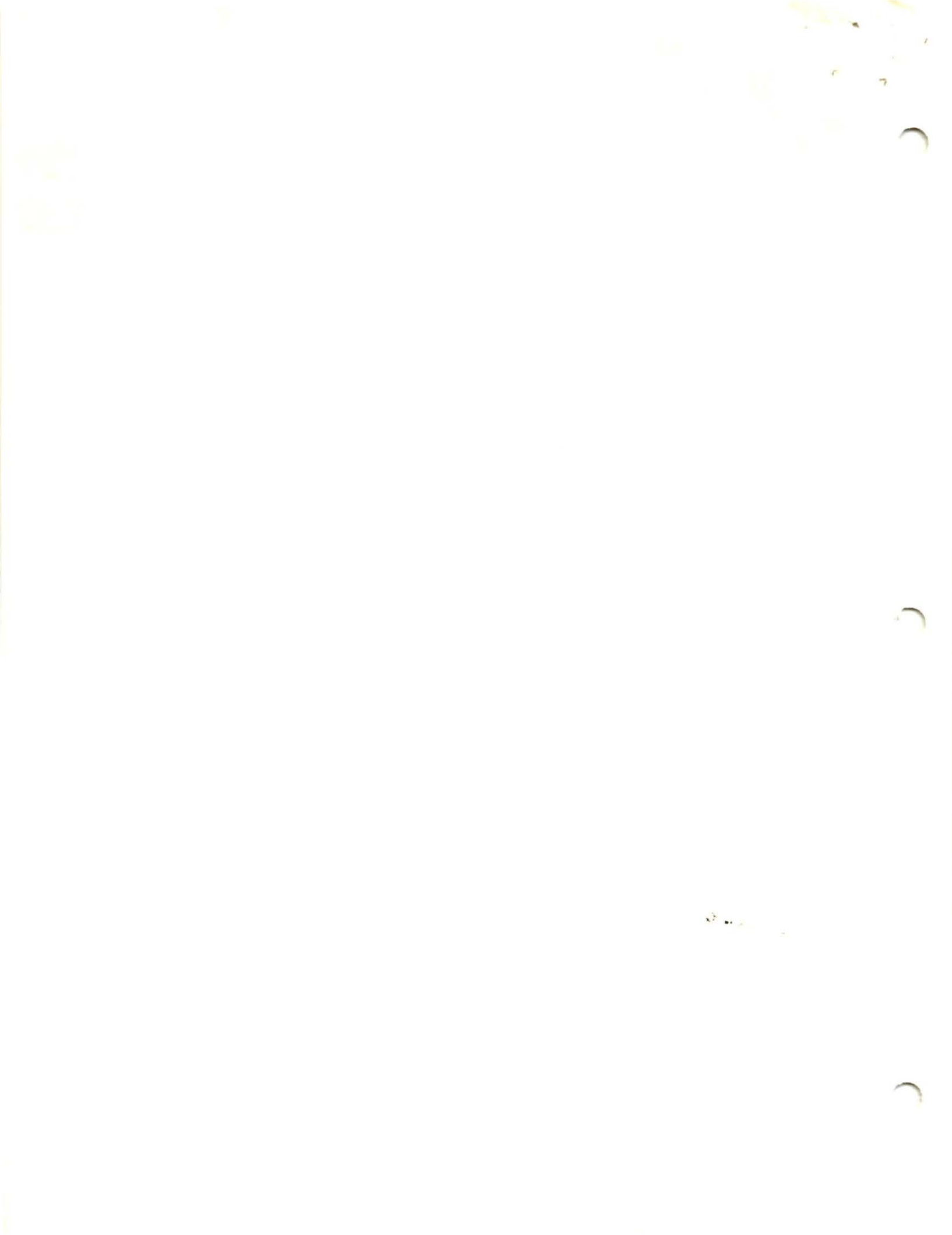
PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 142-16, of the City of Cambridge, attached hereto are the set fines for those offences. This Order is to take effect March 13, 2017.

Dated at London this 13th day of March, 2017.



