

## 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**

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.

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 31<sup>st</sup> 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.

  
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Terry Dowdall, Mayor  
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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  
Crocodilians  
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 fascia 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 licensed 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"

### RECREATIONAL FACILITIES

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.

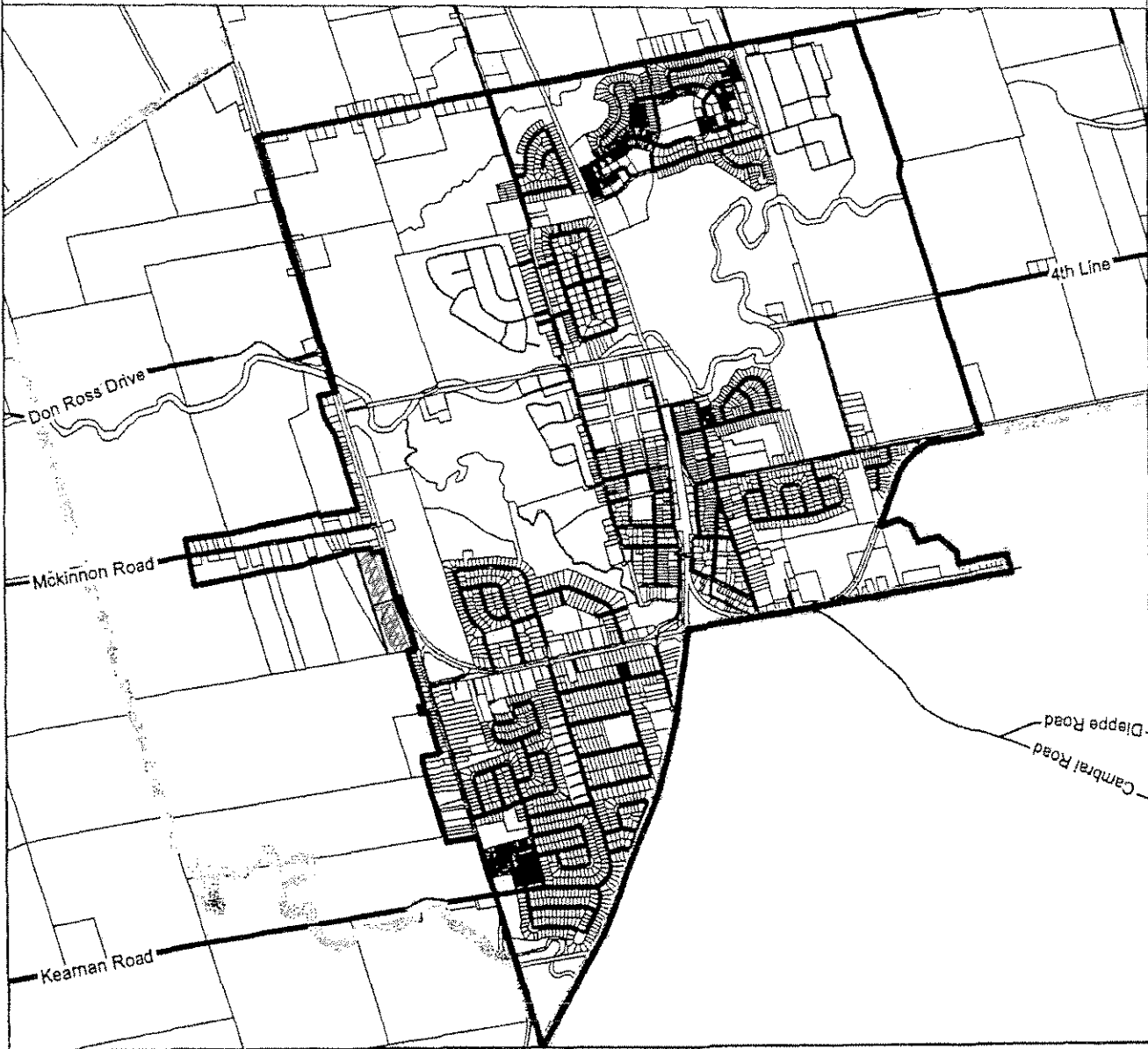
8. **Insurance**

- 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.



Angus  
Settlement  
Boundary

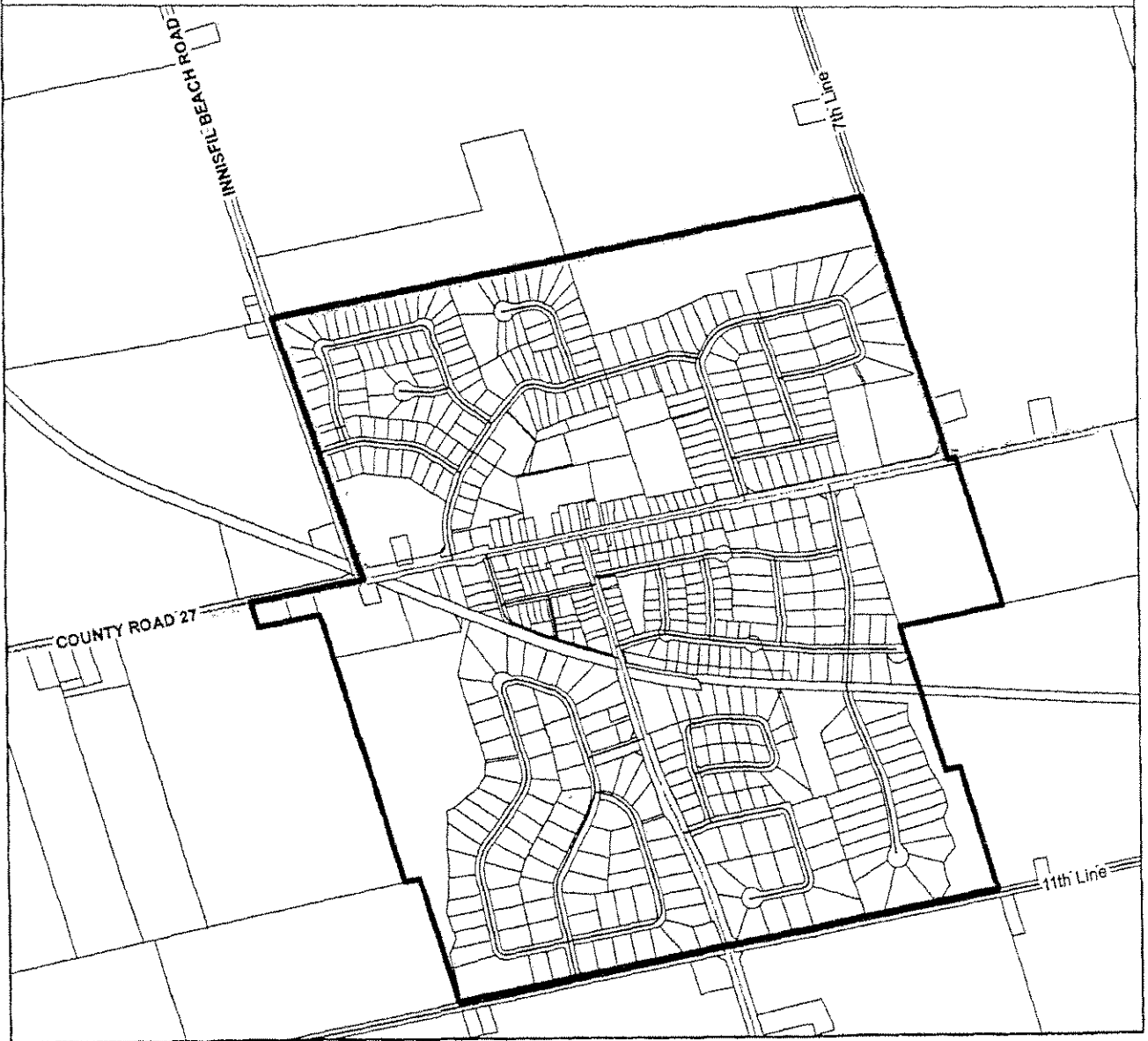
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# Thornton Settlement Boundary

