

LICENCE

Chapter 326 GENERAL PROVISIONS ISSUE OF LICENCES

CHAPTER INDEX

Article 1 INTERPRETATION

- 326.1.1 Applicant - defined
- 326.1.2 Application - defined
- 326.1.3 Appropriate authorities - defined
- 326.1.4 Bona fide charitable organization - defined
- 326.1.5 Business - defined
- 326.1.6 City - defined
- 326.1.7 Committee - defined
- 326.1.8 Corporation - defined
- 326.1.9 Council - defined
- 326.1.10 Chief Building Official - defined
- 326.1.11 Chief Fire Official - defined
- 326.1.12 Chief of Police - defined
- 326.1.13 Inspector - defined
- 326.1.14 Issuer of Licences - defined
- 326.1.15 Licence - defined
- 326.1.16 Licensee - defined
- 326.1.17 Medical Officer of Health - defined
- 326.1.18 Operator - defined
- 326.1.19 Owner - defined

GENERAL PROVISIONS - LICENCES

- 326.1.20 Person - defined
- 326.1.21 Premises - defined
- 326.1.22 Legislative references
- 326.1.23 Time - Eastern Standard
- 326.1.24 Generality of provisions

Article 2

GENERAL PROVISIONS

- 326.2.1 Intent - common framework
- 326.2.2 Licences - delegated authority - Issuer of Licences
- 326.2.3 Administration - Clerk's department
- 326.2.4 Application - Schedules - businesses
- 326.2.5 Application - Schedules - administrative
- 326.2.6 Schedules - form part of Chapter
- 326.2.7 Conflict - Schedules to govern
- 326.2.8 Creation - amendment - repeal
- 326.2.9 Severability - provisions

Article 3

APPLICANT - LICENSEE - COMPLIANCE

- 326.3.1 Operation - without licence - prohibited
- 326.3.2 Safe - clean - vehicle - place - object - amusement
- 326.3.3 Obstruction prohibited - exceptions
- 326.3.4 Breach - existing by-law - statute - regulation
- 326.3.5 Compliance - all provisions - Chapter
- 326.3.6 Compliance - Zoning By-law

Article 4

LICENCE - APPLICATION

- 326.4.1 In writing - form - fee - requirements
- 326.4.2 Issue - licence - prior to payment - prohibited

GENERAL PROVISIONS - LICENCES

- 326.4.3 Licence - fee - Schedule 'B'
- 326.4.4 Licence - fee - no refund
- 326.4.5 Requirements
- 326.4.6 Application - complete
- 326.4.7 Separate - each premises
- 326.4.8 Renewal licence - late payment - administrative fee
- 326.4.9 Renewal licence - expiration - new application
- 326.4.10 New licence - prorated fees

Article 5 LICENCE - ISSUE

- 326.5.1 Application - received - action required
- 326.5.2 Inspection - waived - renewal licence
- 326.5.3 Licence - issued
- 326.5.4 Licence - issue contrary to law - prohibited
- 326.5.5 Form of licence - information required
- 326.5.6 Licence - photograph identification
- 326.5.7 Display - identification card
- 326.5.8 Licence - posted - visible
- 326.5.9 Licence - carried - at all times - produced
- 326.5.10 Inspection - all reasonable times - authority
- 326.5.11 Property - of Corporation - no vested right
- 326.5.12 Destroyed - re-issue - duplicate - fee
- 326.5.13 Transfer - prohibited - exceptions
- 326.5.14 Transfer - no refund
- 326.5.15 Transfer - administrative fee
- 326.5.16 Expiry - March 31 - unless otherwise provided

GENERAL PROVISIONS - LICENCES

Article 6 TEMPORARY LICENCE

- 326.6.1 Licence - temporary - conditional
- 326.6.2 Licence - temporary - expiry
- 326.6.3 Licence - issue - meeting of conditions

Article 7 LICENCE - REFUSAL - SUSPENSION - REVOCATION

- 326.7.1 Refusal - issue - non-compliance
- 326.7.2 Refusal - revocation - conduct
- 326.7.3 Refusal - revocation - previous non-compliance
- 326.7.4 Suspension - immediate danger - health and safety
- 326.7.5 Operation - under suspension - revocation - prohibited
- 326.7.6 Suspension - immediate danger - reinstatement
- 326.7.7 Suspension - immediate danger - revocation
- 326.7.8 Refusal - notice - grounds - appeal - limitation
- 326.7.9 Appeal - in writing - to Council
- 326.7.10 Appeal - procedures

Article 8 APPEAL - COMMITTEE - COUNCIL - AUTHORITY

- 326.8.1 Notice of hearing - mailed - form
- 326.8.2 Notice of hearing - mailed - prior to hearing
- 326.8.3 Hearing - report - received - verbal - written
- 326.8.4 Hearing - licensee - opportunity - to present evidence
- 326.8.5 Hearing - other person - heard - Committee - discretion
- 326.8.6 Committee - debate
- 326.8.7 Quorum - Committee
- 326.8.8 Committee - in camera - advice
- 326.8.9 Decision - confirmed by resolution - copy provided

GENERAL PROVISIONS - LICENCES

- 326.8.10 Terms - decision - final
- 326.8.11 Considerations - to be regarded
- 326.8.12 Compliance - premises - vehicles - equipment
- 326.8.13 Remedy - reasonable complaint - received
- 326.8.14 Failure - to comply - by-law - statute - regulation
- 326.8.15 Fines - unpaid

Article 9 ENFORCEMENT

- 326.9.1 Fine - for contravention
- 326.9.2 Fine - inspection - prevented
- 326.9.3 Authority - municipal - provincial officers
- 326.9.4 Prohibition order - municipality
- 326.9.5 Prohibition order - courts
- 326.9.6 Restraining order

Article 10 REPEAL - ENACTMENT

- 326.10.1 By-laws - previous
- 326.10.2 Effective date

SCHEDULE

- Schedule 'A-1' - Amusement Arcade
- Schedule 'A-2' - Food Premises
- Schedule 'A-3' - General Building Trades
- Schedule 'A-4' - Lodging House
- Schedule 'A-5' - Food Service Vehicles
- Schedule 'A-6' - Pawnbroker
- Schedule 'A-7' - Temporary Sales
- Schedule 'A-8' - Personal Service Settings
- Schedule 'A-9' - Plumbing Trades

GENERAL PROVISIONS - LICENCES

Schedule 'A-10' - Public Halls

Schedule 'A-11' - Salvage Yards

Schedule 'A-12' – Clothing Donation Bin

Schedule 'B' - Business Licensing Fees

Schedule 'C' - Notice of Hearing

Article 1 INTERPRETATION

326.1.1 Applicant - defined

“applicant” means every person who is required to obtain a licence pursuant to this Chapter, and includes a person who has made application for a licence to the Issuer of Licences but has not yet been granted a licence.

326.1.2 Application - defined

“application” means an application for a licence, including an application for the renewal or transfer of a licence, for a business to which this Chapter applies.

326.1.3 Appropriate authorities - defined

“appropriate authorities” means:

- (a) with regard to health matters, the Medical Officer of Health;
- (b) with regard to building matters, the Chief Building Official;
- (c) with regard to fire safety matters, the Chief Fire Official; and
- (d) with regard to police matters, the Chief of Police.

326.1.4 Bona fide charitable organization - defined

“bona fide charitable organization” means an organization, including a church, established and operated for charitable purposes, that devotes its resources to charitable activities, and that has been granted the right to issue tax deductible charitable donation receipts by the Federal Government of Canada, but does not include a non-profit organization.

326.1.5 Business - defined

“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:

- (a) trades and occupations;

GENERAL PROVISIONS - LICENCES

- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
- (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire, but does not include:
 - (a) a manufacturing or industrial business, except to the extent that it sells its products or raw material by retail;
 - (b) the sale of goods by wholesale; or
 - (c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.

326.1.6 City - defined

“City” means the geographic region of the City of Brantford, and “City of Brantford” shall have a corresponding meaning.

326.1.7 Committee - defined

“Committee” means the Mayor and members of Council sitting as the Committee of the Whole for the Corporation.

326.1.8 Corporation - defined

“Corporation” means The Corporation of the City of Brantford.

326.1.9 Council - defined

“Council” means the municipal Council of the Corporation.

326.1.10 Chief Building Official - defined

“Chief Building Official” means the person who may, from time to time, be appointed by Council to the position of Chief Building Official in conformity with the provisions of the *Building Code Act, 1992*, and includes his/her designate.

326.1.11 Chief Fire Official - defined

“Chief Fire Official” means the person who may, from time to time, be appointed by Council to the position of Chief of the Fire Department of the City of Brantford, and includes his/her designate.

326.1.12 Chief of Police - defined

“Chief of Police” means the person who may, from time to time, be appointed by the Brantford Police Services Board to the position of Chief of Police of the Brantford Police Service, and includes his/her designate.

326.1.13 Inspector - defined

“inspector” includes the Issuer of Licences and his or her designate, Chief Fire Official and his or her designate, Chief Building Official, building inspectors appointed by Council, Medical Officer of Health, public health inspector, all police officers of the Brantford Police Service, and provincial offences officers.

326.1.14 Issuer of Licences - defined

“Issuer of Licences” means the Clerk of The Corporation of the City of Brantford or any other person so designated by Council to the position of Issuer of Licences.

326.1.15 Licence - defined

“licence” means a licence issued by the Issuer of Licences or Council, as the case may be, pursuant to this Chapter and the Schedules attached hereto, and shall include a temporary licence and a renewal licence.

326.1.16 Licensee - defined

“licensee” means a person who has been issued a licence pursuant to this Chapter and the Schedules attached hereto, and “licensed” shall have a corresponding meaning.

326.1.17 Medical Officer of Health - defined

“Medical Officer of Health” means the Medical Officer of Health of the Brant County Health Unit, and includes his/her designate.

326.1.18 Operator - defined

“operator” means a person who, alone or with others, operates, manages, supervises, runs, oversees, or controls a business and, without limiting the generality of the foregoing, may include a lessee and an owner, and the words “operate”, “operation”, and “operates” shall have corresponding meanings.

326.1.19 Owner - defined

“owner” means all persons shown by the records in the Registry Office for the Registry Division of Brant No. 2, to be the owner in fee simple of the lands on which the business is operating, including any buildings on the lands, or the authorized agent in lawful control of the lands on which the business is operating, including any buildings on the lands.

326.1.20 Person - defined

“person” includes a natural person, a corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

326.1.21 Premises - defined

“premises” means land, including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business.

326.1.22 Legislative references

Any reference to a statute in this Chapter includes a reference to all regulations made pursuant to such statute, all amendments made to such statute, and regulations in force from time to time, and to any statute or regulation which may be passed and which has the effect of supplementing or superseding such statute or regulations.

326.1.23 Time - Eastern Standard

Wherever any time is referred to in this Chapter, the same shall be considered Eastern Standard Time, except that when what is known as day- light saving time is in effect, the reference shall be considered to be to daylight saving time.

326.1.24 Generality of provisions

Wherever a provision of this Chapter requires compliance with a particular law, act, regulation, ordinance, by-law or policy, that provision shall be read not to limit the generality of any other term or provision in this Chapter also requiring compliance with a particular law or all laws, except where the provision expressly limits another term or provision of this Chapter.

Article 2

GENERAL PROVISIONS

326.2.1 Intent - common framework

This Chapter is intended to provide a common framework for the application of a business licensing system for those businesses set out in the Schedules that form part of this Chapter. Provisions that are specific to a particular business shall be contained in the Schedules pertaining to each such business and shall apply in addition to the provisions of this Chapter.

326.2.2 Licences - delegated authority - Issuer of Licences

The Issuer of Licences is hereby delegated authority by Council to issue licences pursuant to the provisions of this Chapter.

326.2.3 Administration - Clerk’s department

The Clerk’s Department of the Corporation is responsible for the enforcement and administration of this Chapter, unless otherwise specifically provided in a Schedule to this Chapter.

326.2.4 Application - Schedules - businesses

This Chapter applies to all of following Schedules and the business which are further described in those Schedules:

Schedule 'A-1' Amusement Arcade

Schedule 'A-2' Food Premises

Schedule 'A-3' General Building Trades

Schedule 'A-4' Lodging House

Schedule 'A-5' Food Service Vehicles

Schedule 'A-6' Pawnbrokers

Schedule 'A-7' Temporary Sales

Schedule 'A-8' Personal Services

Schedule 'A-9' Plumbing Trades

Schedule 'A-10' Public Hall

Schedule 'A-11' Salvage Yards

Schedule 'A-12' Clothing Donation Bin

By-law 67-2018; 24 April, 2018.

