

# The Corporation of the City of Clarence-Rockland

## By-law 2026-83

Being a By-Law to establish a system for licensing, regulating, and governing certain types of businesses.

Whereas Section 151 of the Municipal Act, 2001, as amended, provides that a municipality may provide for a system of licences with respect to a business and may:

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

Whereas Section 391 of the Municipal Act, 2001, as amended, authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; and

Whereas Section 434.1 of the Municipal Act, 2001, as amended, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act, 2001; and

Whereas Council considers it desirable to implement a system of licences for certain types of businesses carried within the City to promote public health and safety, consumer protection, and nuisance control;

Therefore, the Council of the City of Clarence-Rockland enacts as follows:

## 2. Short Title

- 2.1. This by-law may be referred to as "Business Licensing By-law."

### 3. Purpose

- 3.1. The purpose of this By-law is to:
- a. establish a fair and consistent system for licensing certain businesses operating with premises within the City;
  - b. promote public health and safety, consumer protection, and nuisance control; and
  - c. ensure licensed businesses operate in compliance with applicable municipal, provincial, and federal laws.

### 4. Interpretation

- 4.1. In this By-law:
- a. words in the singular include the plural and words in the plural include the singular;
  - b. headings are for convenience only and do not affect interpretation; and
  - c. where a provision of this By-law conflicts with a statute or regulation, the statute or regulation prevails to the extent of the conflict.

### 5. Administration, Delegated Authority, Enforcement

- 5.1. The Chief Administrative Officer, or designate, is responsible for the administration and implementation of this By-law, including the establishment of guidelines, forms and administrative requirements.
- 5.2. The Licence Issuer is appointed and delegated the authority to issue, renew by annual confirmation, cancel, refuse, suspend, revoke, impose or vary conditions of a Licence, in accordance with the provisions of this By-law.
- 5.3. Municipal Law Enforcement Officers shall enforce the provisions of this By-law.

### 6. Definitions

- 6.1. "Animal Kennel" means a business that boards, houses, cares for, breeds, trains, or keeps domestic animals—whether temporarily or overnight—for payment or any commercial purpose. This includes facilities providing animal boarding, daycare, breeding, or training, and any premises keeping more animals than permitted under municipal by-laws for business purposes. It does not include veterinary clinics, government, or humane society-operated shelters,

pet stores, or grooming businesses that do not board animals overnight.

- 6.2. "Appeal Committee" means a committee appointed by Council to conduct hearings.
- 6.3. "Applicant" means any Person applying for the issuance, renewal, amendment, or replacement of a Licence under this By-law.
- 6.4. "Application" means a fully completed prescribed application form including all required supporting documentation, signatures, inspections (where required), and fees.
- 6.5. "Auctioneer" means a Person who publicly sells or offers for sale goods to the highest bidder, whether on their own behalf or on behalf of another Person, including mobile auctions conducted from within the City.
- 6.6. "Business Licence Register" means the official record maintained by the City containing information respecting licences issued under this By-law.
- 6.7. "Body Piercing & Tattoo Parlour" means a Premises where a Person carries on the business of tattooing, branding, scarification, micropigmentation, body piercing, or any other form of body modification, and includes any service involving the breaking or piercing of the skin.
- 6.8. "Business" means any trade, occupation, calling, or activity engaged in for profit or gain, whether or not it is carried on continuously, seasonally, intermittently, or from a fixed place of Business within the City.
- 6.9. "Business Premises" or "Premises" means the land, building, structure, vehicle, or portion thereof from which a Business is operated or carried on.
- 6.10. "Caterer" means a Person who prepares food at a Premises for consumption at another location and provides catering services for events, functions, or gatherings, whether for profit or as part of a contracted service arrangement.
- 6.11. "Circus / Carnival" means a temporary, itinerant entertainment event that includes rides, games, performances, exhibitions, concessions, or amusements and is held outdoors or within temporary structures for a

limited period of time.