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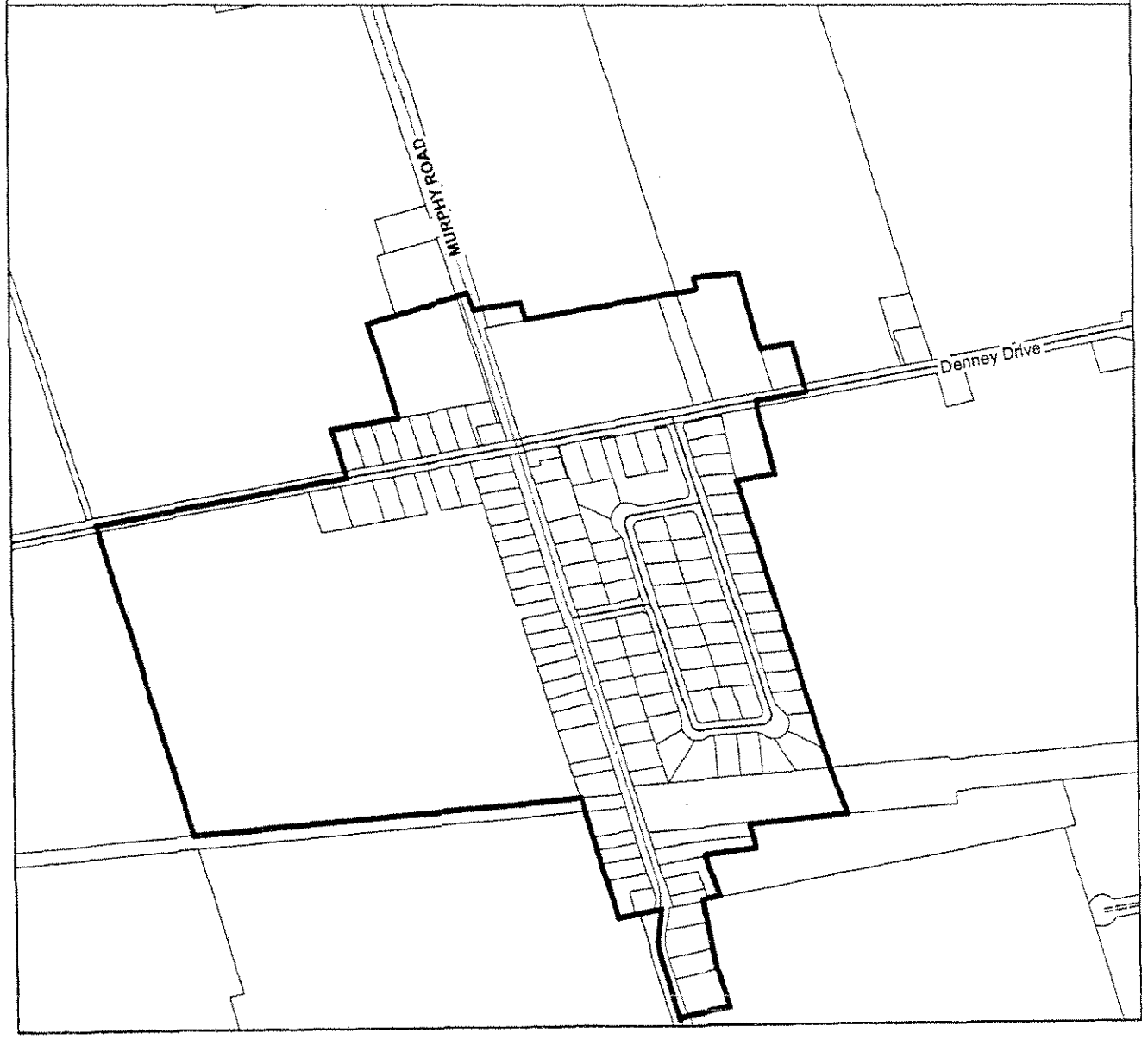




m3

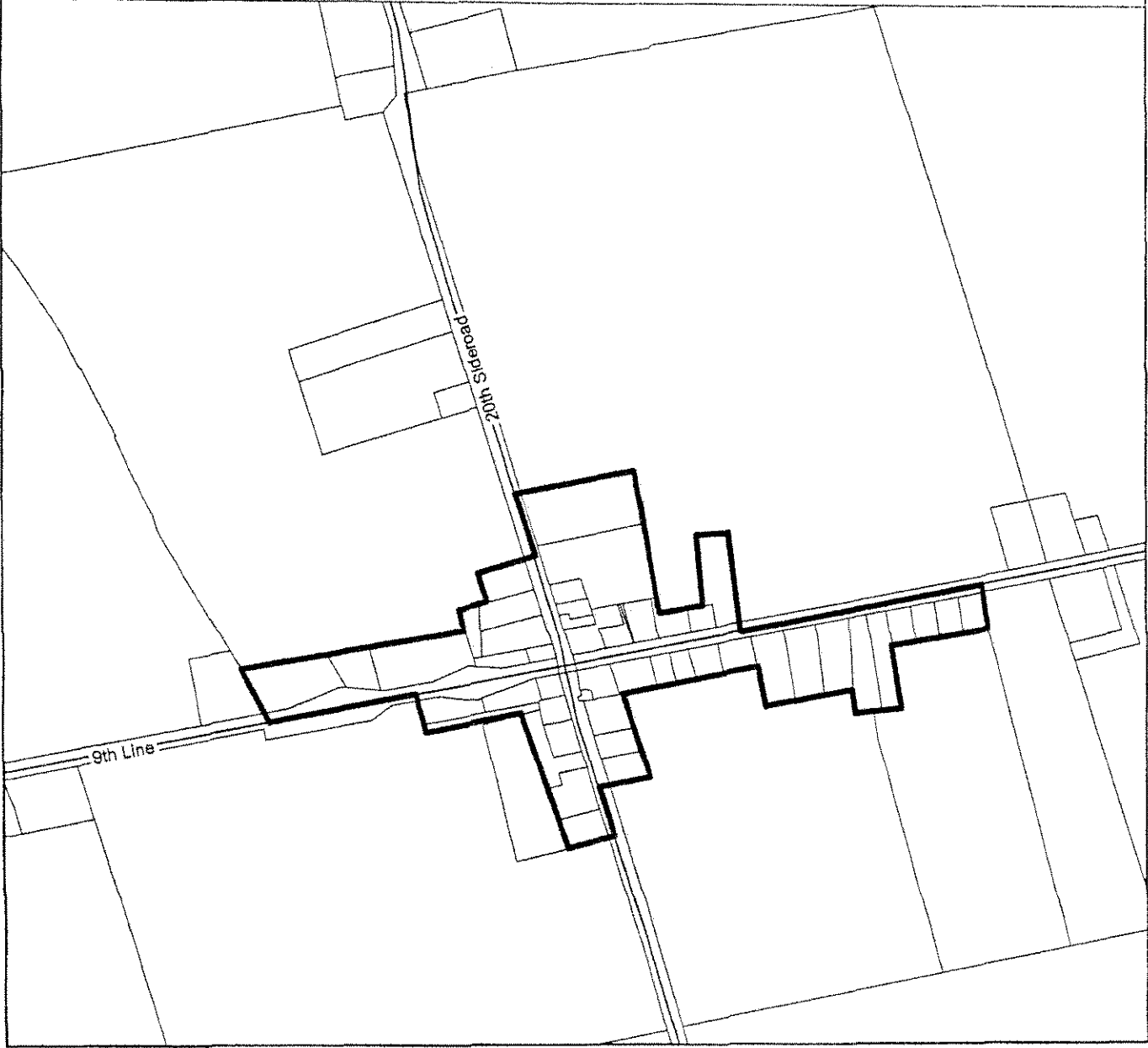


Baxter  
Settlement  
Boundary  
— Boundary Line



# Ivy Settlement Boundary

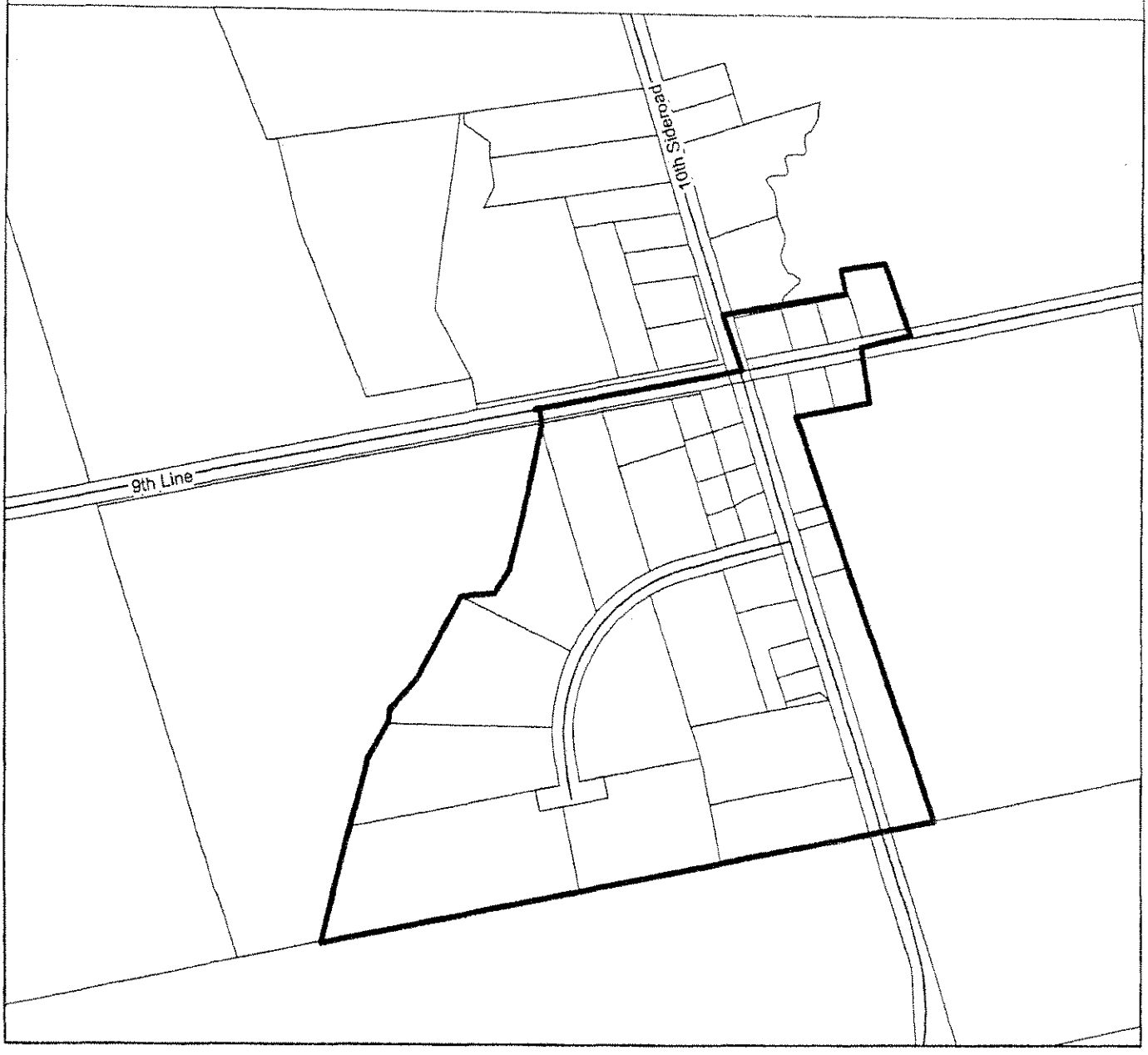
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# Egbert Settlement Boundary