326.2.5 Application - Schedules - administrative

This Chapter is also applicable to the following Schedules:

Schedule 'B' Fees and Charges

Schedule 'C' Notice of Hearing

326.2.6 Schedules - form part of Chapter

The Schedules to which this Chapter applies are an integral part of this Chapter. All references to this Chapter shall include all Schedules to this Chapter, unless otherwise specifically indicated.

326.2.7 Conflict - Schedules to govern

In the event of a conflict between the terms and provisions of the main body of this Chapter and any Schedule to this Chapter, the terms and provisions of the Schedule shall govern to the extent of any inconsistency.

326.2.8 Creation - amendment - repeal

Council may create, amend or repeal business licensing schemes by adding, amending or deleting Schedules to this Chapter.

326.2.9 Severability - provisions

In the event that any provision or part of this Chapter is found by a court of competent jurisdiction to be invalid, unenforceable, or ultra vires the powers of the Corporation, said provision or part shall be severed from the rest of this Chapter and the remaining Schedules, terms and provisions of this Chapter shall nevertheless remain in full force and effect as if the offending provision or part had never been severed from this Chapter.

Article 3

APPLICANT - LICENSEE - COMPLIANCE

326.3.1 Operation - without licence - prohibited

No person shall carry on, conduct, operate, maintain or keep any business identified in any Schedule to which this Chapter applies, unless such person first obtains one or more licences, as the case may be, for said business, from the Issuer of Licences.

326.3.2 Safe - clean - vehicle - place - object - amusement

Every applicant and licensee, shall, at all times, maintain and keep safe and clean, and in good condition and repair, any object, amusement, place or premises used in connection with the business to which this Chapter applies.

326.3.3 Obstruction prohibited - exceptions

No applicant or licensee shall cause, suffer, or permit any obstruction on any highway, lane or public place in front of, or adjoining the place or premises where the business is conducted, except that where the premises is a vehicle it may use any highway, lane or public place for the conduct of its business provided that:

- (a) it does not use any part on which parking or stopping is not permitted;
- (b) it is so constructed so that customers cannot be served from the left-hand side;
- (c) it is not stopped at any place where, or in such a manner that it or any person, while using or waiting to use it or its services, might be an obstruction to the free flow of traffic; and
- (d) the Schedule governing any business does not prohibit, regulate, restrict, or control the use of any vehicle or class of vehicles.

326.3.4 Breach - existing by-law - statute - regulation

No applicant or licensee, shall 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 of 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, used for or in relation to the business licensed or required to be licensed pursuant to this Chapter.

326.3.5 Compliance - all provisions - Chapter

Every applicant and licensee shall be responsible for full compliance with all provisions of this Chapter and shall be responsible for the due performance and observance of all the provisions of this Chapter by all other persons in or upon the premises, or with whom he/she enjoys a contractual relationship in respect of the premises in relation to which the business is carried out.

326.3.6 Compliance - Zoning By-law

Without limiting the generality of any other provision of this Chapter, where any premises are to be used for a purpose requiring a licence, the requirements of the City of Brantford Comprehensive Zoning By-law #160-90 must be observed by the applicant before the licence will be granted. Additionally, every licensee shall at all times comply with the City of Brantford Zoning By-law #160-90 in the operation of a business to which this Chapter applies.

Article 4

LICENCE - APPLICATION

326.4.1 In writing - form - fee - requirements

Every applicant shall apply in writing, on a form provided by the Issuer of Licences, and shall deposit the required licence fee with the Issuer of Licences at the time of application.

326.4.2 Issue - licence - prior to payment - prohibited

The Issuer of Licences shall not issue a licence until all fees required pursuant to this Chapter are paid in full.

326.4.3 Licence - fee - Schedule 'B'

The fees for each licence issued under this Chapter, including all administrative fees, are set out in Schedule 'B' to this Chapter and may be amended from time to time upon approval by Council.

326.4.4 Licence - fee - no refund

No person shall be entitled to a full or partial refund of any fee required to be paid pursuant to this Chapter except where the Issuer of Licences,

in his/her sole discretion, determines that a full or partial refund is justified in the circumstances.

326.4.5 Requirements

Every application for a licence shall contain all of the following information:

- (a) the name of the applicant, along with a copy of the applicant's identification;
- (b) if a corporation, a copy of the constating documents of the corporation and a copy of the master business licence of the corporation;
- (c) the applicant's address;
- (d) a brief description of the premises used for engaging in or carrying on of the business, including:
 - (i) if a building, the description shall contain the address and a description of the building or such part of it as is to be used for the business;
 - (ii) if a vehicle, the description is to include the manufacturer's name, the model, the licence plate number and the vehicle registration number, if any.

Additional information may be requested by the Issuer of Licences in his/her sole discretion, and must be set out on the application form provided to the applicant.

326.4.6 Application - complete

Only complete applications will be accepted by the Issuer of Licences. Applications not containing all of the information, documentation and fees requested of the applicant shall be automatically rejected.

326.4.7 Separate - each premises

Every person required to obtain one or more licences pursuant to this Chapter shall make a separate application for each premises used or sought to be used in connection with the business licensed or required to be licensed pursuant to this Chapter.

326.4.8 Renewal licence - late payment - administrative fee

Should payment for a renewal licence not be received by the Issuer of Licences prior to the date of expiration of the licence, the renewal of said licence shall be subject to an administrative fee as set out in Schedule 'B'.

326.4.9 Renewal licence - expiration - new application

If a licence is not renewed within 60 days from the date of expiration of said licence, no renewal of the licence shall be granted and the licensee must complete an application for a new licence and must pay all fees applicable to said application.

326.4.10 New licence - prorated fees

All applications for new licences (not applications for the renewal of or transfer of a licence), submitted to the Corporation on or after October 1, shall be charged only 50% of the prescribed licence fee rather than the full amount.

**Article 5
LICENCE - ISSUE**

326.5.1 Application - received - action required

Upon receipt of a complete application for a licence, including an application for the renewal or transfer of a licence, the Issuer of Licences shall:

- (a) refer the application to the appropriate authorities who have an interest in the business in question and/or who are required or permitted to carry out inspections under the terms of this Chapter;
- (b) receive reports from such appropriate authorities;
- (c) inquire into all relevant matters in order to ascertain if the applicant is entitled to a licence under the provisions of this Chapter; and
- (d) where the application is for the renewal of a licence, inquire into any and all relevant changes in circumstances since the previous licence was issued to the applicant.

326.5.2 Inspection - waived - renewal licence

Notwithstanding Section 326.5.1, where the application is for the renewal of an existing licence, and the Issuer of Licences determines, in his/her sole discretion, that a current inspection of the premises used in pursuit of a business is not required, he/she may issue a licence to the applicant without first requiring a current inspection of the premises, if he/she is also satisfied that the applicant meets all other requirements of this Chapter and is entitled to a renewal of the licence pursuant to the provisions of this Chapter.

326.5.3 Licence - issued

Once all of the requested information is received by the Issuer of Licences, including a complete application and the applicable fee from the applicant, and upon being satisfied that the applicant is entitled to

a

licence pursuant to the provisions of this Chapter, the Issuer of Licences shall prepare and issue a licence to the applicant.

326.5.4 Licence - issue contrary to law - prohibited

No licence shall be granted for any purpose which is contrary to any statute, by-law or law.

326.5.5 Form of licence - information required

Every licence issued by the Issuer of Licences shall be in such form and contain such content as may be approved by the Issuer of Licences from time to time and must include all of the following:

- (a) the kind or class of licence granted;
- (b) the period of time for which the licence is granted, including the date of expiration;
- (c) the name and address of the licensee;
- (d) the name of the business, if applicable;
- (e) the address of the premises for which it was issued, if applicable; and
- (f) the signature of the Issuer of Licences.

326.5.6 Licence - photograph identification

If required by the Issuer of Licences, the licensee shall be photographed by the Issuer of Licences or his/her designate.

326.5.7 Display - identification card

Every person to whom a photograph identification card has been issued pursuant to this Chapter shall display their identification card at all times and shall produce said identification card upon request.

326.5.8 Licence - posted - visible

Every licensee shall post the licence on the premises, or that part thereof to which the licence pertains, in such a position that the licence may readily be seen and read by persons entering on to or using the premises.

326.5.9 Licence - carried - at all times - produced

Where the licence has been issued to any person who goes from place to place or to a particular place with goods, wares, services or merchandise for sale, the licensee shall keep the licence with him or her at all times while carrying out the business, and shall show the licence to any person who so requests.

326.5.10 Inspection - all reasonable times - authority

The Issuer of Licences, the appropriate authorities having jurisdiction, the Chief of Police, any provincial offences officer, or any agent or employee of such persons, may, at all reasonable times, inspect or cause to be inspected the premises, facilities, equipment, required records and other personal property used or kept in connection with the carrying on of a business which is licensed or which is required to be licensed pursuant to this Chapter.

326.5.11 Property - of Corporation - no vested right

No person shall enjoy a vested or property right in any licence or in any right granted by a licence, but such licence and such rights remain the property of the Corporation.

326.5.12 Destroyed - re-issue - duplicate - fee

In the event that a licence issued under this Chapter is lost or destroyed, the Clerk, upon notice from the licensee and receipt of payment of the fee set out in Schedule 'B' attached hereto, shall issue a duplicate of the original licence, upon which there shall be stamped or marked the word "duplicate."

326.5.13 Transfer - prohibited - exceptions

No licence shall be transferred except as follows:

- (a) the licensee submits an application to transfer a licence to the Issuer of Licences, which application shall include an application for a licence completed by the proposed transferee;
- (b) the proposed transferee meets all the requirements as set out by this Chapter to acquire a licence; and
- (c) the transferor surrenders his/her licence for the business at the time that the licence is granted to the transferee.

326.5.14 Transfer - no refund

Where the transfer of a licence is permitted pursuant to this Chapter, the transferor shall not be entitled to a refund of any part of the licence fee even where he/she surrenders the licence in order to complete a transfer.

326.5.15 Transfer - administrative fee

An administrative fee, in an amount set out in Schedule 'B' attached hereto, shall be charged for each transfer of a licence.

326.5.16 Expiry - March 31 - unless otherwise provided

Unless otherwise provided in this Chapter, every licence issued under this Chapter shall expire on the 31st day of March in the calendar year following the calendar year in which it was issued.

Article 6
TEMPORARY LICENCE

326.6.1 Licence - temporary - conditional

When the Issuer of Licences receives an application for a new, renewal, or transfer of a business licence, he/she may issue a temporary licence to the applicant which temporary licence shall list the specific requirements or conditions which must be fulfilled in order to attain final approval.

326.6.2 Licence - temporary - expiry

A temporary licence issued pursuant to Section 326.6.1 shall expire within three months of issuance unless otherwise determined by the Issuer of Licences and specifically indicated on the temporary licence.

326.6.3 Licence - issue - meeting of conditions

Once the Issuer of Licences is satisfied that the applicant is entitled to a business licence, the Issuer of Licences shall prepare and issue a licence to the said applicant and the temporary licence shall be deemed to have automatically expired as of the date of the issuance of the full licence.

Article 7
LICENCE - REFUSAL - SUSPENSION - REVOCATION

326.7.1 Refusal - issue - non-compliance

The Issuer of Licences shall refuse to issue a licence to any applicant who does not comply with the requirements of this Chapter.

326.7.2 Refusal - revocation - conduct

The Issuer of Licences may refuse to grant a licence to any applicant, or may revoke or suspend a licence of any licensee, where the Issuer of Licences has reasonable cause to believe that said applicant or licensee, including the officers, agents, directors, employees or agents of the applicant or licensee where the applicant or licensee is a corporation, will not carry on or engage in the business in accordance with the law or with honesty and integrity.

326.7.3 Refusal - revocation - previous non-compliance

In making the determination to refuse to issue or to revoke a licence pursuant to Section 326.7.2, the Issuer of Licences may take into consideration the licensee or applicant's past breaches of this Chapter or failure to comply with the requirements of other applicable by-laws of the City of Brantford or of any local board thereof, or failure to comply with 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 licensed activity and/or the premises, facilities, equipment, and other personal property used or kept in connection with the business.