- 6.12. "City" means The Corporation of the City of Clarence-Rockland.
- 6.13. "Clerk" means the Clerk of the City or their designate.
- 6.14. "Council" means the Council of The Corporation of the City of Clarence-Rockland.
- 6.15. "Food / Beverage Establishment" means a Food Premises where food or beverages are manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold, or offered for sale to the public, including restaurants, cafés, take out facilities, bars, lounges, and similar operations, excluding refreshment vehicles, in accordance with the definition of "food premises" under the Health Protection and Promotion Act.
- 6.16. "Home-Base Business" means a Business carried on as a secondary and accessory use within a dwelling unit by the occupant of that dwelling unit.
- 6.17. "Incomplete Application" means an application that is missing required information, documentation, inspections, approvals, signatures, or fees.
- 6.18. "Inspector" means any enforcement officer, fire inspector, building inspector, public health inspector, or any other Person authorized by the City to conduct inspections under this By-law.
- 6.19. "Licence" means a Business Licence issued under this By-law permitting a Person to operate or carry on a Business within the City.
- 6.20. "Licence Issuer" means the City Clerk, or such other officer or employee of the City as Council may appoint by resolution and includes their designate.
- 6.21. "Licence Holder" or "Licensee" means the Person to whom a Licence has been issued and who remains responsible for compliance with this By-law.
- 6.22. "Municipal Law Enforcement Officer (MLEO)" means a Person appointed by the City to enforce Municipal By-laws.
- 6.23. "Obstruct" means to hinder, interfere with, impede, or otherwise prevent an Inspector or other authorized Person from carrying out their duties under this By-law.

- 6.24. "Old Gold / Jewellery Sales" means a Business engaged in purchasing, selling, trading, or appraising used gold, silver, precious metals, jewellery, or similar items, excluding Pawnbrokers licensed separately under this By-law.
- 6.25. "Owner" means a Person who owns, operates, controls, or directs a Business, or who manages or oversees the Business Premises.
- 6.26. "Pawnbroker" means a Person who carries on the Business of advancing money or other consideration on the security of the pledge, pawn, or deposit of personal property, or who purchases personal property with a condition allowing the seller to repurchase the item.
- 6.27. "Person" means an individual, partnership, corporation, association, firm, organization, or any other entity.
- 6.28. "Pre-Inspection" means an onsite inspection which is conducted prior to the issuance of certain types of business licenses and may apply to businesses with activities involving regulated equipment, food preparation, public interaction, hazard-generating processes, or other operational risks.
- 6.29. "Renewal" means the annual confirmation or updating of licence information required by the City and does not require payment of a fee unless otherwise provided for in this By-law or the City's User Fee By-law.
- 6.30. "Salvage Yard" means a Premises where scrap metal, used goods, motor vehicle parts, machinery, or other salvageable materials are collected, dismantled, stored, processed, sold, or otherwise handled.
- 6.31. "Storage Unit Businesses" means a business that operates or provides storage units for rent to the public for storing personal, commercial, or other property. This includes facilities with multiple enclosed units or spaces rented to customers for temporary or ongoing storage. It does not include warehousing operations, moving companies, or facilities used for industrial storage, distribution, manufacturing, retail activity, or human occupancy.
- 6.32. "Taxi / Car for Hire Service" means a Business involving the operation of a motor vehicle used for the conveyance of passengers for hire, including taxis, limousines, and private transportation vehicles.
- 6.33. "Trailer Camp / Campground" means a Premises offering temporary accommodation for trailers, recreational vehicles, tents, or similar

structures, whether serviced or unserviced, for a fee.

6.34. "Transient Trader" means a business, who on a temporary basis, sells or offers for sale, goods, wares, merchandise, items or service at an indoor or outdoor location or premises.

6.35. "Vehicle" means any motorized or non-motorized conveyance used for the purposes of carrying on a Business.