— Boundary Line





Colwell  
Settlement  
Boundary

— Boundary Line

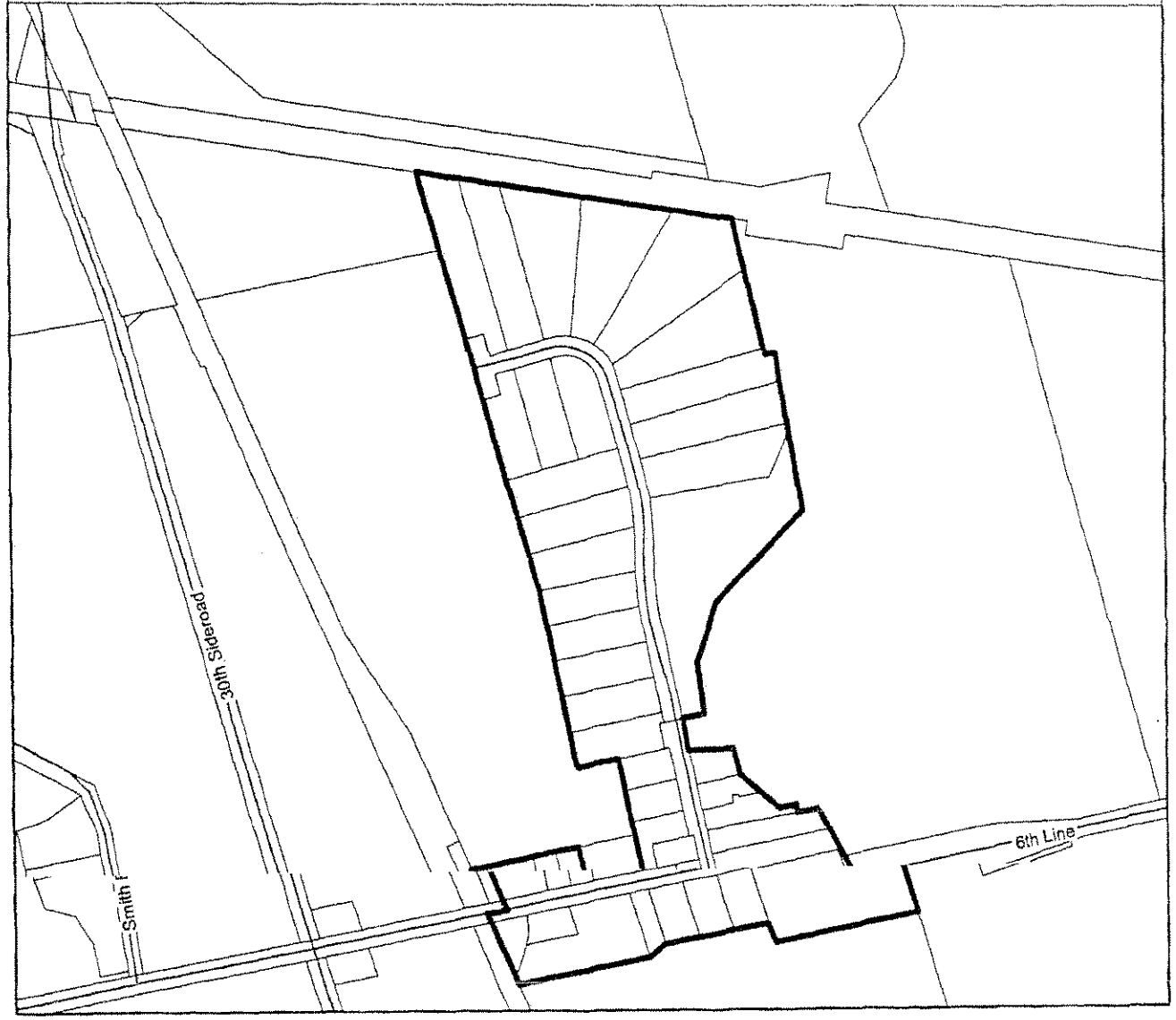


m7



Utopia  
Settlement  
Boundary

— Boundary Line



## SCHEDULE "9"

### TOW TRUCK LICENSING PROVISIONS

#### 1. DEFINITIONS

For the purposes of this By-law:

**"absorbent material"** means material to be used that absorbs fluids that could have been leaked onto a highway and/or ground service from a motor vehicle but does not include dirt, gravel, grass or soil;

**"applicant"** means an individual, sole proprietorship, partnership, unincorporated cessation, unincorporated syndicate, unincorporated organization, trust, body corporate, and a natural person in his capacity as trustee, executor, administrator, or other legal representative applying for a Licence under this By-law;

**"clerk"** means the Clerk appointed by the Township of Essa under the authority of the *Municipal Act, 2001*;

**"collision"** means the contact resulting from the motion of a motor vehicle or its load that produces property damage, injury or death;

**"collision towing"** means the towing of a vehicle disabled as the result of a reportable collision as defined in the Highway Traffic Act. The presence of a police officer at the scene of a tow does not define or classify the towing as "collision towing";

**"Council"** means the elected Council of The Corporation of the Township of Essa;

**"Council Hearing Committee"** means a committee comprised of members of Council of the municipality, appointed by Council to conduct hearings under this By-law;

**"CVOR certificate"** means a Commercial Vehicle Operator's Registration Certificate issued under Section 17 of *The Ontario Highway Traffic Act, R.S.O. 1990, Chapter H.8*;

**"defect"** means a vehicle or Tow Truck that is in an unsafe or dangerous condition to be operated;

**"devices"** includes equipment attached to the vehicle and personal protective equipment;

**"dolly"** means a four-wheeled carriage used in towing to support the trailing end of the towed vehicle;

**"driver"** means any person who is licenced by the municipality to drive or operate a Tow Truck for the purpose of collision towing, towing for the Vehicle Impoundment Program or towing services;

**"drop fee"** means a fee or commission paid to the Owner or Driver of a Tow Truck in return for the towing or otherwise conveying of a vehicle to a particular place;

**"fire service"** means the municipal fire department;

**"flatbed carrier"** means a platform body with a winch for loading;

**"gross vehicle axle rating (GVAR)"** means the maximum weight that the axle of the vehicle was designed to carry by the chassis manufacturer;

**“gross vehicle weight rating (GVWR)”** means the maximum total vehicle rated capacity, measured at the tire ground interface, as rated by the chassis manufacturer;

**“heavy towing”** means any vehicle with a registered gross vehicle weight rating (GVWR) of at least 15,000 kilograms (33,000 pounds) or greater;

**“highway”** means a common and public highway which is intended for or used by the general public for the passage of vehicles as defined in the *Ontario Highway Traffic Act*, R.S.O. 1990, Chapter H.8;

**“Highway Traffic Act”** means *The Ontario Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended and any successor legislation thereto;

**“hirer”** means the registered owner of a vehicle to be towed or being towed, his/her agent or any person lawfully in the care and control of the vehicle to be towed or being towed;

**“incident scene”** means the general location or place where an incident occurred and includes a two hundred (200) metre (approximately 656 foot) radius of the location or place of the incident;

**“incompetence”** means the inability to do something successfully;

**“inefficiency”** means the state of not achieving maximum productivity; failure to make the best use of time or resources;

**“incident commander”** means the person responsible for all aspects of an emergency response, including quickly developing incident objectives, managing all incident operations, application of resources as well as responsibility for all persons involved;

**“inspection”** means an Officer conducts a process that ensures the Tow Truck and/or vehicle storage compound meets the requirements set out by this By-law;

**“licence”** means a licence issued under this By-law;

**“licencee”** means any person licensed under this By-law;

**“licence issuer”** means the person(s) authorized to issue licences by the municipality;

**“Manufacturers Label”** means a printed notice or sign for display which carries information regarding the vehicle or Tow Truck as per the manufacture of that vehicle;

**“municipal law enforcement officer”** means a member of the Ontario Provincial Police, and an employee of the municipality appointed with the enforcement of non-criminal municipal by-laws, and regulations enacted by the municipality;

**“municipal tow licence”** means the tow licence issued by the municipality to the owner as proof of licensing under this By-law;

**“municipality”** means The Corporation of the Township of Essa;

**“nuisance”** means any activity or action which disturbs or is likely to disturb any individual;

**“Occupational Health and Safety Act”** means *The Occupational Health and Safety Act*, R.S.O. 1990, Chapter O.1 as amended and any successor legislation thereto;

**“officer”** means a Police Officer, Municipal Law Enforcement Officer, an Officer of the Ontario Ministry of Transportation and a Tobacco Enforcement Officer;