GENERAL PROVISIONS - LICENCES

326.7.4 Suspension - immediate danger - health and safety

The Issuer of Licences may, without a hearing, suspend a licence for a period not to exceed fourteen days, upon providing the licensee with written or verbal reasons for the suspension, where, in the sole opinion of the Issuer of Licences, the continuation of the business poses an immediate danger to the health or safety of any person or to any property.

326.7.5 Operation - under suspension - revocation - prohibited

No person shall engage in or continue to conduct, or permit any person to engage in or continue to conduct, any business for which a licence is required under this Chapter while such licence is suspended or revoked under the provisions of this Chapter.

326.7.6 Suspension - immediate danger - reinstatement

Where the Issuer of Licences suspends a licence in accordance with Section 326.7.4, the Issuer of Licences shall provide the licensee with a list of conditions which the licensee must satisfy in order to bring the licensed activity into compliance with this Chapter and, upon satisfaction of the conditions, the licence shall be reinstated by the Issuer of Licences.

326.7.7 Suspension - immediate danger - revocation

Where the Issuer of Licences suspends a licence in accordance with Section 326.7.4 and the licensee fails or refuses to satisfy the conditions provided by the Issuer of Licences in accordance with Section

326.7.6, the Issuer of Licences shall revoke the licence within fourteen days of the suspension of the licence, due to failure to comply with the provisions of this Chapter.

326.7.8 Refusal - notice - grounds - appeal - limitation

Where the Issuer of Licences refuses to issue a licence to any applicant, or where the Issuer of Licences revokes the licence of any licensee, the Issuer of Licences shall notify the applicant or the licensee, as the case may be, in writing of such decision. Said notice shall set out the grounds upon which the issuance of the licence is refused, or upon which the licence is revoked, and shall state that the applicant or the licensee may appeal such decision by filing an appeal with the Issuer of Licences within fifteen days as set out in this Chapter.

326.7.9 Appeal - in writing - to Council

Where the Issuer of Licences refuses to grant a licence or revokes a licence under this Chapter, the applicant or licensee may appeal this decision to Council by filing with the Issuer of Licences an appeal of the

said decision in writing within fifteen days of being notified of the decision of the Issuer of Licences.

326.7.10 Appeal - procedures

Upon receipt of an appeal from the applicant or the licensee, the Issuer of Licences, the Committee, and Council shall follow the procedure set out in Article 8.

Article 8

APPEAL - COMMITTEE - COUNCIL - AUTHORITY

326.8.1 Notice of hearing - mailed - form

Where an appeal of the decision of the Issuer of Licences to revoke or refuse to issue a licence is filed pursuant to the provisions of this Chapter or a predecessor thereof, the Issuer of Licences shall fix a date and time for such matter to be considered by the Committee of the Whole, and shall mail a notice of hearing, in the form set out in Schedule 'C', to the applicant or the licensee, as the case may be, at the last address shown in the records of the Issuer of Licences, and to any other person who has applied to the Issuer of Licences be heard with regard to the matter.

326.8.2 Notice of hearing - mailed - prior to hearing

A notice of hearing issued pursuant to Section 326.8.1 shall be mailed at least fourteen days prior to the date and time fixed for such hearing.

326.8.3 Hearing - report - received - verbal - written

At a hearing of an appeal filed pursuant to this Chapter, the Committee shall receive a report, either verbally or in writing, from the Issuer of Licences, which report shall contain input from such other officers or employees of the Corporation who may be involved in the matter being considered by Council.

326.8.4 Hearing - licensee - opportunity - to present evidence

At the hearing before the Committee, the licensee or applicant, either personally or through an agent or legal counsel, shall be afforded an opportunity to present such material and evidence relevant to the issue before the Committee as the licensee or applicant may deem expedient, and he/she may ask questions of any person presenting evidence or a report to Committee relevant to the said issue, except where said report is delivered by a solicitor for the Corporation or is received by Council or the Committee in camera.

326.8.5 Hearing - other person - heard - Committee - discretion

The Committee may, in its sole discretion, afford any other person who applies to be heard and who appears to have an interest in the matters under discussion an opportunity to present material and evidence relevant to the issue before the Committee, and to ask questions of any person presenting evidence or a report to the Committee relevant to the

GENERAL PROVISIONS - LICENCES

said issues, except where said report is delivered by a solicitor for the Corporation or is received by Council or the Committee in camera.

326.8.6 Committee - debate

The Committee may, after having heard all of the evidence and submissions made to it by the licensee and the Issuer of Licences, debate the matter to reach its recommendation.

326.8.7 Quorum - Committee

For the purposes of this Article, a quorum of the Committee shall be a majority of the members of the Committee, and a recommendation adopted by the majority of members present shall be the recommendation of the Committee.

326.8.8 Committee - in camera - advice

Nothing in this Chapter shall preclude the Committee or Council from moving in camera, pursuant to the *Municipal Act, 2001* or other relevant legislation, to receive information or provide direction with respect to a recommendation or decision made pursuant to this Chapter.

326.8.9 Decision - confirmed by resolution - copy provided

The recommendation made by the Committee shall be presented to Council in open session to be adopted by resolution of Council, and a certified copy of the final resolution of Council shall be mailed to the applicant or licensee, to any person who has appeared before the Committee and requested that a copy of the resolution be provided to them, and to the Issuer of Licences.

326.8.10 Terms - decision - final

Council may grant a licence, refuse to grant a licence, revoke a licence, or suspend a licence and may make any suspension of licence subject to such terms or conditions as Council may prescribe, in its sole discretion, and a decision made pursuant to the exercise of these powers is final and binding upon the applicant or any licensee, as the case may be.

326.8.11 Considerations - to be regarded

Council, in considering whether or not to grant a licence, refuse to grant a licence, or to revoke or suspend a licence, shall have regard to the provisions set out in Sections 326.8.12 through 326.8.15 inclusive.

326.8.12 Compliance - premises - vehicles - equipment

The Council shall have regard to whether or not the applicant, licensee and the premises, facilities, equipment, and other personal property used or kept for hire in connection with the carrying on of a business which is licensed or which is required to be licensed pursuant to this Chapter, complies with all requirements of this Chapter.

326.8.13 Remedy - reasonable complaint - received

The Council shall have regard to whether or not the applicant or licensee has failed to promptly remedy any reasonable complaint received with regard to those matters set out in Sections 326.3.1 through 326.3.6 inclusive or has committed past breaches of this Chapter or any predecessor thereof.

326.8.14 Failure - to comply - by-law - statute - regulation

The Council shall have regard to whether or not the applicant or licensee has failed to comply with any requirements of any other applicable by-law of the City 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 licensed activity or the premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of a business which is licensed or which is required to be licensed pursuant to this Chapter or any predecessor thereof.

326.8.15 Fines - unpaid

The Council shall have regard to whether or not the applicant or licensee has any unpaid fines imposed under the *Provincial Offences Act*, as amended, for the contravention of the Chapter under which the licence was granted, if the fine or any part of the fine is due and unpaid for fifteen days or more.

**Article 9
ENFORCEMENT**

326.9.1 Fine - for contravention

Every person who contravenes any provision of this Chapter or any of the Schedules to which this Chapter applies, is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty pursuant to the provisions of the *Provincial Offences Act*, as amended.

326.9.2 Fine - inspection - prevented

Any person who refuses to allow the carrying out of an inspection authorized pursuant to Section 326.5.10 of this Chapter is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty pursuant to the provisions of the *Provincial Offences Act*, as amended.

326.9.3 Authority - municipal - provincial officers

The provisions of this Chapter shall be enforced by municipal by-law enforcement officers, by any provincial offences officers, and by police officers of the Brantford Police Service.

326.9.4 Prohibition order - municipality

Pursuant to the provisions of section 444 of the *Municipal Act, 2001*, S.O. 2001, c. 25, where the Corporation is satisfied that a contravention of this Chapter has occurred, the Corporation may make an order requiring the person who contravened this Chapter, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity. Any person who fails to comply with an order under this section is guilty of an offence and shall, upon conviction, forfeit and pay a penalty pursuant to the provisions of the *Provincial Offences Act*, as amended.

326.9.5 Prohibition order - courts

Where a person has been convicted of an offence under this Chapter, the Ontario Court of Justice (Provincial Offences Court) in Brantford, or any court of competent jurisdiction thereafter, may, in addition to any other penalty or order imposed, make an order prohibiting the continuation or repetition of the offence of the doing of any act or thing by the person convicted, directed toward the continuation of the repetition of the offence.

326.9.6 Restraining order

Pursuant to the provisions of section 440 of the *Municipal Act, 2001*, S.O. 2001, c. 25, in addition to any other remedy and to any penalty imposed by this Chapter the contravention of this Chapter may be restrained by action or application at the instance of the City.

Article 10

REPEAL - ENACTMENT

326.10.1 By-laws - previous

Chapters 326, 330, 338, 350, 357, 358, 360, 369, 370, 373, 374, 379, 381, 382, 384 of the City of Brantford Municipal Code, and all amendments thereto, are hereby repealed, but all licences heretofore issued shall, during the period for which the same have been issued, remain in full force and effect unless for other reasons the same are suspended or revoked, provided that such repeal shall not affect any offence committed against the said by-laws or Chapters mentioned in this Section or any penalty incurred in respect thereof, or any investigation, legal proceeding or remedy thereunder, and any such investigation, legal proceeding or remedy may be continued or enforced and any such penalty may be imposed as if the said by-laws and amendments had not been repealed.

326.10.2 Effective date

This Chapter shall come into effect immediately upon passage. By-law 115-2013, 18 November, 2013; Appendix 'A'.

GENERAL PROVISIONS -LICENCES

SCHEDULE

Schedule 'A-1'- Amusement Arcade

Title	Amusement Arcades	
Applicable Licence	Amusement Arcade	
Exceptions	N/A	
Reasons for licensing	Consumer Protection Health and Safety	
Interpretation	<p>For the purposes of this Schedule, the following words shall have the following meanings:</p> <p>“amusement arcade” means any place, other than premises licensed pursuant to the <i>Liquor Licence Act</i>, where four or more amusement devices are provided and a fee is charged for their use in any manner whatsoever; and</p> <p>“amusement device” means any machine, device, or contrivance for playing any game of chance or skill or of mixed chance and skill which is used to afford entertainment or amusement to the player of the device and, without limiting the generality of the foregoing, includes what is commonly known as a pinball game, an electronic game and a video game, but does not include pool tables, billiard tables and bowling alleys, table games or slot machines.</p>	
Additional Application Requirements	The applicant shall submit to the Issuer of Licences a floor plan showing the location of all amusement devices.	
Additional Application Circulation Criteria	New Application Chief Building Official Chief of Police Chief Fire Official	Renewal Chief of Police
Special Licence Requirements	In addition to the general provisions set out in the Chapter to which this Schedule applies, the following special conditions apply to every amusement arcade:	

GENERAL PROVISIONS -LICENCES

1. No person shall operate or maintain the business of an amusement arcade within the City of Brantford without first having obtained a licence from the Issuer of Licences to do so.
2. The licensee shall ensure that an employee of the licensee who has attained the age of majority is present to supervise the use of the amusement arcade whenever the amusement arcade is open to the public.
3. The licensee shall keep adequate waste receptacles accessible to the users of the amusement arcade and shall ensure that the premises are maintained in a clean and in a sanitary condition at all times.
4. The licensee shall ensure that every part of the amusement arcade has sufficient lighting, in accordance with the (Ontario) Building Code, to permit the safe use of the amusement arcade by the public.
5. Every licensee shall ensure that there are no payoffs, betting or the offering of any article or thing as prizes at the amusement arcade in contravention of the *Criminal Code* of Canada.
6. The licensee shall ensure that the amusement arcade remains closed on any day which is a holiday under the *Retail Business Holidays Act*, except between the hours 1 p.m. and 9 p.m. (local time); and on any other day except between the hours of 11 a.m. and 11 p.m. (local time).

By-law 115-2013, 18 November, 2013; Schedule 'A-1'.

