

**CORPORATION OF THE TOWN OF PRESCOTT**

**By-Law 2-95**

**Consolidated Licensing By-Law**

**for certain businesses and occupations**

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# CORPORATION OF THE TOWN OF PRESCOTT

## BY-LAW 2-95

**Being a by-law to regulate and licence certain businesses and occupations in Town**

**WHEREAS** Sections 225, 232, 233, 234, 236 and 237 of the *Municipal Act, R.S.O. 1990, Chapter M.45* authorizes municipal councils of towns to pass by-laws to licence and regulate trades and activities within its limits;

**AND WHEREAS** the Council of the Corporation of the Town of Prescott has enacted numerous licensing by-laws and wishes to update them and consolidate such by-laws into one by-law;

**AND WHEREAS** Council deems it expedient to enact a consolidated by-law to be known as the Town of Prescott's "Licence By-Law"

**NOW THEREFORE** the Council of the Corporation of the Town of Prescott enacts as follows:

**Section 1**  
**General Provisions**

1.1 Definitions

For the purposes of this by-laws:

- a) "By-Law Enforcement Officer" shall mean a duly appointed by-law enforcement officer for the Town of Prescott which includes any employee of the Corporation appointed by by-law and the uniformed members of the Prescott Police Services.
- b) "Chief Building Official" shall mean the Chief Building Official for the Town of Prescott or his or her designate;
- c) "Chief of Police" shall mean the Chief of Police for the Town of Prescott or his or her designate;
- d) "Clerk" shall mean the Clerk for the Town of Prescott or his or her designate;
- e) "Corporation" shall be the Corporation of the Town of Prescott;
- f) "Council" shall mean the Council of the Corporation of the Town of Prescott;
- g) "Fire Chief" shall mean the Fire Chief for the Town of Prescott or his or her designate;
- h) "Individual" means a natural person.
- i) "Medical Officer of Health" shall mean the Medical Officer of Health for the Leeds, Grenville and Lanark District Health Unit or his or her designate;
- j) "Person" means an individual, a partnership, or a corporation, union, association engaged, or will be engaged, in trade or business or the promotion thereof;
- k) "Treasurer" shall mean the Treasurer for the Town of Prescott or his or her designate;
- l) "Town" shall mean the Town of Prescott.

1.2 General Provisions of Licensing

- a) The licensing authority for this by-law shall be the Council of the Corporation of the Town of Prescott unless otherwise legally delegated by Council.
- c) Licence fees shall be as prescribed by Council from time to time and attached hereto as Schedule "A" to this by-law.
- d) Every applicant for a licence shall apply, in writing, on a licence application form as prescribed by Council from time to time and attached hereto as Schedule "B" to this by-law.
- e) Every application form filed under this by-law shall be signed by the applicant, if an individual, or in the case of a partnership or corporation, a partner or officer respectively, having the authority to make the application on behalf of the applicant and to bind the partnership or corporation respectively, and such form shall include a declaration executed by such person attesting to the truth of the information provided on the application form.
- f) Council may amend Schedules "A" and "B" from time to time by resolution or by-law.
- g) Unless contrary to provisions of this by-law, a licence may be transferred upon application to and approval of Council subject to a transfer fee as set forth in Schedule "A".
- h) No licence shall be issued except on payment of the full amount of the prescribed licence fee as set out in Schedule "A" to this by-law and a completed licence application. Should a licence not be granted, the money deposited shall be returned to the applicant without penalty or interest within a reasonable period of time.
- i) Unless contrary to provisions of this by-law, the fees set out in Schedule "A" shall be for the calendar year or the remaining part thereof.
- j) The Clerk shall keep a register of all licenses issued.
- k) Upon approval and granting of licence by Council or the delegated authority, the Clerk shall furnish each licensee with a copy of the licence, a copy of the

relevant sections of this by-law and any other document he or she may deem necessary.