Stephen J. Fuerth
Regional Senior Justice
West Region



CITY OF CAMBRIDGE

PART I *Provincial Offences Act*

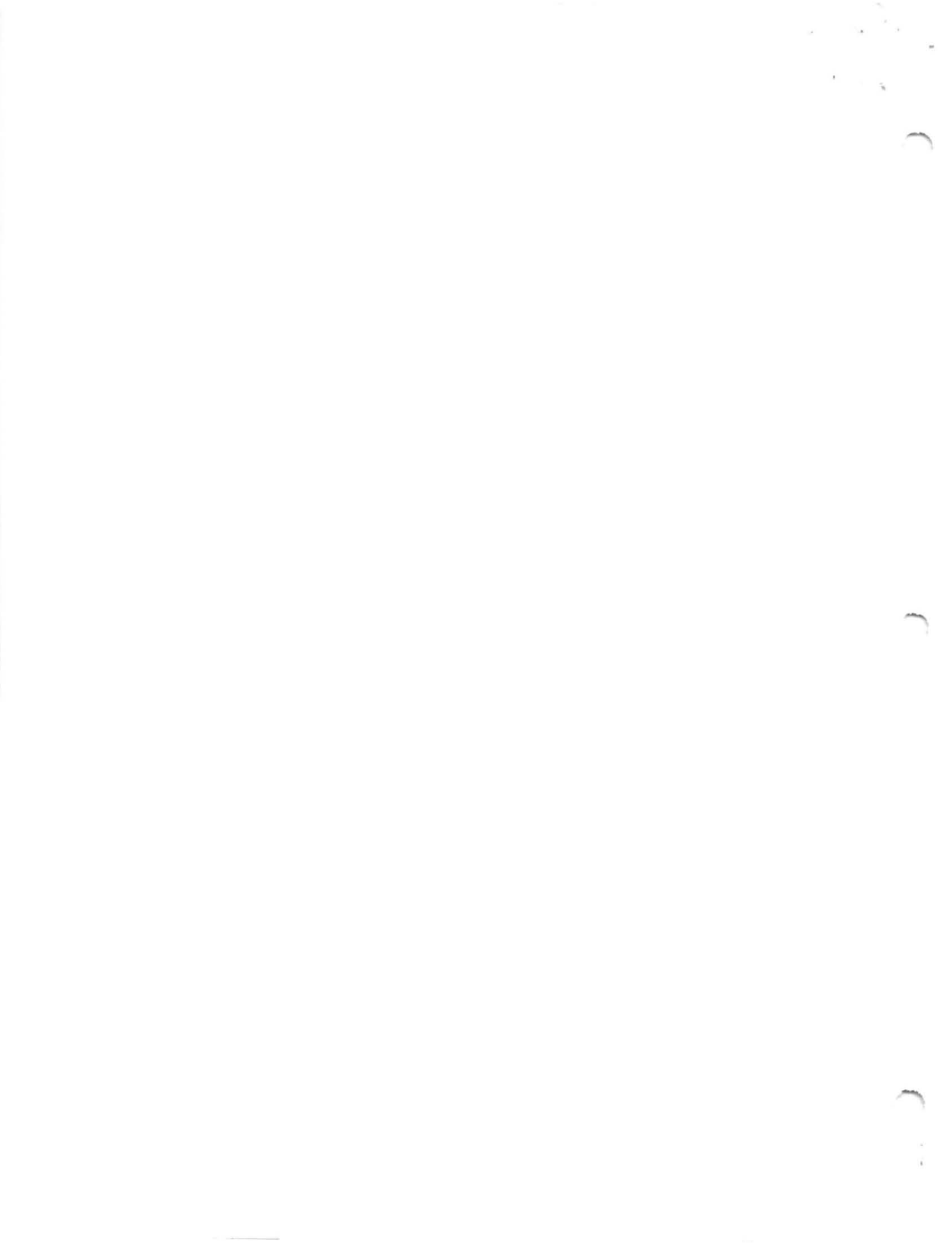
By-law Number 142-16, Business Licensing By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fines
1	Sell/permit to be sold goods/services without licence.	Section 3 a)	\$500.00
2	Operating with a suspended or revoked licence.	Section 7 e)	\$295.00
3	Operator failed to display the licence in a conspicuous place.	Section 8 a)	\$75.00
4	Arcades within 500m of a public or separate elementary or secondary school.	Sch. C(1)(1)	\$295.00
5	Arcades not enclosed in an enclosed shopping mall.	Sch. C(1)(1)	\$160.00
6	Selling/supplying fireworks to a person under the age of eighteen (18) years of age.	Sch. C(2)(4)(a)	\$160.00
7	Selling/supplying fireworks to a person on a day not Canada Day and Victoria Day and during the preceding ten (10) days.	Sch. C(2)(4)(b)	\$160.00
8	Ice cream parlour selling hotdogs, hamburgers or other similar type food without a grease interceptor.	Sch. C(3)(2)	\$160.00
9	Operating at a food premise without at least one (1) Certified Food Handler working at the premises.	Sch. C(3)(5)	\$160.00
10	Temporary vendor operating within 400 metres (1312.3 feet) of a permanent vendor selling similar goods or services.	Sch. C(10)(2)	\$500.00
11	Temporary vendor operating under the same license for more than 12 consecutive weeks in one calendar year.	Sch. C(10)(5)	\$295.00
12	Temporary vendor located selling on public property, and or infringing on City and Regional property.	Sch. C(10)(3)	\$160.00
13	Temporary vendor selling goods and/or services other than those goods or services identified in the Licence.	Sch. C(10)(6)	\$160.00
14	Public Hall Operator conduct Business in a manner that would create a nuisance, cause undue noise, or cause an adverse impact on a residence or another Business abutting or near the Licensed Premises.	Sch. C(8)(4)(d)	\$160.00



ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fines
15	Public Hall Operator permitted a person under the age of 18 years to supervise the use of the Licensed Premises.	Sch. C(8)(4)(e)(i)	\$160.00
16	Operator of a Public Garage failed to report to the Waterloo Regional Police Services that a Motor Vehicle was left on the Licensed Premises for a period of twenty-four hours.	Sch. C(7)(3)	\$160.00
17	Operator of a Public Garage failed to ensure that Motor Vehicles are parked within the boundaries of the property and in accordance with the approved site plan.	Sch. C(7)(4)	\$160.00
18	Operator of a Personal Wellness Establishment failed to advise the Licensing Officer in writing of changes to information on file in respect to the licence issued under the Business Licensing By-law.	Sch. C(4)(5)	\$160.00
19	Operator of a Personal Wellness Establishment failed to advise and get approval from the Licensing Officer of changes made to a floor plan.	Sch. C(4)(6)	\$160.00
20	Operator of a Personal Wellness Establishment fail to ensure no services provided after 9:00pm.	Sch. C(4)(7)(c)	\$160.00
21	Operator of a Personal Wellness Establishment operated services before 7:00 am and after 9:00pm.	Sch. C(4)(7)(b)	\$160.00
22	Operator of a Personal Wellness Establishment failed to keep the premises in a clean and sanitary condition.	Sch. C(4)(7)(e)	\$160.00
23	Operator of a Personal Wellness Establishment failed to ensure that each advertisement legibly bears the words "Licensed Personal Wellness Services Establishment, Licence No. _____",.	Sch. C(4)(7)(f)	\$160.00
24	Operator of a Personal Wellness Establishment permitted a body rub massage to be provided.	Sch. C(4)(8)(a)	\$160.00
25	Operator of a Personal Wellness Establishment did not keep records of each alternative massage provided.	Sch. C(4)(9)	\$160.00
26	Operator did not keep the Licensed Premises clean and in sanitary condition	Sch. C(5)(3)(a)	
27	Operator did not keep salon and work stations clean and organized	Sch. C(5)(4)(a)	\$160.00

Note: The penalty provision for the offences indicated above is section 13 of By-law 142-16 of the Corporation of The City of Cambridge, a certified copy of which has been filed.