GENERAL PROVISIONS - LICENCES

Schedule 'A-2'- Food Premises

Title	Food Premises
Applicable Licence	Eating Establishment Food Shop Food Vending Machine
Exceptions	<p>This Schedule shall not apply to the following:</p> <ul style="list-style-type: none"> (a) a residential dwelling where food is prepared or served solely for consumption by the occupant, and/or his or her family, employees or guests; (b) outdoor food premises; (c) lodging houses; (d) churches, service clubs and fraternal organizations that: <ul style="list-style-type: none"> i. prepare and serve meals for special events and fellowship solely for their members and invited guests; or ii. do not receive any form of monetary compensation from other groups or the general public from the sale of prepared and served meals; (e) organizations, institutions, or individuals that prepare and serve food at a community festivals or community event; (f) assisted meal programs; or (g) the sale of pre-packaged candy, chips and pop.
Reasons for licensing	Consumer Protection Health and Safety
Interpretation	<p>For the purposes of this Schedule, the following words shall have the following meanings:</p> <p>“assisted meal program” means a program offered on a regular basis by a non-profit organization which offers a meal free of charge, or for a nominal fee, to marginalized populations, which may include individuals, families, or seniors, which program is administered primarily by volunteers who may receive assistance from paid staff of the non-profit organization;</p>

GENERAL PROVISIONS - LICENCES

	<p>“dwelling” means a building or portion thereof, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons but shall not include a hotel, motel or inn;</p> <p>“eating establishment” means a premises where food, or drink, or both, is prepared and offered for retail sale and where facilities are provided for the consumption of said food on the premises. For the purposes of this Schedule, an eating establishment shall fall into one of the following three categories:</p> <p style="padding-left: 40px;">Category 1 = seating capacity of 30 or fewer; Category 2 = seating capacity of 31-150, inclusive; or Category 3 = seating capacity of more than 150;</p> <p>“food premises” includes eating establishments, food shops, and food vending machines;</p> <p>“food shop” means any place wherein food and drink intended for human consumption are made for sale, offered for sale, stored or sold, but is not intended to be a place where food and drink are consumed on the premises, but shall not include an outdoor food premises;</p> <p>“food vending machine” means any self-service device that upon insertion of a coin, coins or tokens automatically dispenses unit services of food either in bulk or package form; and</p> <p>“outdoor food premises” includes a refreshment cart, ice cream vending vehicle, chip hut, extended menu chip hut, and catering vehicle, which is licensed by the Corporation.</p>
Additional Application Requirements	<p>Every application for a licence pursuant to this Schedule shall include the following:</p> <ul style="list-style-type: none">(a) the proposed location of every food vending machine for which a licence is required, and(b) written consent from the owner of the property at which the food vending machine will be located that said food vending machine is

GENERAL PROVISIONS - LICENCES

	permitted on the proposed location set out in paragraph (a) above.	
Additional Application Circulation Criteria	<u>New</u> Chief Building Official Chief Fire Official Medical Officer of Health	<u>Renewal</u> Chief Building Official Chief Fire Official Medical Officer of Health
Special Licence Requirements	<p>In addition to the general provisions set out in the Chapter to which this Schedule applies, the following special conditions apply to every food premises:</p> <ol style="list-style-type: none"> 1. No person shall operate or maintain the business of a food premises within the City of Brantford without first having obtained one or more licences from the Issuer of Licences to do so. 2. Each food vending machine will be issued a yearly identification sticker by the Issuer of Licences, which sticker shall be affixed to the food vending machine, in a visible location, by the licensee. 3. The licensee shall ensure that his or her business complies and continues to comply with any regulations published under the <i>Health Protection and Promotion Act</i> respecting food premises for as long as any licence that is issued to him or her under this Schedule remains in effect. 4. The licensee shall keep posted, in a conspicuous location visible to patrons, the most recent inspection notice and report issued by the Medical Officer of Health for the food shop, eating establishment, or food vending machine, as the case may be. 	

By-law 115-2013, 18 November, 2013; Schedule 'A-2'.

GENERAL PROVISIONS - LICENCES

Schedule 'A-3'- General Building Trades

Title	General Building Trades
Applicable Licence	Building Trade
Exceptions	<p>This Schedule shall not apply to the following:</p> <ul style="list-style-type: none"> (a) a person holding a valid registration with the Tarion Warranty Corporation for work performed in pursuit of a building trade, and where said person provides proof of said valid registration to the Issuer of Licences; (b) a person who solely does work at his or her own place of residence for his or her own benefit and not for hire; (c) a person solely carrying out work in a building trade in relation to the construction of a commercial, industrial, or institutional building and who is supervised by a professional engineer or an architect licensed to practice in the Province of Ontario; or (d) a person solely carrying out work in a building trade who is supervised and employed by a person licensed pursuant to this Schedule.
Reasons for licensing	Health and Safety Consumer Protection
Interpretation	<p>For the purposes of this Schedule, the following words shall have the following meanings:</p> <p>“building trade” means any one of the following trades, whether performed as new construction or as repairs, renovations, or reconstruction: roofing, eavestrough, fascia, and soffits, siding installation, exterior window installation, exterior door installation, driveway paving and driveway sealing.</p>
Additional Application Requirements	<p>Every application for a licence pursuant to this Schedule shall include the following:</p> <ul style="list-style-type: none"> (a) a list of vehicles, along with licence plate numbers for said vehicles, use in connection

GENERAL PROVISIONS - LICENCES

	<p>with the building trade;</p> <p>(b) every applicant, with the exception of driveway pavers/sealers, shall provide proof to the Issuer of Licences that the applicant has obtained and will maintain public liability and property damage insurance with a policy limit of not less than \$2,000,000 per occurrence; and</p> <p>(c) every applicant who performs driveway paving/sealing shall provide proof to the Issuer of Licences that the applicant has obtained and will maintain public liability and property damage insurance with a policy limit of not less than \$2,000,000 per occurrence with The Corporation of the City of Brantford included as an additional insured on the policy.</p>	
<p>Additional Application Circulation Criteria</p>	<p><u>New</u> None</p>	<p><u>Renewal</u> None</p>
<p>Special Licence Requirements</p>	<p>In addition to the general provisions set out in the Chapter to which this Schedule applies, the following special conditions apply to every general building trade:</p> <ol style="list-style-type: none"> 1. No person shall carry on the business of a building trade within the City of Brantford without first having obtained one or more licences from the Issuer of Licences to do so. 2. Every licensee shall be photographed by the Issuer of Licences, or his/her designate, and shall be issued a photo identification card. Every licensee shall carry said card with him or her at all times while engaged in his or her business and shall promptly produce said card upon demand by any Inspector. 3. The Issuer of Licences shall issue a hang tag for each vehicle described in the application and used in connection with the building trade, which hang tag shall contain the licence number and shall be displayed in a prominent location, visible from the exterior of the applicable vehicle, at all times. 	

GENERAL PROVISIONS - LICENCES

	<p>4. The licensee shall maintain the insurance listed in the application, to the satisfaction of the Issuer of Licences, and shall notify the Issuer of Licences immediately should there be any change in said policies that would affect the coverage required pursuant to this Schedule.</p>
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By-law 115-2013, 18 November 2013; Schedule 'A-3'.

Schedule 'A-4'- Lodging House

Title	Lodging House
Applicable Licence	Lodging House
Interpretation	<p>For the purposes of this Schedule, the following words shall have the following meanings:</p> <p>“dwelling” means a building or portion thereof, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units;</p> <p>“dwelling unit” means a room or series of rooms, separate and independent from any other dwelling unit in the same building or an adjacent building, usually containing cooking, eating, living, sleeping and sanitary facilities, used or intended to be used as a domicile by one or more persons who:</p> <ul style="list-style-type: none"> (a) share occupancy of the dwelling unit; (b) have the right to exercise, or do exercise control, over the common areas of the dwelling unit, including but not limited to the right to determine acceptable uses of the common areas; (c) make decisions collectively; and (d) who share in housekeeping responsibilities for the dwelling unit; <p>“lodging house” means any building or portion thereof containing one or more lodging units and which may contain a dwelling unit in addition to the lodging unit(s);</p> <p>“lodging unit” means one or more rooms designed or intended to be used for sleeping accommodations provided to five (5) or more persons in return for remuneration or for the provision of services or both, and which may contain washroom facilities or kitchen facilities, but not both, and shall not include a dwelling unit; and</p> <p>“operator” means a person who, alone or with others, operates, manages, supervises, runs, oversees, or controls</p>

GENERAL PROVISIONS - LICENCES

	<p>a lodging house, and, without restricting the generality of the foregoing, may include the owner of the lodging house.</p>
<p>Exceptions</p>	<p>This Schedule shall not apply to the following:</p> <ul style="list-style-type: none"> (a) hotels, motels, and resorts; (b) hospitals, nursing homes, hospices, homes for the young or aged, retirement homes, correctional homes, crisis residences or other institutions that are licensed, approved or supervised under any act, including any regulation thereunder, of the federal or provincial government; or (c) group homes that are licensed under a provincial or federal statute.
<p>Reasons for licensing</p>	<p>Health and Safety Consumer Protection</p>
<p>Additional Application Requirements</p>	<p>Every application for a licence pursuant to this Schedule shall include the following:</p> <ul style="list-style-type: none"> (a) the applicable zoning of the premises in respect of which a licence is sought; (b) the name, address and telephone number of the manager of the premises and of the applicant; (c) the number of lodging units contained in the lodging house; (d) the number of dwelling units also contained in the lodging house, if any; (e) the maximum number of residents to be accommodated in the units set out in (2) and (3) above; (f) the number of bath tubs, showers, sinks, water closets and washbasins available for use by the residents; (g) the types of meals to be served, if any; (h) the maximum seating capacity for meals; (i) a floor plan of the premises, including dimensions and the proposed use of each room; (j) a certificate, signed by a local inspector of the Electrical Safety Authority, certifying that the electrical wiring has been inspected and is satisfactory to the inspector, which certificate

GENERAL PROVISIONS - LICENCES

	<p>shall be provided at the time of the initial application and every three years thereafter;</p> <p>(k) a statement from the Medical Officer of Health that, in his or her opinion, the building complies with all applicable health regulations and guidelines;</p> <p>(l) a copy of the emergency plan required pursuant to this Schedule; and</p> <p>(m) a copy of the completed lodging house questionnaire required pursuant to this Schedule.</p>	
<p>Additional Application Circulation Criteria</p>	<p><u>New</u></p> <p>(a) Chief Building Official</p> <p>(b) Chief Fire Official</p> <p>(c) Medical Officer of Health</p> <p>(d) Chief of Police</p>	<p><u>Renewal</u></p> <p>(a) Chief Building Official</p> <p>(b) Chief Fire Official</p> <p>(c) Medical Officer of Health</p> <p>(d) Chief of Police</p>
<p>Specific Licence Requirements</p>	<p>In addition to the general provisions set out in the Chapter to which this Schedule applies, the following special conditions apply to every lodging house:</p> <ol style="list-style-type: none"> 1. No person shall operate or maintain a lodging house within the City of Brantford without first having obtained a licence from the Issuer of Licences to do so. 2. No person shall occupy or permit anyone to occupy any lodging house in excess of its authorized capacity as determined by the Fire Chief or his or her designate. 3. The applicant or licensee, as the case may be, shall notify the Issuer of Licences immediately should there be a change in any of the information provided to the Issuer of Licences pursuant to this Schedule or the Chapter to which this Schedule is attached. 4. The applicant or licensee, as the case may be, shall provide to the Issuer of Licences copies of all current leases, tenancy agreements, and licences, and all amendments and updates thereto, applicable to the lodging house, upon request of the Issuer of Licences. 	