## 7. General Provisions

### **Licensing Requirements**

7.1. No Person shall carry on, conduct, operate, maintain, keep, or engage in any of the following classes of business within the City without first obtaining a Licence from the City:

- a. Animal Kennel;
- b. Auctioneers;
- c. Body Piercing & Tattoo Parlours;
- d. Caterers;
- e. Circus / Carnivals;
- f. Food / Beverage Establishments;
- g. Home-Base Business;
- h. Old Gold / Jewellery Sales;
- i. Pawnbrokers;
- j. Salvage Yards;
- k. Storage Unit Businesses
- l. Taxi / Car for Hire Services; and
- m. Trailer Camps / Campgrounds.

7.2. No Person shall operate, conduct or engage in a business under this By-law without obtaining and maintaining the insurance required by this By-law.

7.3. No Person shall provide false or misleading information or documents when applying for a Licence, or when required to provide any information or documents under this By-law.

### **Scope and Use of License**

7.4. No Person shall operate, conduct, or engage in any business activity that falls outside the scope of the business class for which their Licence has been issued.

- 7.5. A licence issued under this By-law shall remain the property of the City and is valid only for the person, vehicle and class specified on the said licence.

### **Zoning and Other Laws**

- 7.6. No Licensee shall operate in contravention of another municipal by-law, including the zoning by-law.

### **Hours of Operation / Holiday Closures**

- 7.7. No Licensee shall operate a business in contravention of any applicable municipal by-law regulating business operating hours or mandatory business closures.

## **8. Exemptions**

- 8.1. The following classes of business are exempt from the licensing requirements of this By-law, as each is subject to a separate licensing or regulatory regime established by the City under separate By-laws:
- a. Transient Traders;
  - b. Lodging Houses (Group Homes);
  - c. Adult Entertainment Establishment;
  - d. Adult Entertainment Parlour; and
  - e. Refreshment Vehicle and Chip Wagons.

## **9. Operating Name**

- 9.1. No Licensee shall advertise, promote, or carry on the licensed business under any name other than the name stipulated on their Licence, unless the Licence Issuer has approved the change in writing.

## **10. Application and Processing**

- 10.1. Applicants shall include with their application all required documentation for the license being requested, as per the established Guidelines, along with the application fee as set out in the City's User Fee By-law.
- 10.2. At a minimum, the information required on application form shall consist of:

- a. Name of applicant
  - b. The applicant address
  - c. The type of business
- 10.3. The documentation required for each application shall be determined by the City based on the departments and agencies that are required to review the application.
- 10.4. Documents which may be requested during the application process include, but are not limited to:
  - a. Proof of insurance
  - b. Food Handling Certificate
  - c. Site plan
  - d. Electrical Safety Authority certificate of acceptance
  - e. Technical Standards and Safety Authority certification
- 10.5. An application shall be deemed complete when it is received with all documentation required for the licence requested and the applicable application fees.
- 10.6. Incomplete Applications will not be processed. The City shall provide written notice to the Applicant identifying the deficiencies.
- 10.7. Where the Application remains incomplete after a period of one (1) year from the receipt of the notice, the application file will be closed, and the Applicant will be notified accordingly.
- 10.8. Complete Applications shall be circulated to departments/agencies for review as per approved Guidelines. The City reserves the right to request additional inspections, if deemed necessary.
- 10.9. The Licence Issuer shall issue or renew a Licence upon receipt of all required approvals, documentation, and applicable fees.
- 10.10. The Licence Issuer may grant a written variance where the Applicant demonstrates that the variance will not result in an adverse impact on traffic or safety, public health, nuisance control, or land-use compatibility, and where all conditions imposed by the Licence Issuer are satisfied, including those related to temporary events.

## 11. Posting of Licence

- 11.1. The Person to whom a Licence is issued shall display, at all times, the Licence at the Premises (or that part thereof) to which the Licence



pertains in a prominent and visible place so that it may be readily seen and read by persons entering the Premises.

- 11.2. Where a Licence is issued to a Person or company with no fixed place of business, or who carries on business from a vehicle or at varying locations, the Licensee shall keep the Licence with them while carrying on business and shall exhibit it when requested.