BY-LAW 142-16

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-Law 160-15

WHEREAS pursuant to Part IV of the *Municipal Act, 2001*, S.O. 2001, c.25 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 The Corporation of the City of Cambridge is licensing and imposing conditions on the classes of businesses as noted in this by-law for the purposes of health and safety, nuisance control and consumer protection;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the City of Cambridge hereby enacts as follows:

1. DEFINITIONS

THAT in this By-Law:

- a) Alternative Massage means any massage that is not a medical or therapeutic in nature nor is it designed to appeal to erotic or sexual appetites or inclinations;
- b) Applicant means the Person applying for a Licence or renewal of Licence under this By-law;
- c) Application means an application for a Licence under this By-law;
- d) Application Premises means the premises the Applicant is seeking to Licence;
- e) Arcades means premises where more than two arcade games are provided for patron use on the premises and considered a place of amusement;
- f) Arcade Games means a machine or electronic device used for games of skill or chance other than billiards, bowling and any gaming or lottery device regulated under the Province of Ontario legislation and includes a coin-operated entertainment machine, video games or pinball machines;
- g) Barber Shop means the same as "Hair/Beauty Salon";
- h) Bake Shop means a business, building, premises, workshop, room or place where bread, baked goods are produced, offered for sale or sold;
- i) Body Piercing means the practice of puncturing or cutting a part of the human body for cosmetic purposes, such as the ear lobe, navel or nose, including the creation of an opening for jewelry;
- j) Business means:
 - 1. trades and occupations;
 - 2. exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
 - 3. the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and
 - 4. the display of samples, patterns or specimens of goods for the purpose of sale or hire.
- k) Business Licence means a Licence issued pursuant to this By-law;

- l) Catering means any Business in which food is prepared and taken off site or prepared at the caterer's regular Premises and taken off site, by a Person or Persons and provided to the public for hire or gain at a personal or public event or function;
- m) Certified Food Handler means a Food Handler who holds a valid Food Handler Certificate recognized by Region of Waterloo Public Health;
- n) Chief Fire Official means the Fire Chief of the City or the designate;
- o) City means The Corporation of the City of Cambridge or the geographical area of the municipality, as the context requires;
- p) Community Organization means a non-profit group of persons organized for the advancement of activities of a civic, cultural or recreational nature;
- q) Council means the Council of The Corporation of the City of Cambridge;
- r) Criminal Record Check means a document issued to the Applicant by the police service in whose jurisdiction the Applicant resides indicating the results of a criminal background check;
- s) Confections means any Premise where food intended for human consumption is prepared and provided for sale but shall not include Food Vehicles, Restaurants or Street Vendors;
- t) Esthetics means an establishment whose operators have received training and are qualified in administering facials, hair and skin care, makeup etc.;
- u) Event means a special event that is either sponsored by the City or is a private function where the City is not associated that is for a limited time.
- v) Facial means a procedure involving skin treatments including: steam, exfoliation, extraction, creams, lotions, facial masks, and peels;
- w) Fire Inspection means an inspection that was conducted on a Fire Safety System by a qualified person to ensure compliance with the Ontario Fire Code;
- x) Fire Safety System includes, but not limited to, fire alarms, emergency power, emergency lighting, sprinklers, standpipes, commercial cooking hoods, commercial cooking suppression systems, special extinguishing systems, fire extinguishers, private fire hydrants and other water supply systems;

- y) Fireworks means and includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation (refer to Cambridge Fireworks By-law); Food means food or drink for human consumption and includes refreshments and confections;
- z) Food Handler means any Person who works at a Food Premises handling or coming in contact with food or drink intended for human consumption;
- aa) Food Handler Certificate means a certificate issued to a Person for the successful completion of an Accredited Program;
- bb) Food Service Premises means any food where meals or meal portions are prepared for immediate consumption or sold or served in a form that will permit immediate consumption on the premises or elsewhere;
- cc) Fresh Meat/Deli means a shop serving salads and **fresh**, sliced **meats** and cheeses, but not limited to, meat and meat products, dairy products and fish;
- dd) Hair/Beauty Salon means an establishment which provides beauty treatments for hair, face, hands, feet and includes waxing, tanning, body and ear piercing and micro-pigmentation;
- ee) Health Approval means the written approval of the Region of Waterloo Public Health;
- ff) Highway means a common and public highway within the City and includes any bridge, trestle, viaduct, other structure forming part of the highway, a portion of a highway and the lands within the lateral boundaries of the highway;
- gg) Ice Cream Sales means an ice cream establishment, dairy bar, or any Premises where ice-cream are offered for sale, but exclude a Food Vehicle;
- hh) Licence means a Business licence issued under this By-law and the term "licensed" shall have a corresponding meaning;
- ii) Licensed Premises means the premises referred to in a Licence;
- jj) Licencee means a Person who has been issued a Licence under this By-law;
- kk) Licensing Officer means a person appointed by the City of Cambridge to administer and enforce this By-law;
- ll) Massage means to knead, manipulate, rub, touch or stimulate, a Person's body or part of a Person's body, but not in a sexual manner;

- mm) Medical Officer of Health means the Medical Officer of Health for the Region of Waterloo Public Health, or the designate;
- nn) Motor Vehicle means an automobile, motorcycle, truck, trailer or motor assisted bicycle unless otherwise indicated in this By-law and any other vehicle propelled or driven otherwise than by muscular power but does not include a street car or other motor vehicle running only upon rails or a motorized snow vehicle, traction engine and farm tractor;
- oo) Municipal Law Enforcement Officer means a By-Law Enforcement Officer or Licensing Officer for the City of Cambridge; a police officer; a peace officer; or any other individual appointed by The Corporation of the City of Cambridge for the purpose of enforcing By-Laws for the City
- pp) Ontario Fire Code means the Ontario Fire Code in force and effect under the *Fire Protection and Prevention Act, 1997*;
- qq) Owner Premises means a registered owner of land on which the premises is situated and includes a trustee acting on behalf of the registered owner, estate of a registered owner and Person with a leasehold interest in the land;
- rr) Owner – Trade, Business, Occupation means the Person, company or partnership that carries on the trade, business or occupation;
- ss) Operator includes a proprietor or any other Person who, alone or with others, operates, manages, supervises, runs or controls a Business, and “operate” and “operation” has a corresponding meaning;
- tt) Person means an individual, proprietorship, firm, corporation, association or partnership;
- uu) Personal Grooming Establishment (mobile) means a Hair/Beauty Salon, Barber Shop, Esthetics, Tattoo Parlour and Body Piercing Establishment, that carries on business from one location to another;
- vv) Personal Grooming Establishment (non-mobile) means Hair/Beauty Salon, Barber Shop, Esthetics, Tattoo Parlour and Body Piercing;
- ww) Personal Wellness Services Establishment means any premises or part thereof where an Alternative Massage is performed, offered or solicited in pursuance of a business;
- xx) Public Garage means a public garage licence including car dealers, car rentals, gas station, auto repair shop, auto paint and auto body shop;