GENERAL PROVISIONS - LICENCES

5. No construction, renovation, alteration, or addition of any lodging house may be carried out except in compliance with this Schedule and the Chapter to which this Schedule is attached.
6. A lodging house questionnaire, in the form approved by the Issuer of Licences, shall be provided to each new resident upon admission, completed by said resident, updated as required, and filed with the Issuer of Licences within thirty days of said resident being admitted to the lodging house.
7. No gas, oil, wood kerosene or coal heat providing units of any kind shall be installed in any room used for sleeping purposes and no person shall use, or permit to be used for sleeping purposes, any room containing such appliance.
8. All electrical wiring shall comply with the requirements of the Canadian Electrical Code and the Ontario Hydro Electrical Safety Code Supplement.
9. No person shall prepare or cook food for human consumption in any area other than a kitchen.
10. Every kitchen in a lodging house which has an authorized capacity of more than nine (9) persons shall comply with the following standards:
 - a. all floor and floor coverings shall be tight-fitting, smooth and composed of non-absorbent materials;
 - b. all walls and ceilings shall be covered with material that is readily cleanable;
 - c. a mechanical exhaust system, vented to the outside air, shall be provided over all cooking equipment;
 - d. dishwashing shall be carried out in accordance with Ontario Food Premise Regulations;
 - e. all refrigeration units shall be operable and capable of maintaining a temperature of 5 degrees Celsius (40 degrees Fahrenheit) at all times;

GENERAL PROVISIONS - LICENCES

- f. all foods shall be stored on racks or shelves that are not less than 15 cm (5.875 inches) above the floor.
11. Every kitchen in a lodging house which has an authorized capacity of more than nine (9) persons shall comply with Ontario Regulation 562, as amended from time to time, made under the *Health Protection and Promotion Act*.
 12. Where meals are provided at the lodging house:
 - a. meals shall conform to Canada's Food Guide with the goal of providing food that is nutritional and essential for good health;
 - b. residents with special dietary needs, as defined by their health care provider, shall be provided with meals that meet these needs; and
 - c. a weekly menu plan shall be posted and said menu plans shall be dated and retained for a period of thirty days and shall be produced to an inspector upon request.
 13. Sleeping accommodation shall be provided with a minimum of 16.99 cubic meters (600 cubic feet) of air space and 6.97 square meters (75 square feet) of floor space for each person, with the capacity of the lodging house to be determined on this basis. For greater certainty, no account shall be taken of areas designated or used for dining, sitting, recreation, food preparation, storage or laundry purposes, or a cellar, in determining the area to be used for sleeping purposes.
 14. There shall at all times be an adequate supply of potable water, hot and cold, which meets the requirements of the current Ontario Drinking Water Standards, as amended from time to time.
 15. Sanitary facilities shall be provided in accordance with the Ontario Building Code and, where persons with disabilities are admitted as residents, shall be of a type that is suitable and accessible for use by persons with disabilities, including wheelchair accessible.

GENERAL PROVISIONS - LICENCES

16. Rubbish and garbage shall be stored in receptacles which are insect and rodent proof, water tight, provided with a tight-fitting cover, and maintained in a clean condition.
17. Records shall be maintained for all residents, which records shall include the name, date of birth, emergency contact, and necessary medical history. Said records shall be kept and maintained in accordance with applicable privacy legislation and shall be produced to the Issuer of Licences upon request.
18. An emergency plan, detailing procedural steps to be taken by the operator and/or staff to summon assistance and ensure safety of the residents shall be prepared, circulated to all residents of the lodging house, and posted in visible location in a common area of the lodging house.
19. All prescription and non-prescription drugs to be administered by the operator shall be kept in one or more locked cabinets and made available to only those residents for whom they have been prescribed. A record shall be kept on the name, dosage and time and date of the administration of all prescribed and non-prescribed medication.
20. Unused and/or outdated medication shall be returned to the pharmacist or supplier or shall be disposed of in accordance with the City of Brantford's household hazardous waste collection program.
21. Used needles shall be discarded in an appropriate bio-hazardous container immediately after use.
22. Where one or more residents of the lodging house are dependent upon or has contracted with the operator for any level of care, there shall be at least one adult (19 years of age or older) staff member on duty on a 24 hours basis.

By-law 115-2013, 18 November; Schedule 'A-4'.

GENERAL PROVISIONS - LICENCES

Schedule 'A-5'- Food Service Vehicles

Title	Food Service Vehicles
Applicable Licence	Food Cart Food Truck/Trailer Food Service Vehicle 3 Day Event – Food Cart Food Service Vehicle 3 Day Event – Food Truck/Trailer
Exceptions	This Schedule shall not apply to the following: <ul style="list-style-type: none"> (a) churches, service clubs and fraternal organizations that: <ul style="list-style-type: none"> i. prepare and serve meals for special events and fellowship solely for their members and invited guests; or ii. do not receive any form of monetary compensation from other groups or the general public from the sale of prepared and served meals; (b) assisted meal programs; (c) the sale of pre-packaged candy, chips and pop.
Reasons for licensing	Health and Safety Consumer Protection
Interpretation	For the purposes of this Schedule, the following words shall have the following meanings: <p>“Special Event” shall mean an event which is being held either as a community, social, sporting, or cultural group celebration, a grand opening of a commercial business, or other similar event, such event being acceptable to the Issuer of Licenses. The duration of the event shall not exceed 3 consecutive days.</p> <p>“Food Cart” shall mean a vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food intended for immediate consumption is provided for sale or sold, and includes a vehicle moved by human effort (i.e. food cart).</p> <p>“Food Service Vehicle” shall mean a vehicle not</p>

GENERAL PROVISIONS - LICENCES

	<p>permanently affixed to the ground and capable of being moved on a daily basis, from which food intended for consumption is provided for sale, sold or is prepared, and includes a motorized, self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled, but can be towed (i.e. food trailer) and a vehicle moved by human effort (i.e. food cart). Food Service Vehicles include, but are not limited to such uses as catering vehicles, chip hut, food trucks, ice cream vending vehicle, and refreshment carts”.</p> <p>“Food Service Vehicle Special Event Licence” shall mean a business licence variant for a Food Cart and/or a Food Truck/Trailer that is valid for a 120 day period.</p> <p>“Food Truck/Trailer” shall mean a vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food intended for immediate consumption is provided for sale or sold, and includes a motorized self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled, but can be towed (i.e. food trailer).</p>
<p>Additional Application Requirements</p>	<p>Every application for a licence pursuant to this Schedule shall include the following:</p> <ul style="list-style-type: none">(a) A description of the vehicle or cart sufficient to permit the issuer of licenses to ascertain whether the vehicle or cart complies with the provisions of this Schedule(b) A list of the names, addresses and ages and a photocopy of each birth certificate or driver’s licence, for every operator or employee of the applicant engaged in the business for which a licence is required pursuant to this Schedule(c) Full address of every location where a Food Service Vehicle used in the operation of the business is stored(d) A sketch of the site to be used in the operation of any Food Service Vehicle along with a letter from the owner of the property on which the Food Service Vehicle is to be located demonstrating that the applicant has permission from the

GENERAL PROVISIONS - LICENCES

	<p>owner of said property to locate said business at the proposed site;</p> <p>(e) Where the application is for a Food Service Vehicle 3 Day Event, the applicant is to submit a letter from the event organizer demonstrating participation in said event. The issuer of licenses may also request a sketch of the layout from the event organizer covering the entire event area;</p> <p>(f) Where propane is used in the operation of an Food Service Vehicle, the applicant shall provide to the Issuer of Licenses a current report of inspection from the Technical Standards and Safety Authority verifying that the equipment is in good working order</p> <p>(g) A driver’s licence and proof of automobile insurance for every operator of a Food Truck</p>		
<p>Additional Application Circulation Criteria</p>	<table border="1"> <tr> <td data-bbox="373 708 717 980"> <p><u>New</u> Chief Building Official Chief Fire Official Medical Officer of Health Manager of Transportation (If nec.)</p> </td> <td data-bbox="717 708 1033 980"> <p><u>Renewal</u> Chief Building Official (If nec.) Chief Fire Official Medical Officer of Health Manager of Transportation (If nec.)</p> </td> </tr> </table>	<p><u>New</u> Chief Building Official Chief Fire Official Medical Officer of Health Manager of Transportation (If nec.)</p>	<p><u>Renewal</u> Chief Building Official (If nec.) Chief Fire Official Medical Officer of Health Manager of Transportation (If nec.)</p>
<p><u>New</u> Chief Building Official Chief Fire Official Medical Officer of Health Manager of Transportation (If nec.)</p>	<p><u>Renewal</u> Chief Building Official (If nec.) Chief Fire Official Medical Officer of Health Manager of Transportation (If nec.)</p>		
<p>Special License Requirements</p>	<p>In addition to the general provisions set out in the Chapter to which this Schedule applies, the following special conditions apply to every Food Service Vehicle that is a new or renewal annual licence:</p> <p><u>Distance Location Requirements</u></p> <p>(a) Distance From a Food Premise - 45 metres from the property line</p> <p>(b) Distance From a School – Minimum 100 metres of a school between 7am and 5pm</p> <p>(c) Distance from a Recognized City of Brantford S.E.A.T Event – Within 100 metres of boundary</p> <p><u>Additional Requirements</u></p> <p>(a) No person shall operate or maintain the business of a Food Service Vehicle within the</p>		

GENERAL PROVISIONS - LICENCES

City of Brantford without first obtaining one or more licenses from the Issuer of Licenses to do so.

- (b) The licensee shall maintain the Food Service Vehicle in good repair and appearance, shall provide a refuse container, and shall clean all litter from the area within a radius of 9 metres (29.5 feet) from the Food Service Vehicle.
- (c) The licensee shall label each Food Service Vehicle with a unique identification number assigned and provided by the Issuer of Licenses and shall be affixed to the vehicle by the licensee in a clearly visible location.
- (d) The licensee shall ensure that his or her business shall at all times comply with the Health Protection and Promotion Act and the regulations, associated protocols and guidelines thereunder pertaining thereto.
- (e) Where a Food Service Vehicle is not connected to City's sanitary sewers, the licensee is responsible for the removal of all liquid waste to an off-site location and the disposal of said waste into an appropriate sanitary sewer system, particularly:
 - a. used oil shall be properly disposed using a contractor with an appropriate licence, and
 - b. liquid waste or used oil shall not be disposed into a catch basin or any connection to storm sewer system.
- (f) The licensee shall ensure that all commercial cooking equipment used in the operation of a Food Truck is fitted with working exhaust and fire protection systems which are maintained in conformance with NFPA 96, "Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations". The edition of NFPA 96 to be utilized will be that which is referenced in the current edition of the Ontario Fire Code
- (g) The licensee shall ensure that instructions for manually operating all fire protection systems are posted conspicuously in the cooking area of every Food Service Vehicle.

GENERAL PROVISIONS - LICENCES

- (h) Where Food Service Vehicles are permitted, they shall not remain on any site except between the hours of 9 a.m. and 9 p.m., and Food Carts must be removed from the lot after closing each day. Special permission for earlier hours may be granted for approved farmers' market and overnight parking may also be granted with special permission.
- (i) Every Food Truck/Trailer shall be maintained in safe working order in accordance with the requirements of the Highway Traffic Act applicable to the use of vehicles on roads and highways in the Province of Ontario.

Other

- (a) No selling to the public on residential streets for longer than 15 minutes.
- (b) No selling to the public for longer than three hours on all other roads (with exception for event purposes only). Licensee must obey all parking time restrictions.
- (c) No person shall operate a Food Service Vehicle business; on a private property line without consent of the owner; or in a residential or industrial area in a manner that interferes with normal use of sidewalks by pedestrians
- (d) A renewal Food Service Vehicle 3 day Event Licence may be obtained past the first initial 120 days within the same licensing year and is valid for an additional 120 day cycle.

Special Event Time Period – Effective Until September 30 2018

Special events are to include operations that may be of a weekly or biweekly occurrence at a single location and are subject to a licence period that does not exceed September 30 2018. In order to achieve Special Event status the Food Carts and/or Food Trucks that are participating at the weekly or biweekly event are not to participate in consecutive events at the same location (must rotate participation). All other Special Event licence requirements remain.

GENERAL PROVISIONS - LICENCES

Schedule 'A-6' - Pawnbroker

Title	Pawnbroker	
Applicable Licence	Pawnbroker	
Exceptions	None	
Reasons for licensing	Consumer Protection	
Interpretation	<p>For the purposes of this Schedule, the following words shall have the following meanings:</p> <p>“pawnbroker” means a person who carries on the business of taking, by way of pawn or pledge, any article for the repayment of money lent thereon.</p>	
Additional Application Requirements	None	
Additional Application Circulation Criteria	<u>New</u> Chief Building Official Chief of Police	<u>Renewal</u> Chief Building Official Chief of Police
Special License Requirements	<p>In addition to the general provisions set out in the Chapter to which this Schedule applies, the following special conditions apply to every pawnbroker:</p> <ol style="list-style-type: none"> 1. No person shall operate or maintain the business of a pawnbroker within the City of Brantford without first having obtained a licence from the Issuer of Licences to do so. 2. Every licensee shall comply with the requirements of the <i>Pawnbrokers Act</i>, as amended, and shall provide security to the Issuer of Licences in the sum of \$2,000 for the due observance by him or her of said Act and shall report to the Chief of Police, all as required by said Act. 	

By-law 115-2013, 18 November, 2013; Schedule 'A-6'.