**“owner”** means the owner of a Tow Truck used for the purpose of collision towing, towing for the Vehicle Impoundment Program or towing services on public property and the holder of the plate portion of the permit for the Tow Truck issued by the Ministry of Transportation pursuant to the *Highway Traffic Act*;

**“park” or “parking”** when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, as per *The Ontario Highway Traffic Act*, R.S.O. 1990, Chapter H.8;

**“police” or “police officer”** means a sworn member of the Ontario Provincial Police;

**“private property”** means land owned by a person or group and kept for their exclusive use and includes property where an open invitation is expressed;

**“public property”** means roads, streets and highways or other public properties as defined under the Criminal Code of Canada;

**“service area”** means the area serviced by the Nottawasaga Detachment of the Ontario Provincial Police being the municipalities of the Township of Adjala-Tosorontio, Township of Essa and Town of New Tecumseth and its bordering highways;

**“solicit”** means when a person attempts to obtain business by offering their services without an individual willing seeking such services on their own accord;

**“stop” or “stopping”** when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or of a traffic control sign or signal, as per *The Ontario Highway Traffic Act*, R.S.O. 1990, Chapter H.8;

**“tow truck”** means a vehicle: (a) that is equipped to remove from the highway, a vehicle that is damaged, disabled or inoperative, whether by hoisting it, towing it, or by loading it and carrying it away; (b) provide service or minor repairs on a highway to a motor vehicle that is damaged, disabled or inoperative;

**“tows”** includes the towing of a vehicle as a result of a collision, mechanical failure, road side assistance, a police involvement, a vehicle fire not involving a collision, or other similar cause which originate on public property. Tows originating from private property do not qualify under this By-law;

**“underlift/wheel lift/sling”** means a device affixed to a motor vehicle used for towing vehicles by lifting one end of the towed vehicle from under the axle or structural member of the towed vehicle;

**“vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car as per *The Ontario Highway Traffic Act*, R.S.O. 1990, Chapter H.8;

**“Vehicle Impoundment Program (V.I.P.)”** means a program managed by the Ministry of Transportation which requires police to impound a vehicle found in contravention of an Act on private and/or on public property;



**“vehicle storage compound”** means a secure lot or portion thereof used for the temporary storage and impounding of vehicles taken from a collision scene or towed as part of the Vehicle Impoundment Program.

## **2. GENERAL TOW TRUCK LICENSING PROVISIONS**

- 2.1 A word interpreted in the singular has a corresponding meaning when used in the plural.
- 2.2 A reference in this By-law to “he” and “she” or “his” and “her” or “they” shall be interpreted to be gender neutral and the provisions of this By-law shall be interpreted to apply equally to both male and female persons.
- 2.3 For the purposes of this By-law a person shall be acting as the Owner or Driver of a Tow Truck and subject to the provisions of this By-law if that person conveys or seeks to convey for hire, or holds himself out, by his actions or words, as being available to convey for hire, a vehicle from a point within the Service Area to either a point also within the Service Area or to any point beyond its limits for the purpose of collision towing, towing required for the Vehicle Impoundment Program or towing services on public property.
- 2.4 In the absence of any evidence to the contrary, collision towing, towing required for the Vehicle Impoundment Program, or towing services on public property will be deemed to have originated within the Municipality.

## **3. LICENCE REQUIREMENTS FOR OWNERS**

- 3.1 No person shall own a Tow Truck used for collision towing, towing for the Vehicle Impoundment Program, or for towing services on public property within the Service Area without a Licence to do so issued by the Township of Essa, subject to the exemption set out in Section 5.
- 3.2 Prior to being licensed as an Owner, every Applicant shall:
  - (1) complete and submit to the Licence Issuer an application in the form provided, along with the appropriate documentation and an annual fee as set out in the Fees & Charges By-law;
  - (2) provide the Licence Issuer a copy of the certificate of insurance for the Tow Truck for which the Applicant is the Owner including but not necessarily restricted to the following coverages and naming the Municipality as a co-insured where applicable:
    - (a) in respect to any one claim, in the amount of at least \$2,000,000 exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss or damage to property;
    - (b) in respect of any one claim, in the amount of at least \$100,000 against liability for damage to a customer’s motor vehicle while in his/her care, custody or control and caused by collision, upset, fire, lightning, theft or attempt theft, malicious mischief, windstorm, hail, explosion, riot, civil commotion or rising water; and
    - (c) in respect of any one claim, cargo liability insurance in the amount of at least \$50,000 to indemnify the applicant against loss by reason of his/her legal liability indirect physical loss or damage to vehicles and other items of property accepted by the applicant for towing or conveyance.

- (3) subject to Section 3.2(4) below, operate or have a lease for the exclusive use of an enclosed vehicle storage compound, which is maintained in good repair, located within the Municipality and is in compliance with the local municipal's Zoning By-law. The vehicle storage compound shall be secured by one of the following means:
    - (a) a minimum 1.8 metre (6 foot) high chain link fence,
    - (b) a minimum 1.8 metre (6 foot) high solid board fence,
    - (c) a minimum 1.8 metre (6 foot) high steel sheet fence, or
    - (d) a building with locking front doors or entrance gate.
  - (4) existing Owners with a vehicle storage compound located outside of the Municipality shall be grandfathered and permitted to continue operating within the Service Area for no more than five (5) years from the passing of this original By-law (passed in 2014) provided that the vehicle storage compound:
    - (a) is within 10 kilometers of the Municipality's boundary;
    - (b) has been in existence and used by the Owner as a vehicle storage impound for more than five years prior to the passing of this By-law;
    - (c) has been operated uninterrupted by the Owner at that location; and
    - (d) meets the remaining criteria set out in section 3.2(3) above.
  - (5) acknowledge in writing to the Licence Issuer that the Owner does not share the vehicle storage compound with any other towing company at the same municipal address.
  - (6) acknowledge in writing to the Licence Issuer that the Owner is in compliance with the Ontario Occupational Health and Safety Act and has ensured that each Tow Truck operator is properly equipped and has been trained in the use of all devices.
  - (7) acknowledge in writing to the Licence Issuer that the Owner has ensured that all Drivers licensed to operate their Tow Truck(s) are compliant with the provisions of this By-law.
  - (8) complete and submit to the Licence Issuer a current list of Drivers hired to drive on their behalf and verify that each of such Drivers are licenced by the Township of Essa within seven (7) days.
  - (9) provide to the Licence Issuer a copy of a Safety Standards Certificate or, alternatively, a valid Ontario Ministry of Transportation Annual Inspection Certificate issued under the *Highway Traffic Act*, dated no more than ten (10) days after acquiring the certificate.
- 3.3 Applications for Tow Truck Owner's Licences received after January 1<sup>st</sup> will be required to pay one half of the annual amount of the Owner's Licence Fee as set out in the Fees & Charges By-law and the said Licence will expire on May 31<sup>st</sup> of the same year and renewable thereafter at the full amount as set out in the Fees & Charges By-law.
- 3.4 No applicant who is under eighteen (18) years of age shall be granted a Tow Truck Owner's Licence under the By-law.

3.5 A Tow Truck Owner's Licence is non-transferable.

#### **4. LICENCE REQUIREMENTS FOR DRIVERS**

4.1 No person shall operate or drive a Tow Truck used for collision towing, towing for the Vehicle Impoundment Program, or for towing services within the Service Area without a Licence to do so issued by the Township of Essa, subject to the exemption set out in Section 5.

4.2 Prior to being licensed as a Driver, every applicant shall provide to the Licence Issuer:

- (1) proof of a valid Ontario Driver's Licence with a minimum Class G, issued to them pursuant to the provisions of the *Highway Traffic Act*;
- (2) a copy of his/her current driving abstract issued by the Ontario Ministry of Transportation no more than thirty (30) days before the date of application for a licence to drive a Tow Truck under the authority of this By-law.
- (3) a copy of his/her current Criminal Record Check issued by the police no more than thirty (30) days before the date of application for a licence to drive a Tow Truck under the authority of this By-law.

4.3 Applications for Tow Truck Driver's Licences received after January 1<sup>st</sup> will be required to pay one half of the annual amount of the Owner's Licence Fee as set out in the Fees & Charges By-law and the said Licence will expire on May 31<sup>st</sup> of the same year and renewable thereafter at the full amount as set out in the Fees & Charges By-law.

4.4 A Tow Truck Driver's Licence is non-transferable.

#### **5. EXEMPTION**

5.1 Owners and Drivers licensed by the Township of Adjala-Tosorontio or the Town of New Tecumseth are exempt from the requirements of this By-law.

5.2 Heavy towing as defined herein is exempt from the requirements of this By-law.

#### **6. EXCEPTIONS**

6.1 This By-law does not apply to the following:

- (1) an owner, operator or driver of a Tow Truck where the Tow Truck is used for the purpose of towing a vehicle as a result of mechanical failure, a vehicle fire not involving a collision or other similar cause from private property.
- (2) an owner, operator or driver of a Tow Truck where the owner, operator or driver is in the process of towing a vehicle for the purpose of collision towing or towing required for the Vehicle Impoundment Program where that service originated outside the Service Area.