- yy) Public Hall means a building, part of a building or part of structure 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, but does not include a theatre licensed under the *Film Classification Act, 2005, S.O. 2005, c.17*, or a building used solely for religious purposes;
- zz) Restaurant means any Premises in which food is prepared and Provided for Sale for immediate consumption within the Building or Premises, and may include an accessory take-out service;
- aaa) Retail Exhibit Show means a gathering of members of a trade industry for the exhibition of products or technologies;
- bbb) Tattoo Parlour means any premises that provides services to deposit pigments below the dermis by the use of needles or other like implements;
- ccc) Temporary Sales means a person who sells goods or services, at one specific location in the City, for no more than 12 consecutive weeks in a calendar year;
- ddd) Therapeutic Massage means a massage performed for the purpose of therapeutic treatment provided by a person qualified, licenced or registered to do so under this By-law or any other laws;
- eee) Tribunal means the Licensing Appeal Tribunal established under this By-law for the purpose of hearing appeals where the Licensing Officer has denied, revoked, suspended or not renewed a Licence, or the Applicant objects to the conditions imposed on a Licence;
- fff) Vulnerable Sector Check means police screening of individuals who intend on working or volunteering with vulnerable people, such as minors; and,
- ggg) Zoning By-law means all by-laws passed by Council pursuant to the *Planning Act, R.S.O. 1990, c. P. 13*, as amended, that restricts the use of land in the City.

2. POWERS TO LICENCE

THAT this By-law will govern and provide for as system of licences with respect to businesses for the following purposes:

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

3. LICENCE REQUIREMENT APPLICATION

- a) No Person shall carry on, engage in or operate a business listed in Schedule C without first obtaining a Licence under this By-law and paying the prescribed Fee in Schedule A.
- b) Every Application for a Business Licence shall be accompanied by a complete Business Licence Application form provided by the City, which includes the following information:
 - 1. the business name
 - 2. the type of business
 - 3. the municipal address of the location at which the business operates
 - 4. the names and address of the applicant
 - 5. the telephone number of the business
 - 6. the home telephone number of the applicant
 - 7. the previous use of the business location/occupancy (if known)
 - 8. the name and address of each person with a propriety, partnership or corporate interest in the business
 - 9. the name of any business currently or within the last five years operated by the applicant
 - 10. the signature of the applicant
 - 11. the signatures of an authorized representative of:

- (i) Zoning Administrator of the City of Cambridge
 - (ii) Chief Building Official of the City of Cambridge or designate
 - (iii) Chief Fire Official
 - (iv) Medical Officer of Health (where applicable)
 - (v) Waterloo Regional Police (where applicable)
12. 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
13. police record check (where applicable)
- c) Every Business shall be allowed to operate conditional upon compliance with both the Zoning By-Law and the Business Licensing By-Law.

4. VALIDITY OF LICENCE

- a) Every Licence shall be valid for the calendar year in which it is issued and shall expire on the 31st day of December.
- b) Every Licence shall be subject to renewal annually upon payment (January 1st) of the appropriate renewal fee as noted in Schedule B. Every Licence shall be subject to an additional fee upon renewal payments after February 1 as noted in Schedule B.

5. ISSUANCE AND GROUNDS FOR REFUSAL OF LICENCE

- a) The Licensing Officer shall receive and process all completed applications for Licences and Licence renewals.
- b) The Licensing Officer shall issue a Licence or renew a Licence to any Person who meets the requirements of this by-law, except where the Licensing Officer determines:
 - 1. the past conduct of the Applicant affords the Licensing Officer reasonable grounds to believe that the Applicant has not or will not carry on the business in accordance with the applicable law or with integrity and honesty;
 - 2. the Licensing Officer reasonably believes that the carrying on of the business may be adverse to the public interest;
 - 3. the Application Premises are subject to an order(s), made pursuant to or by:
 - i. the City's Property Standards By-law;
 - ii. the *Building Code Act*, 1992, S.O. 1992, c. 23, or any regulations made thereunder;

- iii. the *Fire Protection and Prevention Act, 1997*, or any regulations made thereunder, including the Ontario Fire Code; or,
 - iv. the Medical Officer of Health;
 - 4. the application premises are not in compliance with the Zoning By-law;
 - 5. the Police Record Check provided fails to meet the criteria noted in Schedule D; or.
 - 6. The Applicant has provided mistaken, false, incorrect or misleading information.
- c) Notwithstanding the criteria for a Police Record Check, the Licensing Officer may deny the issuance or renewal of a Licence where the applicant has been convicted within the past five (5) years of:
 - 1. a criminal offence for which a pardon has not been granted; or,
 - 2. a regulatory offence in any way related to the Business.
- d) For the purposes of the above sections, the term "Applicant" shall include any director, officer, partner or principal of a partnership or corporation, or any shareholder of a corporation that holds at least fifty percent (50%) of the shares of that corporation.
- e) Licences issued pursuant to this by-law are conditional on compliance by the Licencee with all City by-laws and other applicable laws.

6. TRANSFER OF LICENCE

- a) A Licence shall only apply to the location, Person and class of business for which it was issued.
- b) A Business Licence shall only be transferable upon the receipt and approval of a transfer application by the City.
- c) Every application for a transfer of a Business Licence as to location shall be subject to approval of the Zoning Administrator, Chief Fire Official, Chief Building Official or designate, Medical Officer of Health (if applicable) Waterloo Regional Police (if applicable) and shall be accompanied by the appropriate transfer fee as noted in Schedule B and in compliance with Schedule C.
- d) Every application for a transfer of a business licence as to owner shall be subject to the approval of the Chief Fire Official, and Medical Officer of Health, and shall be accompanied by the appropriate transfer fee as noted in Schedule B and in compliance with Schedule C.