Schedule 'A-7'- Temporary Sales

Title	Temporary Sales
Applicable Licence	Pedlar Pedlar Operator Specific Location Temporary Sales
Exceptions	<p>This Schedule shall not apply to the following:</p> <ul style="list-style-type: none"> (a) hawking, peddling or selling goods, wares, services or merchandise: <ul style="list-style-type: none"> i. to wholesale or retail dealers in similar goods, wares, services or merchandise; ii. if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or their agent or employee having written authority to do so, in the municipality in which the grower, producer or manufacturer resides; iii. if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his or her own farm; or iv. by persons who only sell milk or cream or fluid milk products to the consumer or to any person for resale. (b) organizations or individuals operating a merchandise display cart at a community festival, community event, trade show, home and garden show, or a craft show.
Reasons for licensing	Consumer Protection Nuisance Control
Interpretation	For the purposes of this Schedule, the following words shall have the following meanings:

GENERAL PROVISIONS - LICENCES

	<p>“merchandise display cart” means a vehicle or other cart or display stand located on a lot from which goods, wares, services or merchandise, other than food, are offered for sale to the public, but shall not include an ice cream vending vehicle or catering vehicle;</p> <p>“pedlar” means a person who goes from place to place selling or offering for sale a service of any kind or any goods, wares, merchandise or any other item or who carries and exposes samples, patterns or specimens of any goods, wares, merchandise or any item which is intended to be delivered in the municipality afterwards;</p> <p>“pedlar operator” means a person who employs or supervises one or more pedlars and may include a pedlar;</p> <p>“temporary sales” includes a pedlar, pedlar operator, and specific location temporary sales; and</p> <p>“specific location temporary sales” means any business that is operated by a person who sells or proposes to sell goods, wares, services or merchandise, from a specific, temporary location within the City of Brantford, and such sales may be either direct or by way of sample or catalogue for delivery later, and may include, but is not limited to, the sale of fireworks, rugs, art work, blankets, flags, and costumes.</p>	
<p>Additional Application Requirements</p>	<p>Every application for a licence pursuant to this Schedule shall include the following:</p> <ul style="list-style-type: none"> (a) for specific location temporary sales: <ul style="list-style-type: none"> i. a letter of consent from the property owner on which the specific location temporary sales are to take place; and ii. a site plan showing the location and description of any merchandise display cart, waste receptacles, signs and displays; and (b) for pedlar operators: a list of all pedlars who are operating under the applicant’s supervision. 	
<p>Additional Application Circulation Criteria</p>	<p><u>New</u> Chief Building Official (specific location temporary</p>	<p><u>Renewal</u> N/A</p>

GENERAL PROVISIONS - LICENCES

	sales only) Chief of Police	
<p>Special Licence Requirements</p>	<p>In addition to the general provisions set out in the Chapter to which this Schedule applies, the following special conditions apply to every temporary sales business:</p> <ol style="list-style-type: none"> 1. No person shall operate or maintain any temporary sales business within the City of Brantford without first having obtained a licence from the Issuer of Licences to do so. 2. Every pedlar operator who is also a pedlar shall be issued one pedlar’s licence, free of charge, for his or her personal use only, upon issuance of the pedlar operator licence pursuant to this Schedule. 3. A specific location temporary sales licence shall be valid for a maximum term of six consecutive days after which time it shall automatically expire. 4. No applicant or licensee may obtain a specific location temporary sales licence within thirty days of receipt of a licence for the same specific location temporary sales business. 5. No person under the age of fourteen shall be employed as a pedlar, a pedlar operator, or as a vendor under the specific location temporary sales licences. 6. Every pedlar shall be photographed by the Issuer or Licences or his or her designate and issued a photo identification card and shall display said photo identification card at all times. 7. The licensee shall clean all litter from the area which is within a radius of 9.1 metres (30 feet) from the merchandise display cart every day and shall maintain the merchandise display cart to a standard acceptable to the Issuer of Licences. 8. Where the licensee employs a merchandise display 	

GENERAL PROVISIONS - LICENCES

cart in the operation of the business, any sign relating to the business shall be affixed to the merchandise display cart only, and the area of the merchandise display cart shall not exceed 1.85 square metres (20 square feet).

9. Licensees who carry out specific location temporary sales shall use the site indicated on his or her application only for the operation of the licensed activity and for no other purpose whatsoever.
10. The hours of operation of the specific location temporary sales shall be within the hours of 8 a.m. to 10 p.m., and all merchandise display carts must either be removed from the site at the end of each business day or secured to protect against theft and vandalism.
11. Charitable organizations which conduct annual fundraising appeals in the City of Brantford shall be required to apply for and obtain a licence pursuant to this Schedule but shall be exempt from the requirement to pay any fees for said licence.

By-law 115-2013, 18 November, 2013; Schedule 'A-7'.

Schedule 'A-8' - Personal Service Settings

Title	Personal Service Settings
Applicable Licence	Personal Service Setting
Exceptions	This Schedule shall not apply to medical procedures carried out at a hospital or medical clinic regulated by the Province of Ontario.
Reasons for licensing	Health and Safety Consumer Protection
Interpretation	<p>For the purposes of this Schedule, the following terms shall have the following meanings:</p> <p>“body piercing” means the practice of inserting jewelry, ornaments or other items not required for medical purposes into human tissue, including but not limited to the ear, with a needle, ear-piercing gun or other implement;</p> <p>“electrolysis” means the practice of removing hair by conducting an electric current through a needle that has been inserted into the hair follicle;</p> <p>“scarification” means the practice of cutting or abrading human skin to bring about permanent scarring and includes the placement of implants not required for medical purposes beneath the skin;</p> <p>“personal service setting” means any premises where tattooing, scarification, electrolysis, or body piercing or any combination thereof is practised; and</p> <p>“tattooing” means the practice of permanently depositing pigments not required for medical purposes into human skin by the use of a needle or other implement.</p>
Additional Application Requirements	None

GENERAL PROVISIONS - LICENCES

Additional Application Circulation Criteria	<u>New</u> Medical Officer of Health Chief Building Official Chief Fire Official	<u>Renewal</u> Medical Officer of Health Chief Building Official Chief Fire Official
Special Licence Requirements	<p>In addition to the general provisions set out in the Chapter to which this Schedule applies, the following special conditions apply to every personal service setting:</p> <ol style="list-style-type: none"> 1. No person shall operate or maintain any personal service setting within the City of Brantford without first having obtained a licence from the Issuer of Licences to do so. 2. The licensee shall ensure that the personal service setting shall continue to comply with any regulations, guidelines or protocols published or recommended by Health Canada or the Ontario Ministry of Health and Long Term Care, that pertain to the personal service setting, for as long as any licence that is issued to him or her under this Schedule remains in effect. 3. Every licensee shall keep posted, in a conspicuous place clearly visible to members of the public, at or near the entrance of the premises, the most recent inspection notice and report issued by the Medical Officer of Health for the premises. 	

By-law 115-2013, 18 November, 2013; Schedule 'A-8'.

Schedule 'A-9' - Plumbing Trades

Title	Plumbing Trades
Applicable to	Plumber Contractor Master Plumber Sewer or Drain Contractor Master Drain Layer
Exceptions	<p>This Schedule shall not apply to the following:</p> <ul style="list-style-type: none"> (a) an owner who may install plumbing in a single-family dwelling occupied or to be occupied by him or her, provided he or she abides by all rules and regulations pertaining to plumbing under Province of Ontario regulations for plumbing and sewers, and the provisions of this Schedule; (b) anyone who is employed as or acting as a maintenance person while working on the piping and fittings on premises owned by or occupied by the person by whom he or she is employed; (c) a person engaged in the business of installing, repairing, or servicing water conditioners where the only plumbing carried out is limited to the following: <ul style="list-style-type: none"> i. the installer may alter the water supply system to the extent of providing a cold water supply pipe, not exceeding 6 metres (20 feet) in length, to the conditioner, and connecting a cold conditioned water supply pipe from the conditioner outlet to the existing cold water supply system; ii. a drain line may be installed from the conditioner to discharge indirectly to a floor drain, hub drain or plumbing fixture; and iii. all work done is subject to inspection and other requirements of relevant by-laws, the Ontario Building Code, and other applicable law; or (d) a person engaged in the business of replacing service water heaters, as defined in the Ontario

GENERAL PROVISIONS - LICENCES

	<p>Building Code, provided all work done shall be subject to inspection and other requirements of relevant by-laws, the Ontario Building Code, and other applicable law.</p>
<p>Reasons for licensing</p>	<p>Consumer Protection</p>
<p>Interpretation</p>	<p>For the purposes of this Schedule, the following words shall have the following meanings, except that all undefined words in this Schedule shall be interpreted in a manner consistent with their usage within the <i>Building Code Act, 1992</i>:</p> <p>“apprentice plumber” means an apprentice as set out and described in the <i>Ontario College of Trades and Apprenticeship Act</i> and who is apprenticed as a plumber;</p> <p>“drain work” includes the laying of metallic or non-metallic pipe into trenches not within a building to form sanitary or storm sewers, storm drainage piping and storm management systems, private sewers and private water supply systems on private property, repairing of drains or removing tree roots and other obstructions from sewers;</p> <p>“Examination Board” means the persons appointed by Council to conduct examinations of applicants for the purposes of determining eligibility for the master drain layer’s licence, and shall consist of one Drain/Plumbing Inspector, the Chief Building Official, and any other person designated by Council from time to time to sit on the Examining Board;</p> <p>“journeyman plumber” means a person other than a master plumber who is employed in plumbing installation, holds a certificate of qualification from the Province of Ontario as a plumber, has acquired sufficient skill and knowledge of the trade to be considered a safe and responsible plumber, and who performs plumbing work as a livelihood for a plumbing contractor or master plumber;</p> <p>“Drain/Plumbing Inspector” means a person or persons</p>

GENERAL PROVISIONS - LICENCES

designate, from time to time, by the Chief Building Official of the Corporation to enforce any part or parts of this Schedule;

“maintenance person” means a person employed to maintain and keep in good condition the plumbing, sewage and drainage lines and to repair cocks, valves and leaks within a building or upon premises owned and/or used by his or her employer and “maintenance” means to preserve and keep said plumbing and appurtenances in their present state and not to add to or change their location;

“master drain layer” means a person who is skilled in the planning and superintending and installing of drain work, is familiar with the laws, rules and regulations governing same, has a regular place of business in Ontario, and who alone, or by a person under his or her supervision, performs drain work;

“master plumber” means a person who holds a certificate of qualification from the Province of Ontario as a plumber, who is qualified in the planning, superintending and installation of plumbing, is familiar with the laws, rules and regulations governing the same, and who alone, or by journeyman and/or apprentice plumbers under his or her supervision, performs plumbing work;

“plumbing” means plumbing as used in the *Building Code Act, 1992*;

“plumbing contractor” means a person who carries on a business of performing plumbing work in the City, who employs at least one master plumber who is not carrying on any separate plumbing business or work as a plumber, and may include a master plumber; and

“sewer or drain contractor” means a person who carries on a business of installing drain work and/or pipes for the conveyance of sewage outside of buildings, and who employs at least one master drain layer, and may include a master drain layer.

Additional

Every application for a licence pursuant to this Schedule

GENERAL PROVISIONS - LICENCES

<p>Application Requirements</p>	<p>shall include the following:</p> <ul style="list-style-type: none"> (a) a copy of the certificate of qualification of every master plumber and master drain layer employed in the business; (b) the full names of every apprentice plumber, journeyman plumber, master plumber, and master drain layer employed in the business; (c) proof that the applicant has obtained and will maintain a commercial general liability insurance policy with a policy limit of not less than \$2,000,000 per occurrence; and (d) a copy of the registration, licence plate number, make and model of every vehicle used in the business. 	
<p>Additional Application Circulation Criteria</p>	<p><u>New</u> Chief Building Official</p>	<p><u>Renewal</u> Chief Building Official</p>
<p>Special Licence Requirements</p>	<p>In addition to the general provisions set out in the Chapter to which this Schedule applies, the following special conditions apply to every plumbing contractor, master plumber, sewer or drain contractor and master drain layer:</p> <ul style="list-style-type: none"> 1. No person shall carry on the business of a plumber contractor, master plumber, sewer or drain contractor, or master drain layer, or any combination thereof, within the City of Brantford, without first having obtained one or more licences from the Issuer of Licences to do so. 2. Without limiting the generality of paragraph 1 above, every master plumber who also carries on the business of a plumbing contractor must obtain a master plumber’s licence as well as a plumbing contractor licence from the Issuer of Licences. 3. No plumbing or drains shall be installed and no plumbing or drains shall be used within the City of Brantford, except in conformity with this Chapter, and with Chapter 462 of the City of Brantford Municipal Code and the Building Code, as it applies to plumbing and sewers. 	