#### **7. LICENCES**

7.1 The Clerk may refuse to issue or renew a licence or may revoke or suspend a licence on the following grounds:

- (1) the past conduct of the Applicant, Licensee or Driver, or where a corporation, an officer and/or director of the corporation, affords reasonable grounds for the belief that the Applicant or Licensee will not carry on the activity for which he is to be licensed in accordance with this By-law with integrity and honesty;
  - (2) there are reasonable grounds to believe that an application or other documents provided to the Licence Issuer by or on behalf of the Applicant, Licensee or Driver contains a false statement; or
  - (3) the Applicant, Licensee or Driver has failed to provide all of the information or documentation required by this By-law, or has failed to meet and comply with all other licensing prerequisites as set forth in this By-law.
- 7.2 Any Licence issued under this By-law shall expire annually on the 31<sup>st</sup> day of May.
- 7.3 Any Applicant, Licensee or Driver applying for a renewal of any Licence under this By-law must produce to the Licence Issuer a current criminal record check by their local police services at the expense of the applicant.
- 7.4 No Licensee shall enjoy a vested right in the continuance of a Licence.

## **8. APPEAL PROCESS**

- 8.1 Notwithstanding the appeal process contained in Business Licensing By-law No. 2011-20, the following appeal process shall apply to Tow Truck Licensing.

(1) **Recommendation – Council Hearing Committee– Refuse to issue, refuse to renew, suspension, place conditions, revocation – notice – hearing request**

Where the Clerk intends to recommend to the Council Hearing Committee that it refuse to issue, refuse to renew, place conditions, revoke or suspend a licence, he/she shall give notice of his/her intended recommendation to the applicant or licence holder, together with the reason for his/her intended recommendation, as well as to such other persons, civic departments, boards, commissions, authorities or agencies as appear to have an interest in the recommendation.

(2) **Suspension - interim - pending - during meeting**

The Clerk, without holding a hearing, may suspend a licence for not more than two weeks if the licensee has been convicted of a criminal offence, provided that the suspension is made within thirty days of the conviction, and notwithstanding that an appeal of the conviction has been commenced.

(3) **Refusal - suspension - revocation – notice of hearing – content**

- (a) Where the Clerk has recommended to the Council Hearing Committee that a licence not be issued or renewed or that a licence be suspended, revoked or conditions imposed on the licence, the Clerk shall refer the application and his/her reasons for her/his recommendation to the Council Hearing Committee and shall give the Applicant notice, in writing, of such action, said notice to be served personally or by registered mail to the Applicant at the address shown on the application.

- (b) The notice of the hearing shall:
- (i) contain a reference to section 150 of the *Municipal Act*, under which the hearing will be held;
  - (ii) contain a reason or reasons for the proposed refusal, suspension or revocation;
  - (iii) specify the time, place and purpose of the hearing at which the proposed refusal, suspension or revocation will be considered;
  - (iv) inform the affected Applicant or the affected holder of the licence that he is entitled to attend the hearing and make submissions regarding the proposal and that, in his absence, the Council Hearing Committee may proceed to consider the proposal, and the Applicant or affected holder of the licence will not be entitled to any further notice in the proceeding;
  - (v) afford the affected Applicant or the affected holder of the licence a reasonable opportunity, before the hearing, to show or achieve compliance with all lawful requirements for the retention of the licence; and
  - (vi) be given at least 7 days notice prior to the date of the Hearing.

(4) **Refusal - suspension - revocation - by Council Hearing Committee – hearing**

- (a) At the hearing, the Council Hearing Committee may suspend, revoke or refuse to issue any licence under this By-law:
- (i) for any reason that would disentitle the holder to a licence if he/she were an Applicant;
  - (ii) where the holder of the licence or Applicant is in breach of a condition of the licence or of this By-law;
  - (iii) if there are reasonable grounds to believe that the statements on the licence application are false;
  - (iv) if a report is filed subsequent to the date of the issuance of the licence by any department or agency which provided its approval originally to the issuance of the licence which indicates that a licensed premise no longer complies with any of the provisions of this By-law;
  - (v) upon such grounds as are set out in this By-law;
  - (vi) if the Applicant has outstanding fines or penalties owing to the municipality or has not paid the required licence application fee;
  - (vii) if the conduct or character of the Applicant or Licensee affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;

- (viii) if the geographic location of the business does not meet land use requirements;
- (ix) if, in the case of a corporate Applicant or Licensee, the conduct of its officers, directors, employees or agents affords reasonable cause to believe that the business will not be engaged in or carried on in accordance with the law or with honesty and integrity; or
- (x) if issuing a licence is not in the public interest.

**(5) Council Hearing Committee - proceedings**

- (a) At a hearing, the Council Hearing Committee:
  - (i) shall afford the affected Applicant or the holder of the licence an opportunity to make submissions in respect of the matter that is the subject of the Council Hearing Committee's proceedings;
  - (ii) shall afford any person, civic department, board, commission, authority or agency given notice under this By-law and in attendance at the hearing, or any other person, in the discretion of the Council Hearing Committee, an opportunity to make submissions in respect of the matter that is the subject of the Council's proceedings;
  - (iii) the hearing shall be open to the public but the Council Hearing Committee may close a portion of the hearing for the purposes of receiving confidential legal information pertaining to the affected Applicant or licence holder;
  - (iv) the hearing shall be open to the public but the Council Hearing Committee may close all or a portion of the hearing to the public if the Committee is of the opinion that intimate financial or personal matters may be disclosed of such a nature, having regards to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest, outweighs the desirability of adhering to the principle that the hearing be open to the public;
  - (v) shall give due consideration to the submissions made to it;
  - (vi) shall take such action to refuse, suspend or revoke the application or licence, or not to refuse, suspend or revoke the application or licence, as the Council Hearing Committee considers proper in the circumstances; and
  - (vii) the Hearing Committee's decision shall be delivered by the Clerk to the Applicant or to the licence holder, and to any person, civic department, board, commission, authority or agency in attendance at the hearing, together with the reasons for its decision.

**(6) Council Hearing Committee – decision – immediate effect – notice of decision**

- (a) A decision of the Council Hearing Committee refusing, suspending or revoking an application or licence takes effect upon the rendering of such decision by the Council Hearing Committee. No Licensee shall operate or



carry on the activity for which the licence was issued while his licence is under suspension.

- (b) The decision of the Council Hearing Committee shall be given within seven (7) days of the hearing.
- (c) The Clerk shall forthwith notify the Applicant in writing of such decision by serving a copy personally or by registered mail to the Applicant at his/her address as shown on his application. Where a notice is sent by registered mail, the date of service upon the person to whom it is sent will be deemed to be the day next following the date of mailing.
- (d) Upon receipt of a notice of the decision of the Council Hearing Committee suspending or revoking a licence, the Licensee shall, within twenty-four (24) hours of service of notice by certified mail or immediately if the notice is personally served, return the licence to the Clerk or Licence Issuer and any plates issued with a reference to the licence and the Clerk or Licence Issuer shall have access to any premises, vehicles or other property of the licensee for the purpose of receiving or taking the same.
- (e) No person shall refuse to deliver the licence and any plates relative to a suspended or revoked licence to the Clerk or Licence Issuer or shall in any way prevent or hinder the Clerk or Licence Issuer from receiving or taking the same.
- (f) Where a licence is revoked, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted, such refund to be prorated on a monthly basis.

**(7) Council Hearing Committee - Decision – Complete Licensing**

Where the Council Hearing Committee renders a decision granting the Applicant the licence applied for, the licence shall be issued upon the Applicant complying with the terms of this By-law and the conditions of the licence, if any, and the Applicant shall, within fourteen (14) days of the service upon him/her of a copy of the decision of the Council Hearing Committee complete his application.

**(8) Hearing Committee**

The Hearing Committee of Council shall be comprised of four (4) members of Council.

- (9) The decision of the Hearing Committee is final.

**9. INSPECTION**

- 9.1 For the purposes of Sections 9 and 10, an Officer means a Police Officer, Municipal Law Enforcement Officer, an Officer of the Ontario Ministry of Transportation or a Tobacco Enforcement Officer.
- 9.2 An Officer may require an Owner to submit his/her Tow Truck for inspection at any time and at an appointed place and the Owner shall submit each licensed Tow Truck for inspection when required to do so by an Officer.

- 9.3 When a Tow Truck and its equipment have been examined by an Officer or licensed mechanic and the Tow Truck or its equipment is found to be mechanically defective, neither the Owner nor the Driver shall operate the Tow Truck and the Owner shall not permit the Tow Truck to be operated, until the Tow Truck has been re-inspected and approved by an Officer and a licensed mechanic.
- 9.4 When a Tow Truck is examined by an Officer and a licensed mechanic and a report states that the Tow Truck or equipment is dangerous or unsafe, the Owner or Driver shall remove and return to the Licence Issuer the municipal tow licence to be held until the Owner delivers to the Licence Issuer either an Annual Inspection Certificate or a Safety Standards Certificate and the Tow Truck and the equipment are certified to be safe by an Officer and licensed mechanic.
- 9.5 When an Owner is unable to obtain a Safety Standards Certificate or an Annual Inspection Certificate issued under the *Highway Traffic Act* for the Tow Truck following an inspection, the Owner shall remove and return to the Licence Issuer the municipal tow licence and the Owner shall not operate the Tow Truck or permit the Tow Truck to be operated until he obtains and produces a Safety Standards Certificate and an Annual Inspection Certificate and the Tow Truck and equipment are certified to be safe by an Officer and licensed mechanic.
- 9.6 Where the provisions of this By-law require an Owner or Driver of a Tow Truck to remove and deliver a licence and/or municipal tow licence to a Licence Issuer and the Owner or Driver fails to do so, an Officer shall remove the licence and/or municipal tow licence.
- 9.7 Where an Officer has removed the permit and/or number plate issued by the Ontario Ministry of Transportation in respect of a Tow Truck, the Officer shall remove the municipal tow licence.
- 9.8 When a municipal tow licence that was issued by a municipality has been removed by an Officer, the owner shall make a new application for a new municipal tow licence for said truck.
- 9.9 An Officer shall at any time enter upon and inspect the business premises or vehicles of any licensee to ensure that the provisions of this By-law have been complied with and an Officer on completion of an inspection shall complete a written report on the inspection.
- 9.10 An Officer may be accompanied by such other person or persons as deemed necessary to properly carry out their duties under this By-law.
- 9.11 Upon an inspection, the Officer is entitled access to the invoices, daily records or like documents of the Licensee being inspected provided such documents are relevant for the purposes of the inspection and the Officer may remove any of the aforementioned documents for the purpose of photocopying provided a receipt is given to the Licensee and the documents are returned to the Licensee within seventy-two (72) hours of removal.