7. SUSPENSION OR REVOCATION OF LICENCE

- a) The Licensing Officer may revoke or suspend a Licence at any time where:
 - 1. the Licensing Officer is of the opinion that the business carried on by the Licencee poses a threat to the health and safety of the public;
 - 2. the Licencee has violated any of the provisions of this By-law or any other applicable laws;
 - 3. the Licence was issued because false, incorrect, mistaken or misleading information was provided on the Application; or
 - 4. a Licence was issued in error.
- b) If the Licensing Officer is satisfied that the carrying on of the Business poses an immediate danger to the health or safety of any person or to any property, the Licensing Officer may, for the time and on such conditions as they consider appropriate, without a hearing, suspend or revoke a Licence subject to the following:
 - 1. before suspending or revoking the Licence, the Licensing Officer shall provide the Licencee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.
- c) The Licensing Officer shall provide notice of intention in writing to revoke suspend a licence and shall advise the Licencee of the right to appeal.
- d) Where a Business Licence is revoked, the Licencee shall be entitled to a refund of the licence fee proportionate to the un-expired term for which it was granted.
- e) No Person shall operate a business after the Licence has been suspended or revoked.

8. DISPLAY OF LICENCE

- a) No Person shall carry on, engage in, or operate a business listed in Schedule C without displaying a Business Licence issued under this By-law in a conspicuous location.

9. ENFORCEMENT AND INSPECTION

- a) Every Licencee, Owner and Operator, and attendant shall upon a request made by a Municipal Law Enforcement Officer, Medical Officer of Health, or Public Health Inspector, provide their name and residential address, and if the operation of the business is licensed under this By-law in respect to any trade, business or occupation relating to such establishment shall produce the issued Licence Certificate.
- b) A Municipal Law Enforcement Officer may enter onto lands at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 1. this By-law;
 2. a condition of a Licence issued under this By-law; or,
 3. an order made under section 431 of the *Municipal Act*.
- c) For the purposes of conducting an inspection, the Municipal Law Enforcement Officer may:
 1. require the production for inspection of documents or things relevant to the inspection;
 2. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 3. require information from any person concerning a matter related to the inspection; and,
 4. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- d) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law; unless the place of entry is considered a room or place actually used as a dwelling.

10. APPEALS

- a) Any Person who has been denied a licence, or the renewal of a licence, has had their licence revoked or suspended or has had terms or conditions imposed on a licence, may appeal the decision of the Licensing Officer to a Licensing Appeal Tribunal.

- b) All appeals shall be submitted:
 1. within twenty-one (21) days of the decision of the Licensing Officer to deny issuing or renewing a Licence or suspending or revoking a Licence or imposing terms or conditions on a Licence;
 2. in writing;
 3. to the Secretary of the Licensing Appeal Tribunal;
 4. setting out, in detail, the grounds for the appeal; and,
 5. along with the applicable fee, as outlined in the Yearly Rate Review.
- c) Upon receipt of a written appeal by the Licencee or Applicant within 15 days after the written decision by the Licensing Officer the City shall schedule a hearing at the Licence Appeal Tribunal.
- d) A hearing under 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.

11. LICENSING APPEAL TRIBUNAL (TRIBUNAL)

Council establishes and delegates hearing of appeals and decision-making authority to the Tribunal with regard to appeals under this By-law. .

- a) The Tribunal shall be composed of three members of Council.
- b) The members of the Tribunal shall hold office for the term of Council.
- c) The members of the Tribunal shall elect a Chair from among themselves at the hearing.
- d) A majority of the members of the Tribunal constitutes a quorum for transacting the Tribunal's business. Where the number of members who, by reason of declaring a conflict of interest are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, the remaining number of members shall be deemed to constitute a quorum provided such number is not less than two.
- e) The City Clerk or designate is hereby appointed Secretary for the Licensing Appeal Tribunal. The Secretary of the Licensing Appeal Tribunal shall keep the records of all official business of the Tribunal, including records of all appeals, decision and minutes of all decisions respecting those appeals.
- f) The Tribunal shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Tribunal considers advisable.

- g) Where an appeal is not submitted within the time set out in section above, the decision of the Licensing Officer shall be deemed to be confirmed and no appeal shall be allowed.
- h) Subject to paragraph (g) above, The Tribunal shall hear all appeals.
- i) On an appeal, the Tribunal has all the powers and functions of the Licensing Officer and the Tribunal may do any of the following things if, in the Licensing Appeal Tribunal's opinion, doing so would maintain the general intent and purpose of the by-law:
 - 1. confirm, modify or rescind the decision of the Licensing Officer to deny issuing or renewing a Licence or suspending or revoking a Licence or to impose terms or conditions on a Licence.
- j) Decisions of the Licensing Appeal Tribunal shall be final.

12. NOTICES

Any notice pursuant to this By-law must be given in writing in any of the following ways and is effective:

- a) on the date on which a copy is delivered to the person to whom it is addressed by registered mail;
- b) on the fifth day after a copy is sent by registered mail to the person's last known address;
- c) upon the conclusion of the transmission of a copy by facsimile to the person's last known facsimile number; or
- d) upon the sending of a copy by email transmission to the person's last known email address.

13. PENALTIES

- a) Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act* R.S.O. 1990, c. P.33.

14. COLLECTION OF UNPAID FINES

- a) If any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under the *Provincial Offences Act* including any extension of time for payment ordered under that section, the Licensing Officer may give the Person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice.
- b) If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purpose of section 351 of the *Municipal Act*.

15. SCHEDULES

The schedules which are attached to this by-law shall form part of this by-law.

16. SEVERABILITY

If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

17. REPEAL OF BY-LAWS

THAT by-law 160-15, as amended, is hereby repealed.

18. TITLE


THAT this by-law may be referred to as the Business Licensing By-law.