## 12. Duty to Notify

- 12.1. Every Licensee shall notify the Licence Issuer in writing within seven (7) calendar days of any of the following changes and pay the transfer fee as established in the User Fee By-law as amended from time to time:
  - a. a change in ownership of the Business;
  - b. a change in the operating name of the Business;
  - c. a change of insurance or policy lapse
- 12.2. The Licensee will submit a new application and pay the applicable fee as established in the User Fee By-law as amended from time to time if:
  - a. there is a significant change in Business activities, a new application will be required.
  - b. there is a change in the Business Premises, a new application will be required.
- 12.3. If a new Application is required, the Licence Issuer may grant a transition period of thirty (30) days for the existing Licence.

## 13. Form of Licence

- 13.1. Every Licence issued shall include:
  - a. the operating name of the business and the Person to whom the Licence is issued;
  - b. the operating address of the Premises (or indicate "no fixed Premises");
  - c. the applicable Licence Class;
  - d. the date of issuance
  - e. any conditions imposed on the Licence;
  - f. the signature (or authorized approval) of the Licence Issuer or designate; and

- g. the By-law number under which the Licence is issued.

## 14. Licence Term and Renewal

- 14.1. A Licence issued under this By-law remains valid unless it is suspended, revoked, cancelled, surrendered, or otherwise rendered invalid in accordance with this By-law.
- 14.2. Subject to continued compliance with this By-law, every Licensee shall annually confirm and update, where necessary, the information associated with the Licence in the form prescribed by the City.
- 14.3. No fee shall be charged for the annual renewal, confirmation, or updating contact information for an active Licence
- 14.4. Where any change occurs in the ownership, business activities, business classification, or business location, the Licensee shall submit a new Application and pay the applicable fee established in the City's User Fee By-law, as amended from time to time.
- 14.5. Where inspections, re-inspections, technical reviews, approvals, or other municipal services are required in connection with an Application, renewal, amendment, transfer, or compliance matter, the applicable fees shall be charged in accordance with the City's User Fee By-law, as amended from time to time.
- 14.6. A Licensee who fails to complete the annual confirmation within ninety (90) days of notice may result in having the Licence cancelled.

## 15. Duplicate / Replacement Licence

- 15.1. If a Licence is lost or destroyed, the Licence Issuer may issue a duplicate upon satisfactory proof and payment of the replacement fee set out in User Fee By-law as amended from time to time.
- 15.2. A duplicate Licence shall be stamped or marked "DUPLICATE."

## 16. Insurance

- 16.1. The Licensee shall carry Commercial General Liability insurance with limits of not less than two million dollars (\$2,000,000) per occurrence, naming the City as an additional insured, and the policy shall include a requirement for thirty (30) days' prior written notice to the City of

cancellation, non-renewal, or material change.

- 16.2. The Licensee shall provide proof of insurance upon application, renewal, and upon request of the Licence Issuer.

## 17. Non-Discrimination / Service Animals

- 17.1. No Licensee shall discriminate, in providing goods or services to the public, contrary to applicable human rights legislation.
- 17.2. No Licensee shall refuse service to, deny entry to, or otherwise impede a person accompanied by a service animal, as defined under the Accessibility for Ontarians with Disabilities Act, 2005, and its regulations.

## 18. Additional Fees (Cost Recovery)

- 18.1. Where the City incurs costs attributable to the activities, operations, or non-compliance of a Licensee, including but not limited to re-inspections, monitoring, clean-up, testing, or contractor services, the City may impose an additional fee to recover such costs.
- 18.2. The City shall provide the Licensee with a written Notice of Additional Fee setting out:
  - a. the amount of the additional fee;
  - b. a description of the costs and circumstances giving rise to the fee; and
  - c. the date by which the additional fee must be paid, which shall be not less than thirty (30) days from the date of the notice.
- 18.3. Additional fees constitute a debt owing to the City and must be paid before a Licence may be issued, reinstated, or transferred/replaced.