## **10. OBSTRUCTION**

- 10.1 Failure to comply with a request to inspect the business premises or vehicles of any Licensee may result in the suspension of the respective licence(s) until such time as the inspection has been completed.



- 10.2 No person shall hinder, disturb or obstruct any Officer in the carrying out of their duties as defined in Section 426(1) of the *Municipal Act, 2001*, c.25, as amended or contravenes any provision of this By-law unless otherwise provided herein is guilty of an offence and, upon conviction, is liable to a fine pursuant to the *Provincial Offences Act*.

## **11. OWNER DUTIES**

### **11.1 A licensed Owner shall:**

- (1) charge the rates for services permitted by the provisions of this By-law;
- (2) keep in the Tow Truck and show to the hirer a copy of towing rates in accordance with this By-law, and also showing, if applicable that the hirer may be charged additional fees for storage by the operator of any vehicle storage compound or business to which the hirer's vehicle is to be towed;
- (3) keep a permanent daily record of work performed by the Tow Truck owned or operated by a driver either in a continuous log sheet or by consecutively numbered bills or invoices showing:
  - (a) the name and address of every hirer;
  - (b) a description of the vehicle towed or conveyed including the Provincial Motor Vehicle Permit number of any such vehicle;
  - (c) the rate charged;
  - (d) the total fee collected; and,
  - (e) the name of the licenced tow truck driver.
- (4) keep every Tow Truck and its equipment clean, in good repair, free from exterior body damage and with a well maintained exterior paint finish;
- (5) present to the hirer, before demanding payment for services, an itemized bill for the services setting out the cost of all services and equipment provided based on the rate set out in Appendix "A" under this By-law, such bill to be clearly legible and include the Owner's business name and address;
- (6) have attached to or painted on both sides of the body of the Tow Truck in a location approved by the Licence Issuer, in letters and figures not less than eight (8) centimeters (approximately three (3) inches) in height the name and telephone number of the business as shown on the Owner's licence, and where the owner owns more than one truck a number identifying each Tow Truck;
- (7) only use the service of a Tow Truck Driver who is licensed as a Driver under this By-law;
- (8) have affixed to the Tow Truck in a location approved by a Licence Issuer the municipal tow licence issued for that Tow Truck;
- (9) give written notice of the sale or other disposition of a Tow Truck to the Licence Issuer forthwith of any such sale or disposition;
- (10) ensure that all information and requirements of this By-law are made known to and adhered to by any Driver or other employee of the Owner;
- (11) accept full responsibility for the acts and omissions of any Driver or other employee to the extent that any such acts or omissions do not comply with the provisions of this By-law.

## **12. OWNER PROHIBITION**

- 12.1 A licensed Owner shall not permit any municipal tow licence issued to him/her under this By-law to be affixed to any Tow Truck, other than the Tow Truck for which the licence was issued under this By-law.
- 12.2 No person shall operate a tow truck at any time where such vehicle is being operated as a tow truck does not meet, or put to an inspection, could not pass the safety standards established pursuant to the Highway Traffic Act.
- 12.3 No person shall use or permit to be used a tow truck which has been found to be unsafe or defective after inspection as pursuant to this By-law.
- 12.4 No person shall operate or allow to operate a tow truck that exceeds the manufacture gross vehicle axle rate (G.V.A.R.)

## **13. DRIVER'S DUTIES**

- 13.1 A licensed Driver shall:

- (1) drive the Tow Truck which is towing for the purposes under this By-law or otherwise conveying a vehicle by the most direct route to the destination requested by the hirer;
- (2) take due care of all vehicles and property delivered or entrusted to him/her for towing;
- (3) comply with all reasonable instructions from the hirer;
- (4) be civil and behave courteously in a professional and respectful manner.
- (5) wear a reflective safety vest as defined under the Occupational Health and Safety Act when working on a highway;
- (6) clean up any debris, fragments of glass, vehicle parts or other materials, excluding loads or any hazardous material dumped during the collision, and which may be a danger to the public from any highway or roadway prior to towing the vehicle from the collision scene;
- (7) be properly dressed in identifiable company attire, display municipally issued photo identification and wear CSA approved footwear;
- (8) comply with all health and safety regulations as defined under the Occupational Health and Safety Act;
- (9) shall not smoke within 200 metres of a collision scene;
- (10)
  - (a) retain all Towing Authorization Forms for at least ninety (90) days from the tow date indicated on the Towing Authorization Form and make them available for inspection upon request by an officer or Licence Issuer;
  - (b) where the hirer refuses to sign the Towing Authorization Form, the Driver must indicate such on the form and retain this form for at least ninety (90) days from the tow date indicated on the Towing Authorization Form and make it available for inspection upon request by an officer or Licence Issuer.

## **14. DRIVER PROHIBITION**

### **14.1 A licensed Driver shall not:**

- (1) commence to tow or otherwise convey or move any vehicle, or hook, lift or connect the vehicle to the Tow Truck, or perform any other services unless first requested to do so by a hirer, the Incident Commander, an officer and/or any person authorized by law to direct the removal of the vehicle from private or public property;
- (2) remove any vehicle from an Incident Scene or immediate vicinity of an Incident Scene of which a report is required by law to be made to a Police Officer, until such report has been made and the investigating Police Officer has completed his/her investigation in respect of such vehicle, or has stated that the presence of such vehicle is no longer required for the investigation;
- (3) alter the towing rates without written consent of the hirer;
- (4) stop, or park within two hundred (200) metres (approximately 656 feet) of an incident scene;
- (5) solicit a person to obtain business by offering their services without an individual willing to seek such services on their own accord within 200 metres of a collision scene;
- (6) tow or otherwise convey or move any vehicle which is to be towed outside the Service Area unless requested by the hirer or by one of the persons referred to in subsection (1);
- (7) remain at the scene of a tow after the Officer at the scene has requested that the Driver leave the scene immediately;
- (8) charge wait time;
- (9) charge mileage to the Owner's vehicle storage compound outside of the parameters as listed on Appendix "A";
- (10) where the use of a dolly is required, leave the scene until the vehicle to be towed is secured using the appropriate safety device including but not limited to safety chains or straps;
- (11) cause or permit passengers to occupy the vehicle to be towed while connected to the Tow Truck.

## **15. OWNER AND DRIVER PROHIBITIONS**

### **15.1 A licensed Owner or Driver shall not:**

- (1) interfere with any contract for hiring of a Tow Truck where a person has hired or has indicated his/her intention to hire a Tow Truck;
- (2) induce any person to employ or hire a Tow Truck by making any false representation to any person, including representations regarding the location of, or distance to, any place;
- (3) use, or permit to be used, a Tow Truck which has been found to be unsafe or defective after examination and inspection as required under this By-law;

- (4) demand or request payment for his/her services other than in accordance with the schedule of rates set out in Appendix "A" under this By-law;
  - (5) demand, request or receive a drop fee or administration fee;
  - (6) charge a hirer for time lost through defects or inefficiency of the Tow Truck, or the incompetence of the Tow Truck Owner or Driver;
  - (7) suggest or recommend to any hirer that any motor vehicle in respect of which tow truck services are to be given or requested, be towed, conveyed, driven or delivered to any particular salvage yard, body shop, storage yard or any other public garage, building or place, unless the Driver has been requested to do so by the hirer;
  - (8) permit a person to be a passenger in a Tow Truck, except under the following circumstances:
    - (a) the passenger is the hirer of the Tow Truck;
    - (b) the passenger is the spouse, son, daughter, parent or similar relation by law of the Tow Truck Driver;
    - (c) the passenger is receiving instructions on driver training as to the operation of a Tow Truck while a passenger.
  - (9) make representation in any form that the towing company, Tow Truck Owner or Tow Truck Driver has the endorsement of the municipality, the Ontario Provincial Police or any other government agency except with written permission from the municipality, the Ontario Provincial Police or any other government agency;
  - (10) no person shall make any loud noise or disturbance or use any abusive language, and/or insult any person whatsoever;
  - (11) no person shall park, stop or otherwise stand the tow truck contrary to any Township By-law except while actually engaged in providing towing services to a vehicle;
  - (12) no person shall alter a municipal issued photo identification card;
  - (13) no person shall alter a municipal issued truck licence;
  - (14) no person shall transfer a municipal issued truck licence from one vehicle to another.
- 15.2 Every licensed Owner or Driver shall only operate or permit to be operated a Tow Truck with a Gross Vehicle Weight Rating of at least 4,536 kilograms (10,000 pounds) as per the manufacture's specifications listed on the driver's door Manufacturers Label, and a wrecker body that is registered with the Ministry of Transportation as a Tow Truck or Flat Bed.