19. FINAL PASSING

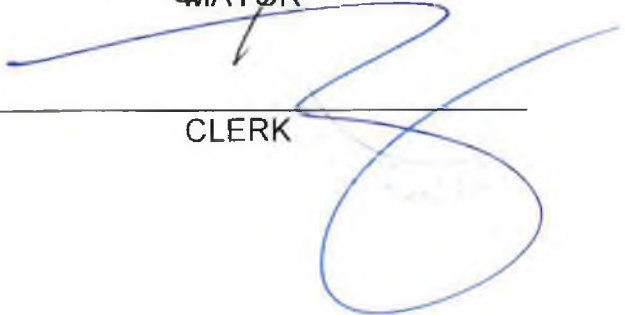
THAT this by-law shall come into force when it is passed by Council.

Read a First, Second and Third time

Enacted and passed this 12th day of July, 2016



MAYOR



CLERK

SCHEDULE A

FEES			
Category	3-Year Phase-In		
	2016	2017	2018
Arcades	\$144.50	\$195.00	\$263.25
Personal Wellness	\$144.50	\$195.00	\$263.25
Food Premise			
Restaurant	\$144.50	\$195.00	\$263.25
Bakeshop	\$144.50	\$195.00	\$263.25
Confections	\$144.50	\$195.00	\$263.25
Fresh Meat/Deli	\$144.50	\$195.00	\$263.25
Ice Cream Sales	\$144.50	\$195.00	\$263.25
Catering	\$144.50	\$195.00	\$263.25
Personal Grooming (non-mobile)			
Hair/Beauty Salon	\$144.50	\$195.00	\$263.25
Barbershop	\$144.50	\$195.00	\$263.25
Esthetics	\$144.50	\$195.00	\$263.25
Tattoo Parlours	\$144.50	\$195.00	\$263.25
Body Piercing	\$144.50	\$195.00	\$263.25
Personal Grooming (mobile)			
Hair/Beauty Salon	\$144.50	\$195.00	\$263.25
Barbershop	\$144.50	\$195.00	\$263.25
Esthetics	\$144.50	\$195.00	\$263.25
Tattoo Parlours	\$144.50	\$195.00	\$263.25
Body Piercing	\$144.50	\$195.00	\$263.25
Fireworks Retail	\$144.50	\$195.00	\$263.25
Public Garage			
Repair:	\$144.50	\$195.00	\$263.25
Sales:			
Category A: 0 to 5 vehicles on lot	\$144.50	\$195.00	\$263.25
Category B: 6 to 9 vehicles on lot	\$144.50	\$195.00	\$263.25
Category C: over 10 vehicles on lot	\$144.50	\$195.00	\$263.25
Service Station (gas station)	\$144.50	\$195.00	\$263.25
Public Halls – capacity of 100 Persons or greater	\$144.50	\$195.00	\$263.25
Retail Exhibit Shows	\$144.50	\$195.00	\$263.25
Temporary Sales	\$383.00	\$383.00	\$383.00

SCHEDULE B

Renewal of Licence (Prior to January 1)	75% of original fee – primary category and 75% of original fee – secondary and/or third category
Processing of Late Registrations (After February 1)	50% of original fee
Transfer of a Licence (new location)	Cost of original fee
Transfer of a Licence (new owner)	50% of original fee
Addition of Business Categories	Cost of primary category is original fee Cost of a secondary and/or third category is 50% of the fee

SCHEDULE C(1)

ARCADES

1. No Person shall own or operate an amusement arcade/place of amusement that consist of 3 or more arcade games, unless it is enclosed in a shopping mall which is not closer than 500m to a public or separate elementary or secondary school, as per City of Cambridge Zoning By-law.
2. In addition to the licensing requirements set out in this by-law, a completed application for a licence shall be accompanied by:
 - a) zoning approval and fire approval; and,
 - b) fire approval upon renewal (if necessary).

SCHEDULE C(2)

FIREWORKS (Retail Sales)

1. No Person shall operate a business where fireworks are offered for sale, hereafter referred to as "fireworks retail sales" without a licence.
2. The manufacture, storage, transportation and sale of fireworks shall conform to the federal "Explosives Act" and "Explosive Regulations".
3. The operator shall not transfer the issued licence.
4. The operator shall not sell by retail or supply any fireworks:
 - a) To any Person apparently under the age of eighteen (18) years of age.
 - b) To any Person except on Canada Day and on the day fixed by proclamation of the Governor General for the observation of Victoria Day and during the preceding ten (10) days prior to the said days; and
5. The operator shall surrender the licence if the licence has been revoked under resolution of the Council of the Corporation of the City of Cambridge if any of the provisions of this by-law or any other City by-law or statute enforced by the City of Cambridge has been breached.
6. In addition to the licensing requirements set out in this by-law, a completed application for a licence shall be accompanied by:
 - a) zoning approval and fire approval; and,
 - b) fire approval upon renewal.

SCHEDULE C(3)

FOOD PREMISE

1. No Person shall operate a business under this category without a licence.
2. Every Person who operates an ice cream sales establishment and decides to sell hot dogs, hamburgers or other similar type food shall install a grease interceptor.
3. Every Person who operates a business under this category 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. Prepackaged foods are exempt from this by-law and schedule.
4. Any contravention of this by-law, upon conviction, result in the licence pursuant to this by-law being revoked.
5. Every Licencee shall ensure that there is at all times, when operating at least one (1) Certified Food Handler working at the premises.
6. In addition to the licensing requirements set out in this by-law, a completed application for a licence shall be accompanied by:
 - a) zoning approval, fire approval, health approval and building approval; and,
 - b) fire approval and health approval upon renewal (if necessary).

SCHEDULE C(4)

PERSONAL WELLNESS

GENERAL

1. No Person shall carry on or engage in the business of a Personal Wellness Services establishment without holding a current, valid Licence issued for that establishment under this By-law.