- l) The Clerk shall carry out the administrative functions of administering, applying and enforcing this by-law.
- m) No person shall enjoy a vested right in the continuance of a licence, except as provided in this by-law, and, whether issued, renewed, expired, revoked or otherwise terminated, the licence, and any value of such licence, shall continue to be the property of the Corporation.
- n) The applicant must permit ample and reasonable time from the time of initial application (providing it is complete) to a response whether the licence shall be permitted or not.
- o) If reports from the circulated departments and agencies are not adverse to a licence being issued to the applicant, the Clerk shall forward the application to Council, or the delegated authority, to be considered. In the event that an adverse report is received, the applicant shall be notified of the deficiencies concerning the application.
- p) The holder of a licence shall notify the Clerk immediately of any change to the information provided on the application.
- q) It is the purpose of Council, in obtaining the information required to be submitted by this by-law in an application for a licence, to make such information available to the public, but no personal information relating to an individual shall be disclosed to the public except in accordance with law.
- r) Every individual applying for or holding a licence under this by-law, or engaging in or carry on any business to which this by-law relates, shall use his or her own legal name in making such application and holding such licence, and no such licence shall be issued to any individual in any name other than his or her own legal name.
- s) If Council refuses to grant a licence pursuant to this by-law, the applicant may request a hearing of Council in accordance with the *Statutory Powers Procedure Act*.
- t) Non-compliance with this by-law or any other law is a factor relevant to the

consideration of whether or not a licence may be granted, refused or revoked, notwithstanding that the holder of the licence has not been prosecuted or convicted for contravention of such law.

- u) Every person licensed or required to be licensed under this by-law shall in carrying out the business in respect of which such licence is required, ensure compliance with the provisions of this by-law by all persons involved in the carrying on of such business, and no such person shall permit any person employed by such person or otherwise involved in the carrying on the business, to do so other than in compliance with this by-law.
- v) No licence issued under this by-law shall authorize any person to carry on a business or do any thing in contravention of any other law.
- w) Council may issue a licence under this by-law also conditional upon compliance with such other terms and conditions as Council may impose and the licensee accept.
- x) Licenses shall be prominently displayed unless the business, trade or occupation does not so permit, and in this case, the licence shall be carried upon the person at all times while engaged in or carrying on the business, trade or activity licensed under this by-law.
- y) No licence shall be issued if the applicant owes any monies, including taxes, permit fees or outstanding work-orders to the Corporation of the Town of Prescott.

### 1.3 Revocation of Licence

- a) Any licence granted under this by-law may be revoked by Council at any time by reason of the breach or failure to fulfil any of the provisions of this by-law.
- b) The Council may revoke any licence issued under this by-law, on the basis of any one or more the following grounds:
  - i) there are reasonable grounds for belief that any application or any other document or information provided by or on behalf of the licensee contains a false statement or provides false information;
  - ii) the past or present conduct of one or more of the persons referred to



- in the application affords reasonable grounds for belief that the business in respect of which the licence was granted, has not been carried on, or will not be carried on, in accordance with the law and with integrity and honesty;
- iii) there are reasonable grounds for belief that the carrying on of the said business has resulted or will result in a breach of this by-law or any other law, including a breach of any condition imposed on a licence under this by-law;
  - iv) there are reasonable grounds for belief that the building, premises or equipment used in carrying on the business does not comply with the provisions of this by-law or any other law;
  - v) information contained in the original application form, or any other information provided to the Clerk by or on behalf of the applicant, has ceased to be accurate, the licensee has not provided up-to-date accurate information to the Clerk sufficient to allow the Clerk to conclude that the licence should be maintained as valid and subsisting; or
  - vi) the fee payable in respect of the licence has not been paid.
- c) No licence shall be revoked under this by-law, except after a hearing by the Council, or after the licensee has been given the opportunity for such a hearing, in accordance with the *Statutory Powers Procedure Act*.
- d) Failure to comply within thirty (30) days to the provisions of this by-law shall result in the revocation of the licence. Council may grant a reasonable extension of time to the holder of the licence in order comply with the provisions of this by-law.
- e) Where a licence under this by-law is revoked, the licensee may be entitled to a refund of part of the licence fee proportionate to the unexpired part of the term for which it was granted.