## 19. Licence Issuer - Refusal, Suspension, Revocation

- 19.1. Pursuant to the authority granted under section 151 of the Municipal Act, 2001, the Licence Issuer may refuse to issue or renew a Licence, or may suspend, revoke, cancel, or impose conditions on a Licence where the Licence Issuer is satisfied that the issuance, renewal, or continuation of the Licence would be contrary to the public interest or would be inconsistent with the purposes of this By-law.
- 19.2. The Licence Issuer may exercise any of the powers described in

Section 19.1 where:

- a. the Applicant or Licensee has contravened any provision of this By-law, a condition of a Licence, or any applicable municipal by-law, provincial statute, regulation, permit, approval, or order;
  - b. the Applicant or Licensee has provided false, misleading, inaccurate, or incomplete information in connection with an Application, annual confirmation, inspection, or any matter under this By-law;
  - c. any fee, charge, administrative penalty, or other amount owing to the City remains unpaid;
  - d. the operation of the Business has resulted in, or is likely to result in, a risk to public health or safety, a public nuisance, or harm to consumer protection; or
  - e. the Applicant or Licensee has obstructed or interfered with an inspection, investigation, or enforcement activity conducted under this By-law.
- 19.3. Where the Licence Issuer is satisfied that the continuation of a licensed Business poses an immediate danger to the health or safety of any person or property, the Licence Issuer may immediately suspend the Licence without a hearing for such period and subject to such conditions as the Licence Issuer considers necessary to address the danger.
- 19.4. Before imposing a suspension under Section 19.3, the Licence Issuer shall, where reasonably practicable in the circumstances, provide the Licensee with the reasons for the proposed suspension, either orally or in writing, and afford the Licensee an opportunity to respond.
- 19.5. A suspension imposed under Section 19.3 shall not exceed fourteen (14) days unless the suspension is lifted earlier by the Licence Issuer or further action is commenced under this By-law.
- 19.6. Nothing in this section limits the authority of the Licence Issuer to commence proceedings to revoke, cancel, refuse, or impose conditions on a Licence in accordance with this By-law following the issuance of a suspension.

## 20. Notice Requirements

- 20.1. After a decision is made by the Licence Issuer to refuse, cancel, revoke, or suspend a Licence, written notice of that decision shall be given to the Applicant or Licensee.

- 20.2. The written notice provided in section 15.1 shall:
- a. set out the reasons for the decisions;
  - b. be signed by the Licence Issuer; and
  - c. state that the Applicant or Licensee is entitled to a hearing by the Committee if the Applicant or Licensee delivers to the Clerk's Office within 15 days after the notice is served, a notice in writing requesting a hearing, accompanied by the appropriate fee.
- 20.3. A notice shall be deemed to be received:
- a. in the case of mailed documents, five (5) days following the mailing date;
  - b. in the case of personal delivery, e-mail, or fax delivery, on the day of delivery; and
  - c. where more than one method of delivery is used, the latest deemed receipt date applies.
- 20.4. Where any written notice is mailed under this By-law, it is sufficient to use the Applicant's or Licensee's last known business or residential address.

## 21. Review and Appeal

- 21.1. An Applicant or Licensee may appeal a decision of the Licence Issuer to refuse, suspend, revoke, cancel, or impose conditions on a Licence by filing a written notice of appeal with the Clerk within fifteen (15) days of receiving written notice of the decision. The notice of appeal shall include the grounds for the appeal and be accompanied by the applicable appeal fee as established in the City's User Fee By-law, as amended.
- 21.2. Upon receipt of a complete notice of appeal, the Clerk shall schedule a hearing before the Appeal Committee and shall provide written notice of the date, time, and location of the hearing to the Applicant or Licensee.
- 21.3. Following a hearing, the Appeal Committee may:
- a. confirm the decision of the Licence Issuer;
  - b. vary or amend the decision of the Licence Issuer, including imposing, removing, or modifying Licence conditions;
  - c. reverse the decision of the Licence Issuer.
- 21.4. The Appeal Committee shall provide a written notice of decision within

10 days of rendering its decision.