INFORMATION TO BE PROVIDED BY APPLICANT

2. On every application for a licence or for the renewal of a licence under this By-law:
 - a) the applicant shall file the Application provided by the Licensing Officer, as well as any additional information required under this By-law; or
 - b) if the Applicant is not an individual, the application shall be filed as this By-law requires by an individual duly authorized by the applicant to sign such Application on behalf of the applicant and to bind it, and the individual filing such application shall certify the truth and completeness of the information provided.
3. When filing an application for a licence, in addition to complying with this by-law, an applicant shall file:
 - a) a detailed floor plan, drawn to scale, of the Personal Wellness Services Establishment and the details of such floor plan shall include but are not limited to depicting the location of any of the following:
 - (i) reception areas;
 - (ii) offices;
 - (iii) rooms where alternative massages are provided;
 - (iv) washrooms;
 - (v) storage areas; and
 - (vi) entrances/exits;
 - b) an itemized list describing:
 - (i) each service that will be provided;
 - (ii) what services may be provided during a single appointment; and
 - (iii) how appointments will be scheduled;
 - c) information on the training and/or the experience of the operator and his or her employees with respect to each service that will be provided, to the satisfaction of the Licensing Officer;

- d) if the applicant is a corporation:
 - (i) a current copy of the corporation profile report;
 - (ii) a list containing the full name of each officer, director and shareholder, the address of their ordinary residence, their telephone number;
 - (iii) the name or names under which the applicant intends to carry on in the business; and
 - (iv) the address of the corporation to which the Licensing Officer may send or deliver any notice or other document required or authorized bylaw;

 - e) if the applicant is a partnership:
 - (i) a current copy of the limited partnerships report;
 - (ii) a list containing the full name of each partner, the address of their ordinary residence, their telephone number;
 - (iii) the name or names under which the applicant intends to carry on in the business; and
 - (iv) the address of the partnership to which the Licensing Officer may send or deliver any notice or other document required or authorized bylaw;

 - f) if the applicant is an individual:
 - (i) the name of the individual, the address of his or her ordinary residence, their telephone number; and
 - (ii) the address of the individual to which the Licensing Officer may send or deliver any notice of other document required or authorized by law.
4. When filing an application for a licence renewal, in addition to complying with this Business Licensing By-law, an applicant shall, at the time of making an application:
- a) sign a form certifying that there are no changes to the information required to be filed under this Business Licensing By-law or this Schedule;
 - b) if the applicant is a corporation, file every third year a current copy of the corporation profile report;
 - c) if the applicant is a partnership, file every third year as current of the limited partnerships report.
5. Every licence holder shall advise the Licensing Officer immediately in writing of any change to the information that has been or is required to be filed in respect of his, her or its licence under this Business Licensing By-law or this Schedule.

6. Notwithstanding Section 6, no licence holder shall change or cause a change to be made to a floor plan without first obtaining the approval of the Licensing Officer.

PREMISES – DUTIES OF OFFICERS

7. Every Personal Wellness Services Establishment, and every Operator of a Personal Wellness Services Establishment, shall:
 - a) not equip the Personal wellness services establishment so as to impede the enforcement of this By-law;
 - b) on each day when the Personal wellness services establishment is open for business, open or cause it to be opened only between the hours of 7:00 a.m. and 9:00 p.m.;
 - c) ensure that no services shall be provided after 9:00 p.m.;
 - d) post his, her, or its licence issued under this by-law in a conspicuous place in the Personal Wellness Services Establishment at all times;
 - e) keep the premises in a clean and sanitary condition; and
 - f) ensure that each advertisement of the Personal Wellness Services Establishment legibly bears the words “Licensed Personal Wellness Services Establishment, Licence No. _____”, complete with the licence number inserted.

ALTERNATIVE MESSAGE

8. Every Personal Wellness Services Establishment, and every Operator of a Personal Wellness Services Establishment, shall:
 - a) not permit a body rub massage to be provided to any Person;
 - b) ensure any service provided complies with the “Ministry of Health Infection Control in Personal Services Settings Protocol”, 2008, as amended or any succession legislation.

RECORDS

9. Every Personal Wellness Services Establishment, and every Operator of a Personal Wellness Services Establishment shall:
 - a) keep a record of each alternative massage provided, which record shall:
 - (i) include the name of the Person who provided the alternative massage and the time and date of the alternative massage;
 - (ii) be kept for at least one year after the date of the alternative massage; and
 - (iii) be produced upon demand to a Person assigned or appointed by the Licensing Officer to enforce this Schedule.

10. In addition to the licensing requirements set out in this by-law, a completed application for a licence shall be accompanied by:
 - a) zoning approval, fire approval and building approval (if applicable); and,
 - b) fire approval upon renewal (if necessary).

SCHEDULE C(5)

PERSONAL GROOMING

1. Every Person who operates a Personal Grooming establishment shall comply with the provisions of the Health Protection and Promotion Act, ss. 16, Chap, H.7, R.S.O., 1990.
2. No Person shall operate a business under this category without a licence.
3. Every Licencee shall:
 - a) ensure that the Licensed Premises are kept in a clean and sanitary condition;
 - b) ensure that all Persons performing Beauty Salon or Barber Shop treatments on the Licensed Premises are appropriately qualified;
 - c) ensure that all equipment used in the Licensed Premises are sterilized or disinfected;
 - d) comply with the Personal Services Settings Protocol under the Infection Control Program of the Mandatory Health Programs and Services Guidelines, January 1998, published by the Minister of Health as authorized by the *Health Protection and Promotion Act*, as amended and replaced from time to time; and,
 - e) comply with the requirements of the Medical Officer of Health and the Personal Services Protocol provided by the Region of Waterloo Public Health.
4. All beauty, tattoo, hair/beauty, barber, esthetics and piercing service providers will be inspected by Public Health, and shall comply with the following conditions:
 - a) The salon and work stations should be clean and organized;
 - b) Tools and equipment should be in good repair;
 - c) Tools and supplies should be kept in clean and covered areas such as a container with a lid or closed cupboard that is free from dust or debris;
 - d) All instruments that are made of durable material such as stainless steel must be cleaned and disinfected between each client. Instruments/tools that are made of non-durable materials such as emery boards, foam slippers, or toe separators must be discarded after use;

- e) The technician should wash their hands before starting a service and ask customer to do the same or provide a hand or foot soak before a nail service;
 - f) The service provider should check for cuts, abrasions, or possible infections before the service;
 - g) Service providers should use gloves if blood is present. Blood may be present during hair removal services, facials, tattooing, or ear piercings. The technician should wash their hands before putting on gloves and before starting a service;
 - h) Creams and lotions should be dispensed in such a way to prevent the original container from becoming contaminated (e.g., by using a pump action dispenser rather than a spatula)
5. In addition to the licensing requirements set out in this by-law, a completed application for a licence shall be accompanied by:
- a) zoning approval, fire approval, health approval and building approval; and,
 - b) fire approval and health approval upon renewal (if necessary).