GENERAL PROVISIONS - LICENCES

4. Each vehicle used in the operation of the business will be assigned a yearly identification hang-tag, which shall be issued by the Issuer of licences, and shall be displayed by the licensee in a clearly visible location in each applicable vehicle.
5. No person holding a master plumber's licence shall cause or permit an apprentice plumber to perform any plumbing work or install any plumbing fixtures within the limits of the City of Brantford unless said apprentice plumber is supervised by the master plumber during the performance of said work.
6. No master plumber or master drain layer shall act as such for more than one plumbing contractor or sewer drain contractor at one time. Every person licensed as a master plumber or as a master drain layer shall notify the Issuer of Licences when he or she ceases to act for a plumbing contractor or sewer or drain contractor.
7. Every person holding a master plumber's licence shall be deemed to have obtained and to hold a master drain layer's licence.
8. The licence issued to a sewer or drain contractor or master drain layer does not entitle the holder to perform any plumbing work within a building.
9. A sewer or drain contractor or master drain layer may extend building services on private property between the property line and a point not more than two feet inside the outside wall of a building.
10. No person shall advertise, promote or carry on a business regulated by this Schedule except under the name in which the licence has been issued pursuant to this Schedule.
11. Every licensee shall be photographed by the Issuer of Licences, or his or her designate, shall be issued an identification card, and shall carry said card with him or her at all times and promptly produce said card on demand of any Inspector, including but not limited to

GENERAL PROVISIONS - LICENCES

any Drain/Plumbing Inspector.

12. Every licensee shall be held responsible for any violation of the regulations set out in this Schedule that are committed by agents, employees, apprentices, mechanics, helpers, or labourers employed by him or her or them.
13. Every applicant for a new master drain layer's licence must attend at the Building Department for the Corporation and must pay for and complete an examination before the Examination Board and must satisfy the Examination Board that he or she has sufficient experience, knowledge, and skill in the trade.
14. The form and content of the examination required pursuant to section 11 of this Schedule shall be determined by the Chief Building Official, in his or her sole discretion.
15. The Chief Building Official shall set the time of the examination and shall provide the applicant with notice of said time. In no event shall the time for the examination be more than thirty days after receipt of the application by the City.
16. The applicant must obtain an acceptable standing, which is a score of 80% or higher, in each section of the examination in order to qualify for a licence hereunder.
17. All fees required pursuant to this Chapter must be paid in full prior to the examination. Failure to pay fees shall result in the automatic disqualification of the applicant for the examination.
18. If the applicant fails to obtain an acceptable standing on all sections of the examination, there shall be a mandatory waiting period of thirty days from the date of the examination which was most recently administered to the applicant, prior to a subsequent examination being administered pursuant to this Schedule.

GENERAL PROVISIONS - LICENCES

19. The examination fee shall pay the examination fee set out in Schedule "B" to this Chapter for the original examination and for each subsequent examination administered pursuant to this Schedule, prior to the examination(s) being administered.
20. No refunds of any fees, including the application fee and the examination fee, shall be provided to the applicant due to the failure of the applicant to obtain an acceptable standing on the examination.

By-law 115-2013, 18 November, 2013; Schedule 'A-9'.

Schedule 'A-10'- Public Halls

Title	Public Halls
Applicable Licence	Public Hall
Exceptions	<p>This Schedule shall not apply to churches, service clubs and community organizations that:</p> <ul style="list-style-type: none"> (a) provide a facility or hall for special events and fellowship solely for their members and invited guests; or (b) do not receive any form of monetary compensation from other groups or the general public for the use of the facility or hall.
Reasons for licensing	Health and Safety
Interpretation	<p>For the purposes of this Schedule, the following words shall have the following meanings:</p> <p>“public hall” means a lot and a building, or structure, or portion thereof, including, but not limited to, a portable building or tent with a seating capacity for over 100 persons that is offered for use or used as a place of public assembly, but shall not include a theatre or a building used solely for religious purposes. Such public hall may include facilities for the on-site preparation and consumption of foods and beverages; and</p> <p>“theatre” means a lot and a building, or structure, or portion thereof, used for the presentation of musical, theatrical, or film performances and shall include accessory uses such as lounges, dressing rooms, workshops, and storage areas but shall not include a drive-in theatre.</p>
Additional Application Requirements	<p>Every application for a licence pursuant to this Schedule shall include the following:</p> <ul style="list-style-type: none"> (a) a statement on the form provided by the Issuer of Licences giving such particulars as to the location, size and construction of the proposed public hall,

GENERAL PROVISIONS - LICENCES

	<p>(b) a floor plan of the proposed public hall which shall include, among other things, the location of any permanently affixed moveable walls;</p> <p>(c) a certificate, required at the time of application and every three years thereafter, signed by a local inspector of the Electrical Safety Authority, certifying that the electrical wiring has been inspected and found satisfactory to the inspector; and</p> <p>(d) proof of insurance required pursuant to this Schedule, to the satisfaction of the Issuer of Licences.</p>	
<p>Additional Application Circulation Criteria</p>	<p><u>New</u> Chief Building Official Chief Fire Official Medical Officer of Health</p>	<p><u>Renewal</u> Chief Building Official Chief Fire Official Medical Officer of Health</p>
<p>Special Licence Requirements</p>	<p>In addition to the general provisions set out in the Chapter to which this Schedule applies, the following special conditions apply to every public hall:</p> <ol style="list-style-type: none"> 1. No person shall operate or maintain any public hall within the City of Brantford without first having obtained one or more licences from the Issuer of Licences to do so. 2. The licensee shall be responsible for obtaining and maintaining an insurance policy for public liability and property damage or tenant’s legal liability (if applicable) in an amount of not less than \$3,000,000 per occurrence, which policy shall be endorsed to the effect that the Issuer of Licences shall be given at least ten days’ notice in writing of any cancellation, expiration or variation. 3. In no event shall any licence issued pursuant to this Schedule be renewed without a certificate, signed by a local inspector of the Electrical Safety Authority, certifying that the electrical wiring has been inspected and found satisfactory, which certificate shall be issued no more than three years prior to the date of the application for a new or renewal licence. 	

GENERAL PROVISIONS - LICENCES

4. Each licence issued pursuant to this Schedule shall set out the maximum capacity of the public hall, as prescribed by the Ontario Building Code, which may be expressed on the licence in terms of the number of persons per square metre to be allowed in the public hall.
5. At no time may the licensee permit entry to a greater number of persons than that set out in the maximum capacity for the public hall, nor shall the licensee fail to deny entry to persons where said entry may cause the amount of persons in the public hall to exceed the maximum capacity of the public hall.
6. If the licensee requires a temporary increase in the maximum capacity for a particular occasion or event, he or she may apply to the Issuer of Licences for such temporary increase. Upon payment of the applicable fee, the Issuer of Licences may temporarily increase the capacity for such occasion or event as may be permitted by applicable legislation, and may prescribe such terms and conditions in the amended licence as he or she sees fit, in his or her sole discretion.
7. Notwithstanding any provision to the contrary, where a property located at one municipal address contains more than one public hall, the applicant shall apply for and obtain a licence for each public hall located at said address, but shall only be required to pay one licence fee for all licenses issued for the operation of public halls at that address.

By-law 115-2013, 18 November, 2013; Schedule 'A-10'.

GENERAL PROVISIONS - LICENCES

Schedule 'A-II' - Salvage Yards

Title	Salvage Yards	
Applicable Licence	Salvage Yard	
Exceptions	None	
Reasons for licensing	Health and Safety Nuisance Control	
Interpretation	<p>For the purposes of this Schedule, the following terms shall have the following meanings:</p> <p>“salvaged materials” means:</p> <ul style="list-style-type: none"> (a) a dismantled vehicle or any part thereof; (b) a dismantled kitchen appliance or any part thereof; or (c) scrap aluminum, brass, copper, metal or steel; and <p>“salvage yard” shall mean a lot and a building, or structure, or portion thereof, used for the storage yard of a dealer in obsolete, discarded, or salvaged materials, including motor vehicles, building supplies, and industrial equipment and the sale thereof, and may include facilities for the administration and management of the business and for the storage and maintenance of equipment used in the business.</p>	
Additional Application Requirements	<p>Every applicant shall provide the Issuer of Licences with a current survey or a site plan document for the premises upon which the salvage yard will operate, which plan or document must show:</p> <ul style="list-style-type: none"> (a) the legal boundaries for the salvage yard; (b) the location of all existing and proposed buildings, roads, driveways, parking areas, storage areas and operating areas; and (c) the location of any fences. 	
Additional Application Circulation Criteria	<p><u>New</u> Chief Building Official Chief Fire Official</p>	<p><u>Renewal</u> Chief Building Official Chief Fire Official</p>

GENERAL PROVISIONS - LICENCES

	Chief of Police	Chief of Police
<p>Special Licence Requirements</p>	<p>In addition to the general provisions set out in the Chapter to which this Schedule applies, the following special conditions apply to every salvage yard:</p> <p><u>GENERAL</u></p> <ol style="list-style-type: none"> 1. No person shall operate or maintain a salvage yard within the City of Brantford without first having obtained a licence from the Issuer of Licences to do so. <p><u>STORAGE OF MATERIALS</u></p> <ol style="list-style-type: none"> 2. Every licensee shall maintain a fence that encloses the entire outdoor yard of the salvage yard. 3. Every licensee shall ensure that no salvage located within 5 metres (16.4 feet) of a fence required pursuant to this Schedule exceeds the height of said fence. 4. If an opening is required for ingress or egress in any fence required pursuant to this Schedule, then the opening shall be covered by a gate that: <ol style="list-style-type: none"> a. opens to a width of at least 3.5 metres (11.5 feet); b. is of the same height as the fence; c. is kept in good repair at all times; d. does not open over the travelled portion of a public road allowance or sidewalk; e. is kept clear of obstructions so that it may be opened fully at all times; f. shall be kept locked at all times except during normal business hours; g. constructed of a solid uniform material with a uniform colour, providing a full visual barrier. 5. Every licensee with a salvage yard that abuts property used for residential purposes, shall, within one year of the issuance of the licence, plant and maintain a row of evergreen trees consisting of 	

GENERAL PROVISIONS - LICENCES

plants being 1.83 metres (6 feet) minimum height at planting and being capable of reaching a height of not less than 3.66 metres (12 feet) at maturity, which shall be planted and maintained at intervals not exceeding 3.05 metres (10 feet) along the outside of the boundaries abutting the said residential property, except that this provision shall not apply where:

- a. any property abutting a salvage yard is subsequently rezoned residential; or
 - b. the salvage yard has an existing fence in compliance with Chapter 465 of The City of Brantford Municipal Code and the salvage yard existed prior to the passing of this Chapter or a predecessor thereof.
6. Every licensee shall ensure that all storage containers, vehicles, equipment, and other materials belonging to or used in the operation of the salvage yard, or stored or kept on-site are kept within:
- a. that portion of the property enclosed by the fence required pursuant to this Schedule; or
 - b. an enclosed building.
7. Every licensee shall ensure that no salvage is loaded, unloaded, sorted, processed, dismantled, crushed, recycled, demolished, displayed, stored or placed:
- a. outside of that portion of the property enclosed by the fence required pursuant to this Schedule;
 - b. outside an enclosed building; or
 - c. on municipal lands.
8. Every licensee shall ensure that:
- a. no salvage within the salvage yard is placed against any fence around the perimeter of the property; and
 - b. no salvage, storage containers or other material within the salvage yard is placed on the roof of any building within the salvage yard.

ENVIRONMENTAL CONSIDERATIONS

9. Every licensee shall ensure that no gasoline, vehicle

GENERAL PROVISIONS - LICENCES

fluids or other chemicals from the salvage yard enter onto any adjoining lands or into any aquifer, lake, pond, river, stream, drainage pond, drainage ditch or other body of water.

10. All outdoor lighting for a salvage yard must be arranged so as to divert light away from adjoining lands, inclusive of any public road allowance.
11. Every licensee shall ensure that all parking areas and roadways within the salvage yard are paved or are treated in an environmentally safe manner to reduce dust.
12. Every licensee shall ensure that all vehicle batteries within the salvage yard are stored in an environmentally safe manner within an enclosed building.