- 21.5. The decision of the Appeal Committee shall be final and binding.
- 21.6. The filing of an appeal does not stay or suspend the decision of the Licence Issuer unless otherwise directed by the Appeal Committee.
- 21.7. Where a Licence has been suspended, revoked, or cancelled, the Licensee shall immediately cease carrying on the licensed business unless otherwise authorized by the Appeal Committee.
- 21.8. Where a Licence is issued, reinstated, renewed, or made subject to amended conditions following an appeal, the Applicant or Licensee shall comply with all applicable requirements of this By-law prior to resuming or continuing operations.

## 22. Inspection Authorized

- 22.1. An Inspector may, at all reasonable times, inspect, or cause to be inspected, the premises, facilities, and equipment used in connection with a business licensed or required to be licensed.
- 22.2. Every Licensee shall allow inspections at reasonable times and shall not obstruct, hinder, or otherwise interfere with an inspection.
- 22.3. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.

## 23. Fees

- 23.1. All fees referred to in this By-law are as set out in the City's User Fee By-law, as amended from time to time.

## 24. Offence and Penalties

- 24.1. Any Person who contravenes any provision of this by law is liable to pay an Administrative Monetary Penalty, in accordance with the City of Clarence-Rockland Administrative Monetary Penalty System By-law, as amended from time to time.
- 24.2. The provisions of this by-law are hereby designated for the purposes of the Administrative Monetary Penalty System By-law.

- 24.3. An Administrative Monetary Penalty imposed under this by-law constitutes a debt to the City and may be collected in accordance with the Administrative Monetary Penalty System By-law.
- 24.4. Despite Section 20.1, a Person who contravenes any provision of this by-law may be prosecuted under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, where an Administrative Monetary Penalty has not been issued.
- 24.5. No Person shall be charged under the Provincial Offences Act for a contravention of this by-law where an Administrative Monetary Penalty has already been issued for the same contravention and occurrence.
- 24.6. Each day that a Person contravenes the provisions of this By-law may constitute a separate offence.

## 25. Business Licence Register

- 25.1. The City shall maintain a Business Licence Register for the administration and enforcement of this By-law.
- 25.2. The Business Licence Register may include the business name, Licensee name, municipal address, Licence number, Licence class, status of the Licence, conditions attached to the Licence, and such other information as the City determines necessary for the administration and enforcement of this By-law.
- 25.3. The City may make information from the Business Licence Register publicly available, subject to the Municipal Freedom of Information and Protection of Privacy Act and any other applicable law.

## 26. Severability

- 26.1. If any section, subsection, clause, paragraph, or provision of this By-law is found by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the By-law shall continue in full force and effect.

## 27. Transition

- 27.1. Existing Licences: Any business licence issued under the repealed by-law and valid on the day this By-law comes into force shall be deemed

to continue in effect unless suspended or revoked under this By-law.

- 27.2. Pending Applications: An application received before the effective date of this By-law may be processed under the repealed by-law requirements or under this By-law, at the discretion of the City, provided that any licence issued shall be subject to the conditions of this By-law.
- 27.3. Grace Period for Newly Regulated Classes: Where a class of business becomes newly subject to licensing under this By-law, Council may, by resolution, establish a grace period of up to ninety (90) days during which enforcement will focus on education and compliance assistance, provided public safety is not compromised.

## 28. Amendments

- 28.1. By-law 2022-33, being the Administrative Monetary Penalties System By-law, is amended by adding Schedule A-10 attached hereto.
- 28.2. By-law 2025-105, being the User Fee By-law, is hereby amended by substituting Schedule c with the version attached hereto.

## 29. Repeal of existing By-law

- 29.1. By-Law 2019-20, regulating and licensing of businesses in the Corporation of the City of Clarence-Rockland, as amended, is hereby repealed.

## 30. Effective date

- 30.1. This By-Law shall come in full force and effect on the 1<sup>st</sup> day of September 2026.

Read, passed and adopted in open council this 12<sup>th</sup> day of August, 2026.

Mario Zanth, Mayor

Monique Ouellet, Clerk