SCHEDULE C(6)

PERSONAL GROOMING (mobile)

1. Every Person who operates a Personal Grooming establishment shall comply with the provisions of the Health Protection and Promotion Act, ss. 16, Chap, H.7, R.S.O.
2. No Person shall operate a business under this category without a licence.
3. In addition to the licensing requirements set out in this by-law, a completed application for a licence shall be accompanied by:
 - a) health approval; and,
 - b) health approval upon renewal (if necessary).

SCHEDULE C(7)

PUBLIC GARAGE

1. 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.
2. Every operator of a Public Garage shall comply with the Motor Vehicle Dealers Act, 2002 (MVDA).
3. Every Licencee shall report to the Waterloo Regional Police Service when a Motor Vehicle is left on the Licensed Premises for a period of twenty-four hours, if the Motor Vehicle has been left without permission of the Licencee or when the Licencee may have reason to believe the Motor Vehicle is either stolen or abandoned.
4. Every Licencee shall ensure that Motor Vehicles are parked within the boundaries of the property and in accordance with the approved site plan.
5. In addition to the licensing requirements set out in this by-law, a completed application for a licence shall be accompanied by:
 - a) zoning approval, fire approval and building approval; and,
 - b) fire approval upon renewal (if necessary).

Public Garage Categories

Repair:
includes paint and body shop
Sales:
Category A: 0 to 5 vehicles on lot
Category B: 6 to 9 vehicles on lot
Category C: over 10 vehicles on lot

SCHEDULE C(8)

PUBLIC HALL

1. No Person shall own or operate a public hall without a licence.
2. 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.
3. Every operator of a public hall shall comply with the Public Halls Act, Chap. P.39, R.S.O., 1990.
4. No Licencee shall:
 - a) permit any disorderly conduct to take place on the Licensed Premises;
 - b) permit any Person to loiter, create a disturbance or cause undue noise in or about the Licensed Premises;
 - c) fail to ensure the protection of the public health and public safety on the Licensed Premises;
 - d) conduct Business in a manner that would create any nuisance, cause undue noise, or cause an adverse impact upon a residence or another Business abutting or near the Licensed Premises; or,
 - e) permit the Licensed Premises to be open to the public unless:
 - i. a Person over the age of 18 years is present to supervise the use of the Licensed Premises; and,
 - ii. the Licensed Premises are in a clean and sanitary condition and do not present a hazard to public health or safety.
5. In addition to the licensing requirements set out in this by-law, a completed application for a licence shall be accompanied by:
 - a) zoning approval, health approval, fire approval and building approval; and,
 - b) health approval and fire approval upon renewal (if necessary).

SCHEDULE C(9)

RETAIL EXHIBITION

1. The licence fee for a Retail Exhibition licence shall be paid by the promoter/organizer of the Retail Exhibition show.
2. Every applicant for a Retail Exhibition licence shall provide a completed application form, the required licence fee, length of show and a list of all proposed vendors and goods.
3. In addition to the licensing requirements set out in this by-law, a completed application for a licence shall be accompanied by:
 - a) zoning approval, fire approval and health approval (if applicable i.e. food); and,
 - b) fire approval and health approval upon renewal (if necessary).

SCHEDULE C(10)

TEMPORARY SALES

1. No Person shall operate a temporary vendor business without a business licence.
2. No temporary vendor, except a temporary vendor operating in a motel, hotel, convention centre, or shopping mall, shall operate within 400 metres (1312.3 feet) of a permanent vendor selling similar or identical goods or services.
3. Every temporary vendor shall be located on private property only, and shall refrain from infringing on City and Regional property.
4. The fees for a licence are listed under Schedule A of this by-law. However, where a temporary vendor makes one application for use of one location on multiple dates within a two month period, the Licensing Officer shall only cause one distance separation inspection to be performed for that application and the licensing fee shall be adjusted accordingly to include a one-time amount.
5. No temporary vendor shall operate a temporary sale business for more than 12 consecutive weeks in one calendar year.
6. No Licencee shall sell or offer to sell any goods or services other than those goods or services identified in the Licence.
7. Every operator of a temporary sales site shall provide to the Licensing Officer or his/her delegate:
 - (i) before the commencement of the temporary sales site and together with a completed application and required licence fee, a list of all operators operating the temporary sales site, including names and addresses;
 - (ii) after the commencement of the temporary sales site, confirmation of the list provided under (i) above.
8. In addition to the licensing requirements set out in this By-law, a completed Application for a Licence shall be accompanied by:
 - a) zoning approval, fire approval, health approval and building approval, where applicable
 - b) written permission of the Owner of the private property consenting to the use of their property by the Applicant;
 - c) description of all the merchandise or services offered;
 - d) proof that it is a Registered Charity or Community Organization, if applicable.

SCHEDULE D

BUSINESS LICENCES REQUIRING POLICE CHECK (CRITERIA)

Criteria for conditional issuance and refusal of establishment and operating licences – applications and renewals subject to:

1. Refuse the licence if there are two (2) or more criminal convictions within 2 years of the application or renewal date.
2. Refuse the licence if there are three (3) or more criminal convictions within 5 years of the application or renewal date.
3. Refuse the licence if convicted of a criminal offence where the sentence imposed was five (5) years or longer.
4. Issue conditional licence for one (1) year if convicted of one (1) criminal conviction within last 5 years.

A conditional licence issued as a result of a criminal record is for a 1 year period (licence holder must submit an updated criminal abstract at six (6) months and at one (1) year.

Notwithstanding this Schedule, if there are reasonable grounds to believe that the conduct of any Person, including the officers, directors, employees or agents of a business or 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 and integrity; any application for a licence or application for the renewal of the licence may be denied or any licence may be revoked, suspended or made conditional.

JULY 12TH, A.D., 2016

BY-LAW NO. 142 - 16

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-Law 160-15.

1ST READING: JULY 12TH, 2016.

2ND READING: JULY 12TH, 2016

3RD READING: JULY 12TH, 2016.

MICHAEL DI LULLO
CITY CLERK

Amended by:
19-015