HOURS OF OPERATION

13. Every licensee operating a salvage yard that is adjacent to property that is lawfully used for a residential purpose shall only operate or permit the operation of a crusher, loader, forklift, crane, truck or other equipment:
 - a. between the hours of 7:00 am and 7 pm on Monday through Friday; and
 - b. between the hours of 8:00 am and 5 pm on Saturday.
14. Every licensee operating a salvage yard that is adjacent to a property that is lawfully used for a residential purpose shall not be open nor permit the operation of a crusher, loader, forklift, crane, truck or other equipment on a Sunday or statutory holiday.
15. The hours of operation as specified in this Schedule do not apply when a vehicle is dropped off at the salvage yard pursuant to the direction of a police officer or other law enforcement official.

REGISTER

GENERAL PROVISIONS - LICENCES

16. Every licensee shall maintain a register for each licensed salvage yard.
17. A register as required by this Schedule shall either be in the form of:
 - a. a paper booklet; or
 - b. a computer software program that will maintain information in compliance with section 18 below.
18. Every licensee who acquires a vehicle or vehicle parts for the purpose of dismantling or selling such at their salvage yard, either personally or through an employee or agent, shall immediately record in their register, in English and, where applicable, in a legible script, using permanent ink:
 - a. the full name and address of the person from whom they received the vehicle or vehicle parts with said information confirmed through two piece of identification, one of which is photo identification;
 - b. the date of the acquisition;
 - c. the name of the licensed person or the licensed person's employee or agent who obtained the vehicle or vehicle parts;
 - d. the consideration given for the vehicle or vehicle parts; and
 - e. a complete description of the vehicle or vehicle part including the serial number, if applicable.
19. No licensee shall acquire directly or indirectly, by purchase, exchange or otherwise, any goods or articles from any minor appearing to be under the age of 16 years, without written authority from a parent or guardian of such minor.
20. No licensee shall purchase or acquire any vehicle or vehicle part unless the person observes proof that the person selling the vehicle or vehicle parts is the lawful owner of the vehicle.

GENERAL PROVISIONS - LICENCES

21. No licensee shall purchase nor acquire any vehicle that has a serial number obliterated or mutilated without first having given notice to a police officer twenty-four hours prior to the intended purchase or acquisition.
22. Sections 19 and 20 shall not apply where the licensee acquires the vehicle or vehicle part from another licensee who operates a salvage yard and has complied with sections 19 and 20 of this Schedule.
23. Every licensee shall make their register available for inspection upon demand by the Issuer of Licences, a provincial offences officer or a police officer.
24. Every licensee who maintains their register through a computer program shall, upon demand by the Issuer of Licences, a provincial offences officer or a police officer:
 - a. allow the Issuer of Licences, provincial offences officer or police officer to review the on-screen information for the register;
 - b. and (b) print out or otherwise copy the register or any part thereof and provide such to the Issuer of Licences, provincial offences officer or police officer.
25. Every licensee shall maintain the register for the current year, plus a two-year period and shall ensure that their register is in a neat condition and that no pages or computer information is removed, destroyed, obliterated or altered.
26. No licensee shall remove or allow any other person, with the exception of the Issuer of Licences, a provincial offences officer or police officer or other law enforcement official, to remove the register from the salvage yard.

By-law 115-2013, 18 November, 2013; Schedule 'A-11'.

Schedule 'A-12'- Clothing Donation Bin

Title	Clothing Donation Bin
Applicable Licence	Clothing Donation Bin
Exceptions	None
Reasons for licensing	Nuisance Control Health and Safety
Interpretation	<p>For the purposes of this Schedule, the following words shall have the following meanings:</p> <p>"non-profit organization" means a corporation without share capital, or an organization, whether or not incorporated, that exists solely for the relief of poverty, the advancement of education, the advancement of religion, or other charitable purpose, where no part of the profits earned by the organization or corporation are payable to or otherwise available for the benefit of any owner, member, director or shareholder thereof, except where the shareholder is also a non-profit or bona-fide charitable organization;</p> <p>"clothing donation bin"; means any receptacle used, or intended to be used, in whole or in part, for the purpose of collecting clothing donated by the public;</p> <p>"private property" means any property not owned by the City, the Province or the Federal Government; and</p> <p>"ward" means one of the five (5) administrative units of the City as defined by the ward boundaries approved by Council and amended from time to time.</p>
Additional Application Requirements	<p>Every application for a licence pursuant to this Schedule shall include the following:</p> <p>a) written letter of consent from each private property owner providing express permission for the placement of the clothing donation bin on the private</p>

GENERAL PROVISIONS - LICENCES

	<p>property;</p> <p>b) a site plan or sketch identifying the proposed location of the clothing donation bin(s) on private property;</p> <p>c) the current zoning for the proposed location of the clothing donation bin(s);</p> <p>d) a written description and photo (or sketch) of the proposed clothing donation bin(s);</p> <p>e) proof of corporate status, including, for every bona-fide charitable organization and non-profit organization, the applicable registration number; and</p> <p>f) a list containing the locations of all clothing donation bins of the Applicant/Licensee within the City.</p>	
<p>Additional Application Circulation Criteria</p>	<p>New Application Chief Building Official Chief of Police Chief Fire Official</p>	<p>Renewal Chief Building Official Chief of Police</p>
<p>Special Licence Requirements</p>	<p>In addition to the general requirements set out in the Chapter to which this Schedule is attached, the following specific conditions apply to every licence issued pursuant to this Schedule:</p> <ol style="list-style-type: none"> 1. No person shall operate or maintain clothing donation bin(s) within the City without first obtaining a licence from the Issuer of Licences to do so. 2. No clothing donation bin shall be placed on any property owned or operated by the Corporation. 3. No operator shall place any clothing donation bin(s) on property zoned residential. 4. No private property owner or occupier shall permit any clothing donation bin to be left on the private property they own or occupy without a valid clothing donation bin licence issued by the Issuer of Licences. 5. Every licensee shall be permitted up to three (3) 	

GENERAL PROVISIONS - LICENCES

clothing donation bins per ward to a maximum total of fifteen (15) clothing donation bins per license.

6. In no event shall any licensee be permitted to obtain more than one licence under this Schedule. For the purposes of this Schedule, where the licensee is a corporation, the word "licensee" shall include all affiliates of the corporation, as the term "affiliates" is defined in the (Ontario) *Business Corporations Act*,

7. Every licensee must ensure the following information is displayed on each clothing donation bin in lettering no smaller than 100 millimetres x 75 millimetres, which lettering must be of a contrasting colour to the background of the information:

- i) name, address and telephone number of the licensee and the operator (must be current and active information);
- ii) type of organization, if the licensee or the operator is a bona-fide charitable organization or non-profit organization;
- iii) registration number, if the licensee or the operator is a bona-fide charitable organization or a non-profit organization;
- iv) schedule of times for pick-up of donated clothing;
- v) location of any alternative clothing donation bins of the same licensee;
- vi) the applicable confirmation of license issued by the Issuer of Licences, which must be displayed in a prominent location.

8. All clothing donation bins must be of metal construction with a self-closing deposit door/hatch. Any other point of entry into the clothing donation bin must be locked at all times when the clothing donation bin is unattended.

9. Every licensee must ensure the clothing donation bin is clean, in good repair, and free of graffiti, and shall ensure that all areas immediately adjacent to the clothing donation bin are clean and free of litter and other debris and in full compliance with the Property Standards and the Property Lot Maintenance and Waste By-laws of the Corporation.

GENERAL PROVISIONS - LICENCES

10. Licensees are required to notify the municipality forthwith of any changes to the information filed.

11. Clothing donation bins shall not be placed in any location where the clothing donation bin may create a visual obstruction for vehicular or pedestrian traffic.

12. Clothing donation bins shall not be placed within three (3) metres of an access to or egress from any property, and no closer than six (6) metres from any lot line fronting any roadway.

13. Clothing donation bins shall not be closer than fifteen (15) metres from any lot line abutting any residential property.

14. Clothing donation bins shall not be placed on or within one (1) meter of any fire access route, or in any location where the clothing donation bin may obstruct a fire hydrant or fire department connection, or in such close proximity to a building that the clothing donation bin may create a fire hazard.

15. Servicing of clothing donation bins or pick-up of donated items must be conducted between the hours of 7:00 am and 9:00 pm ONLY.

16. Any clothing donation bin not registered to a licensee under this Schedule, or otherwise found to be in contravention of this Schedule shall be subject to immediate removal and impounding by the Corporation. All costs incurred in the removal and/or impounding of the clothing donation bin shall be the sole responsibility of the licensee, the operator of the clothing donation bin, or both.

17. Any clothing donation bin impounded and stored for a period of more than thirty (30) days may be disposed of in a manner as may be determined by the Corporation. In no event shall the Corporation be held liable or in any way responsible for any loss, damage, or cost incurred by the licensee, operator or any third party due to said removal and/or disposal.

GENERAL PROVISIONS - LICENCES

	<p>18. Bona-fide charitable organizations and non-profit organizations shall be required to apply for and obtain a licence pursuant to this Schedule; however, no renewal fees will be charged for licences issued to bona-fide charitable organizations or non-profit organizations.</p>
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By-law 115-2013, 18 November, 2013; Schedule 'A-12'.

GENERAL PROVISIONS - LICENCES

Schedule 'B' - Business Licensing Fees

	New	Renewal	Pro-Rated Fee as of October 1 New Licences Only
Amusement Arcade	448.00	334.00	224.00
Clothing Donation Bin			
For-Profit - Operator	457.00	208.00	228.50
For-Profit - Location - per bin	100.00	50.00	50.00
Bona fide Charitable & Non-Profit – Operator (one-time)	100.00	Exempt	50.00
Bona fide Charitable & Non-Profit – Location (one-time)	25.00	Exempt	12.50
Food Premises			
Food Shop	524.00	269.00	262.00
Eating Establishment - 30 and fewer	563.00	341.00	281.50
Eating Establishment - 31-150	613.00	391.00	306.50
Eating establishment - more than 150	663.00	441.00	331.50
Food Vending	524.00	269.00	262.00
General Building Trades	356.00	249.00	178.00
Lodging House	651.00	556.00	325.50
Food Service Vehicles			
Food Cart	458.00	209.00	229.00
Food Truck/Trailer	625.00	226.00	312.50
Food Service Vehicle Special Event Licence – Food Cart	50.00	50.00	N/A

GENERAL PROVISIONS - LICENCES

Food Service Vehicle Special Event Licence – Food Truck/Trailer	100.00	100.00	N/A
Pawnbrokers	483.00	201.00	241.50
Personal Service Setting	450.00	224.00	225.00
Plumbing Trades			
Plumbing Contractor	448.00	344.00	224.00
Sewer/Drain Contractor	448.00	344.00	224.00
Master Drainage Layer	323.00	223.00	161.50
Master Plumber	323.00	223.00	161.50
Master Drainage Layers Examination Fee	97.00		
Public Hall	648.00	557.00	324.00
Public Hall -Increase in Temporary Capacity	44.00		
Public Hall - Amended Capacity	44.00		
Salvage Yard	527.00	433.00	263.50
Temporary Sales			
Pedlar Operator	539.00	246.00	269.50
Pedlar - Door - Door Sales person	50.00	50.00	
Pedlar - Specific Location Temporary Sales			
Short Term (Max 6 days)	Per Licence	638.00	
Late Payment Fee	50.00		
Administration Cost	100.00		

By-law 115-2013, 18 November, 2013; Schedule 'B'; By-law 15-2014, 27 January, 2014; 67-2018, 24 April, 2018.

GENERAL PROVISIONS - LICENCES

Schedule 'C' - Notice of Hearing

NOTICE OF HEARING

In the matter of an appeal of the decision of the
Issuer of Licences pursuant to Chapter 326 of
The City of Brantford Municipal Code

To:

NOTICE IS HEREBY GIVEN that the Committee of the Whole of The Corporation of the City of Brantford shall conduct a hearing at o'clock in the evening, or so soon after that time as the matter can be heard, in the Council Chambers at 100 Wellington Square, Brantford, Ontario for the purpose of considering the following:

(describe matters to be considered, including the name of the licensee or proposed licensee, and the variety of licence in dispute)

AND FURTHER TAKE NOTICE that if you fail to attend at this hearing the matters in dispute may be concluded without further notice to you.

Dated at Brantford thisday of, 20
.....

Clerk

By-law 115-2013, 18 November 2013; Appendix 'B'; Schedule 'C'.