## **16. VEHICLE REQUIREMENTS**

- 16.1 Every licensed Owner or Driver shall operate or permit to be operated only a Tow Truck that clearly displays the company name which has all of the following equipment in a good state of repair:

- (1) a winching or hoisting device of sufficient capacity to lift safely the vehicle to be towed;
- (2) wheel lift, underlift or sling equipped and maintained in a manner to ensure the safe lifting and conveying of a vehicle to be towed;
- (3) one (1) device for securing the steering wheel of a vehicle;
- (4) one (1) charged, dry chemical fire extinguisher having an effective total rating equivalent to at least ABC, and weighing at least 2.27 kilograms (approximately 5 pounds);
- (5) a minimum of two (2) devices used for securing a vehicle such as chains or straps having a minimum length of 2.7432 metres (approximately 9 feet). All such devices must have working load limit tags;
- (6) four (4) safety pylons, reflector kits or four (4) thirty (30) minute flares;
- (7) an intermittent amber warning light system consisting of at least one light which would be clearly visible in all directions for a distance of at least 100 metres (approximately 328 feet);
- (8) a broom;
- (9) a shovel;
- (10) a first aid kit in accordance with the Occupational Health and Safety Act;
- (11) a crowbar/pry bar at least 152.4 centimetres (60 inches) in length;
- (12) at least two (2) wheel blocks;
- (13) wheel wrenches;
- (14) light bar/tow lights for a rear extension carrier;
- (15) a reverse warning system;
- (16) a dolly, including tie-down strap;
- (17) one 2 kg bag or container of absorbent material;
- (18) any other equipment as may be required under the *Highway Traffic Act*;
- (19) the vehicle must comply and follow the standards and regulations as per the CVOR;
- (20) all tow trucks must follow standards as set out by the Province of Ontario.

## **17. SCHEDULE OF RATES**

- 17.1 Collision Tow Rates, Vehicle Impoundment Program Rates, or for towing services shall be charged in accordance with Appendix "A" attached hereto and the Owner and Driver shall not charge any other service fee except applicable federal and provincial taxes.

**18. PENALTY**

- 18.1 Every person who contravenes any of the provisions 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* in accordance with Appendix "B" attached hereto.

**19. COMPLAINT**

- 19.1 Any hirer who is not satisfied with the service provided or who believes a tow company has contravened any section of this By-law shall submit the complaint in writing to the municipality that issued the licence for investigation and response.

**20. SEVERABILITY**

- 20.1 Should any section, subsection, clause, paragraph or provision of this By-law, including any part of schedules be declared by a court of competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the By-law as a whole.

## APPENDIX "A"

## TOWING RATES

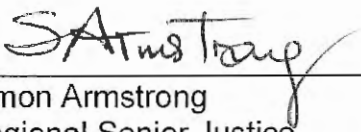
1.	Where the vehicle is towed to an Owner's vehicle storage compound, an Owner or Driver of a Tow Truck hired to tow a passenger vehicle, light van or truck not exceeding 3,000 kilograms (approximately 6,000 pounds) in towing weight, including dollies:	\$350.00 to the vehicle storage compound
2.	Where a hirer requests the vehicle to be towed to a location other than the Owner's vehicle storage compound, the Owner or Driver shall charge the following towing fee and mileage charges, being the standard rate accepted by insurance companies, CAA or Roadside Assistance providers;	\$350.00 plus \$3.00/kilometer for any distance towed in excess of distance to the Owner's vehicle storage compound
3.	Where the vehicle to be towed is off the traveled portion of the roadway and off the shoulder and is located within fifteen (15) meters (50 feet) of same, the Owner or Driver of a Tow Truck may charge an additional fee of:	\$120.00
4.	Where the vehicle to be towed is not on the traveled portion of the roadway or shoulder and recorded measurement evidences that it is in excess of 15 metres (50 feet) of same, the Owner or Driver of a Tow Truck may charge an additional fee of:	\$6.00 per metre (3.28 feet)
5.	Where it is necessary to have a second Tow Truck to assist in removing the vehicle as determined by a police officer, the Owner or Driver of the Tow Truck may charge an additional fee of:	\$150.00
6.	Upright overturned vehicle	\$200.00
7.	Impound/storage fees where the vehicle is impounded under the VIP program: a) Up to and including seven (7) days not to exceed b) After seven (7) days not to exceed unless VIP impound.	\$60.00 per day \$30.00 per day
8.	Storage fees where vehicle is involved in a collision	\$60.00 per day
9.	Towing services not including collision or VIP including dollies or flatbed tow truck	\$150.00 plus \$3.00/kilometer
10.	Where clean-up is required or requested by an Officer	\$75.00

**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 attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law 2011-20, as amended for the Township of Essa attached hereto is the set fine for those offences. This Order is to take effect December 13, 2017.

DATED at Newmarket this 13<sup>th</sup>  
day of December, 2017

  
\_\_\_\_\_  
Simon Armstrong  
Regional Senior Justice  
Central East Region



TOWNSHIP OF ESSA  
BY-LAW 2011-20 – BUSINESS LICENSING AND REGULATIONS BY-LAW, AS AMENDED  
Being a By-law to License and Regulate Various Businesses

Item	Column 1 Short Form Wording	Column 2 Provision Creating Or Defining Offence	Column 3 Set Fine
1.	Fail to obtain a tow truck owner's license	Sch. 9, 3.1	\$400.00
2.	Fail to provide certificate of insurance for tow truck	Sch. 9, 3.2(2)	\$400.00
3.	Fail to ensure vehicle storage compound is secured	Sch. 9, 3.2(3)	\$400.00
4.	Fail to acknowledge in writing that the owner does not share a compound	Sch. 9, 3.2(5)	\$400.00
5.	Fail to acknowledge in writing that the owner is compliant with health and safety regulations and Tow Truck operator is properly trained	Sch. 9, 3.2(6)	\$400.00
6.	Fail to acknowledge in writing that all drivers are compliant with provisions of by-law	Sch. 9, 3.2(7)	\$400.00
7.	Fail to submit current list of drivers hired	Sch. 9, 3.2(8)	\$400.00
8.	Fail to provide copy of Safety Standards Certificate	Sch. 9, 3.2(9)	\$400.00
9.	Operate a tow truck used for collision towing, towing for Vehicle Impound Program or for towing services without a license	Sch. 9, 4.1	\$400.00
10.	Fail to submit licensed tow truck for inspection	Sch. 9, 9.2	\$400.00
11.	Operate a tow truck that has been found to be mechanically defective	Sch. 9, 9.3	\$400.00
12.	Fail to return Owner's tow truck plate	Sch. 9, 9.4	\$400.00
13.	Hinder, disturb, obstruct any Officer	Sch. 9, 10.2	\$400.00

NOTE: The penalty provisions for offences listed above are Section 8 of By-law 2011-20, as amended, a certified copy of which has been filed and s. 61 of the *Provincial Offences Act*, R.S.O., 1990, c. P. 33.

TOWNSHIP OF ESSA  
BY-LAW 2011-20 – BUSINESS LICENSING AND REGULATIONS BY-LAW, AS AMENDED  
Being a By-law to License and Regulate Various Businesses

Item	Column 1 Short Form Wording	Column 2 Provision Creating Or Defining Offence	Column 3 Set Fine
14.	Fail to charge rates for services permitted by the by-law	Sch. 9, 11.1(1)	\$400.00
15.	Fail to show the hirer a copy of towing rates	Sch. 9, 11.1(2)	\$400.00
16.	Fail to keep a permanent daily record of work performed	Sch. 9, 11.1(3)	\$400.00
17.	Fail to keep tow truck and its equipment clean and in good repair	Sch. 9, 11.1(4)	\$400.00
18.	Fail to provide itemized bill for services	Sch. 9, 11.1(5)	\$400.00
19.	Fail to identify each truck	Sch. 9, 11.1(6)	\$400.00
20.	Fail to use a licensed Tow Truck Driver	Sch. 9, 11.1(7)	\$400.00
21.	Fail to affix municipal tow licence to truck	Sch. 9, 11.1(8)	\$400.00
22.	Fail to give written notice of sale or other disposition of a tow truck	Sch. 9, 11.1(9)	\$400.00
23.	Fail to ensure information and requirements of By-law are made known to all drivers/employees	Sch. 9, 11.1(10)	\$400.00
24.	Affix Tow Truck Owner's plate to vehicle other than the tow truck for which it was issued	Sch. 9, 12.1	\$400.00
25.	Operate a tow truck at any time where the truck could not pass safety standards pursuant to the Highway Traffic Act	Sch. 9, 12.2	\$400.00
26.	Operate a tow truck which has been found to be unsafe or defective	Sch. 9, 12.3	\$400.00

NOTE: The penalty provisions for offences listed above are Section 8 of By-law 2011-20, as amended, a certified copy of which has been filed and s. 61 of the *Provincial Offences Act*, R.S.O., 1990, c. P. 33.

TOWNSHIP OF ESSA  
BY-LAW 2011-20 – BUSINESS LICENSING AND REGULATIONS BY-LAW, AS AMENDED  
Being a By-law to License and Regulate Various Businesses

Item	Column 1 Short Form Wording	Column 2 Provision Creating Or Defining Offence	Column 3 Set Fine
27.	Operate or allow to operate a tow truck that exceeds the GVAR	Sch. 9, 12.4	\$400.00
28.	Fail to convey a vehicle by the most direct route to the destination	Sch. 9, 13.1(1)	\$400.00
29.	Fail to take due care of vehicles and property	Sch. 9, 13.1(2)	\$400.00
30.	Fail to comply with reasonable instructions from hirer	Sch. 9, 13.1(3)	\$400.00
31.	Fail to be civil and behave courteously in a professional and respectful manner	Sch. 9, 13.1(4)	\$400.00
32.	Fail to wear reflective safety vest	Sch. 9, 13.1(5)	\$400.00
33.	Fail to clean up	Sch. 9, 13.1(6)	\$400.00
34.	Fail to be dressed in identifiable company attire	Sch. 9, 13.1(7)	\$400.00
35.	Fail to display municipally issued photo identification	Sch. 9, 13.1(7)	\$400.00
36.	Fail to wear CSA approved footwear	Sch. 9, 13.1(7)	\$400.00
37.	Fail to comply with Health and Safety Regulations	Sch. 9, 13.1(8)	\$400.00
38.	Smoke within 200 metres of collision scene	Sch. 9, 13.1(9)	\$400.00
39.	Fail to retain Towing Authorization Forms	Sch. 9, 13.1(10)(a)	\$400.00
40.	Commence to tow a vehicle without being requested	Sch. 9, 14.1(1)	\$400.00

NOTE: The penalty provisions for offences listed above are Section 8 of By-law 2011-20, as amended, a certified copy of which has been filed and s. 61 of the *Provincial Offences Act*, R.S.O., 1990, c. P. 33.

TOWNSHIP OF ESSA  
BY-LAW 2011-20 – BUSINESS LICENSING AND REGULATIONS BY-LAW, AS AMENDED  
Being a By-law to License and Regulate Various Businesses

Item	Column 1 Short Form Wording	Column 2 Provision Creating Or Defining Offence	Column 3 Set Fine
41.	Remove vehicle from scene before report has been completed by Police Officer	Sch. 9, 14.1(2)	\$400.00
42.	Alter Towing Rates	Sch. 9, 14.1(3)	\$400.00
43.	Solicit within 200 metres of a collision scene	Sch. 9, 14.1(5)	\$400.00
44.	Tow outside of service area	Sch. 9, 14.1(6)	\$400.00
45.	Remain at scene after being asked to leave	Sch. 9, 14.1(7)	\$400.00
46.	Charge wait time charges	Sch. 9, 14.1(8)	\$400.00
47.	Charge mileage to the Owner's vehicle storage compound	Sch. 9, 14.1(9)	\$400.00
48.	Leave the scene before vehicle is secured	Sch. 9, 14.1(10)	\$400.00
49.	Cause or permit passengers to occupy the vehicle while connected	Sch. 9, 14.1(11)	\$400.00
50.	Interfere with any contract for hiring	Sch. 9, 15.1(1)	\$400.00
51.	Induce a person to employ or hire a tow truck	Sch. 9, 15.1(2)	\$400.00
52.	Use or permit to be used, an unsafe tow truck	Sch. 9, 15.1(3)	\$400.00
53.	Demand or request payment for services other than in accordance with rates as set out in Appendix "A" under the By-law	Sch. 9, 15.1(4)	\$400.00
54.	Demand, request or receive a drop or administration fee	Sch. 9, 15.1(5)	\$400.00

NOTE: The penalty provisions for offences listed above are Section 8 of By-law 2011-20, as amended, a certified copy of which has been filed and s. 61 of the *Provincial Offences Act*, R.S.O., 1990, c. P. 33.

TOWNSHIP OF ESSA  
 BY-LAW 2011-20 – BUSINESS LICENSING AND REGULATIONS BY-LAW, AS AMENDED  
 Being a By-law to License and Regulate Various Businesses

Item	Column 1 Short Form Wording	Column 2 Provision Creating Or Defining Offence	Column 3 Set Fine
55.	Charge hirer for lost time through defects, inefficiency of tow truck or incompetence of owner/driver	Sch. 9, 15.1(6)	\$400.00
56.	Suggest or recommend motor vehicle be towed to a particular salvage yard, public garage, building or place	Sch. 9, 15.1(7)	\$400.00
57.	Permit an unauthorized person to be a passenger	Sch. 9, 15.1(8)	\$400.00
58.	Make representation that Tow Truck Owner/Driver has endorsement of Municipality or OPP	Sch. 9, 15.1(9)	\$400.00
59.	Make loud noise or disturbance or use any abusive language, and/or Insult any person	Sch. 9, 15.1(10)	\$400.00
60.	Alter a municipal issued photo identification card	Sch. 9, 15.1(12)	\$400.00
61.	Alter a municipal issued truck licence	Sch. 9, 15.1(13)	\$400.00
62.	Transfer a municipal issued truck licence from one vehicle to another	Sch. 9, 15.1(14)	\$400.00
63.	Operate or permit to be operated a tow truck with a Gross Vehicle Weight Rating of less than 4,536 kilograms (10,000 pounds)	Sch. 9, 15.2	\$400.00
64.	Fail to clearly display name of the company	Sch. 9, 16.1	\$400.00
65.	Fail to keep winching or hoisting device in good state of repair	Sch. 9, 16.1(1)	\$400.00
66.	Fail to keep wheel lift, underlift or sling equipment in a good state of repair	Sch. 9, 16.1(2)	\$400.00

NOTE: The penalty provisions for offences listed above are Section 8 of By-law 2011-20, as amended, a certified copy of which has been filed and s. 61 of the *Provincial Offences Act*, R.S.O., 1990, c. P. 33.

TOWNSHIP OF ESSA  
BY-LAW 2011-20 – BUSINESS LICENSING AND REGULATIONS BY-LAW, AS AMENDED  
Being a By-law to License and Regulate Various Businesses

Item	Column 1 Short Form Wording	Column 2 Provision Creating Or Defining Offence	Column 3 Set Fine
67.	Fail to keep one (1) device for securing the steering wheel of a vehicle in a good state of repair	Sch. 9, 16.1(3)	\$400.00
68.	Fail to keep one (1) charged dry chemical fire extinguisher in a good state of repair	Sch. 9, 16.1(4)	\$400.00
69.	Fail to keep minimum of two (2) devices for securing a vehicle in a good state of repair	Sch. 9, 16.1(5)	\$400.00
70.	Fail to keep four (4) safety pylons, reflector kits or four (4) thirty (30) minute flares;	Sch. 9, 16.1(6)	\$400.00
71.	Fail to keep an intermittent amber warning light system in a good state of repair	Sch. 9, 16.1(7)	\$400.00
72.	Fail to keep a broom in a good state of repair	Sch. 9, 16.1(8)	\$400.00
73.	Fail to keep a shovel in a good state of repair	Sch. 9, 16.1(9)	\$400.00
74.	Fail to keep a first aid kit in a good state of repair	Sch. 9, 16.1(10)	\$400.00
75.	Fail to keep a crowbar/pry bar in a good state of repair	Sch. 9, 16.1(11)	\$400.00
76.	Fail to keep at least two (2) wheel blocks in a good state of repair	Sch. 9, 16.1(12)	\$400.00
77.	Fail to keep wheel wrenches in a good state of repair	Sch. 9, 16.1(13)	\$400.00

NOTE: The penalty provisions for offences listed above are Section 8 of By-law 2011-20, as amended, a certified copy of which has been filed and s. 61 of the *Provincial Offences Act*, R.S.O., 1990, c. P. 33.

TOWNSHIP OF ESSA  
BY-LAW 2011-20 – BUSINESS LICENSING AND REGULATIONS BY-LAW, AS AMENDED  
Being a By-law to License and Regulate Various Businesses

Item	Column 1 Short Form Wording	Column 2 Provision Creating Or Defining Offence	Column 3 Set Fine
78.	Fail to keep light bar/tow lights in a good state of repair	Sch. 9, 16.1(14)	\$400.00
79.	Fail to keep reverse warning system in a good state of repair	Sch. 9, 16.1(15)	\$400.00
80.	Fail to keep a dolly, including tie-down strap in a good state of repair	Sch. 9, 16.1(16)	\$400.00
81.	Fail to keep a 2 kg bag of absorbent materials	Sch. 9, 16.1(17)	\$400.00

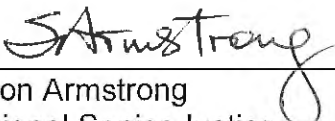
NOTE: The penalty provisions for offences listed above are Section 8 of By-law 2011-20, as amended, a certified copy of which has been filed and s. 61 of the *Provincial Offences Act*, R.S.O., 1990, c. P. 33.

**PROVINCIAL OFFENCES ACT**

**PART II**

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 attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law 2011-20, as amended for the Township of Essa attached hereto is the set fine for those offences. This Order is to take effect December 13, 2017.

DATED at Newmarket this 13<sup>th</sup>  
day of December, 2017

  
\_\_\_\_\_  
Simon Armstrong  
Regional Senior Justice  
Central East Region



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TOWNSHIP OF ESSA  
BY-LAW 2011-20 – BUSINESS LICENSING AND REGULATIONS BY-LAW, AS AMENDED  
Being a By-law to License and Regulate Various Businesses

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Item	Column 1 Short Form Wording	Column 2 Provision Creating or defining offence	Column 3 Set fine
1.	Stop or park within 200 metres of a collision scene	Sch. 9, 14.1(4)	\$400.00

NOTE: The penalty provisions for offences listed above are Section 8 of By-law 2011-20, as amended, a certified copy of which has been filed and s. 61 of the *Provincial Offences Act*, R.S.O., 1990, c. P. 33.