#### 1.4 Enforcement and Penalties

- a) Any person who contravenes any of the provisions of this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.
- b) Notwithstanding subsection 1.4(a), any person who contravenes any of the

provisions of section 13 of this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both.

- c) Despite subsections 1.4(a) and (b), where a corporation is convicted of an offence under this by-law, the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided therein.
- d) This by-law is passed pursuant to powers conferred upon Council by the *Municipal Act, R.S.O. 1990, Chapter M.45* as amended, particularly, without limiting the generality of the foregoing sections 109, 225, 232, 233, 234, 236, 237 of that Act.
- e) Without limiting the generality of subsection 1.4(d), this by-law is passed under the said sections of the *Municipal Act* for the purposes of section 330 of that Act.
- f) A by-law enforcement officer, including the Chief of Police or his/her designate may suspend any licence issued under this by-law for not complying with the provisions of this by-law, provided that such suspension is effective only for two weeks from the date of suspension or until the next meeting of the Council of the Corporation of the Town of Prescott, whichever occurs first.
- g) Any act done under the authority of a by-law enforcement officer or Clerk pursuant to the provisions of this by-law may be appealed to the Council by any party feeling aggrieved thereby.
- h) If suspension or revocation of a licence is ordered by Council, or temporarily by the by-law enforcement officer, the holder of the licence shall surrender the licence to the Clerk forthwith.

## Section 2 Transient Traders

### 2.1 Definitions

- a) "transient trader" includes any person commencing business in the Town who has not resided continuously in the Town of Prescott for at least three months next preceding the time of commencing such business.

### 2.2 General Provisions

- a) No person or whose name has not been entered upon the Assessment Rolls of the Town of Prescott for the then current year or whose name may be entered on the Assessment Roll for the first time in respect of business assessment shall offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or shall offer goods, wares or merchandise for sale in any other manner within the limits of the Town without first having obtained from the Town a licence for so doing.
- b) The sum paid for a transient trader's licence shall be credited to the person paying it, or to any purchaser of the business who carries on the same on account of taxes payable by him or her in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter. Any fund remaining after five years shall be deposited to the general revenue fund of the Corporation.
- c) No transient trader shall carry on any sales by retail on vacant lots in the Town of Prescott. For the purposes of this subsection, "vacant lot" shall mean an area of land unencumbered by a building or other structure and shall not be restricted by reference to a lot on a registered plan of subdivision only, but may include a part of a lot on any plan with frontage on, or access to, a public street. This subsection does not apply to the following:
  - i) fresh food or farm produce vendors,
  - ii) chip wagons or refreshment vehicles,
  - iii) the Prescott Farmer's Market,
  - iv) seasonal sale of Christmas trees.

- d) Should the applicant meet the conditions of Section 2 of this by-law, the Clerk may issue a transient trader's licence.
- e) A transient trader's licence cannot be transferred.

### 2.3 Exceptions

- a) Section 2 of this by-law shall not apply to the sale of the stock of a bankrupt or insolvent within the meaning of any bankruptcy or insolvency legislation in force in Ontario, nor to the sale of any stock damaged by or by reason of fire provided that such stock was on sale in the Town prior to the bankruptcy or insolvency or fire and that no goods or merchandise are added to such stock.
- b) Section 2 of this by-law shall not apply to the sale of a business to a purchaser who continues the business.

### Section 3 Refreshment Vehicles

#### 3.1 Definitions

For the purposes of Section 3 of this by-law:

- a) "Motorized Refreshment Vehicle" shall mean a motor vehicle from which food, which has been prepared and cooked on site, is sold.
- b) "Motorized Ancillary Refreshment Vehicle" shall mean a motor vehicle from which food, which has been prepared and cooked off site, is sold.
- c) "Non-Motorized Refreshment Vehicle" shall mean a vehicle propelled solely by muscular power from which food, which has been prepared and cooked on site, is sold.
- d) "Non-Motorized Ancillary Refreshment Vehicle" shall mean a vehicle propelled solely by muscular power from which food, which has been prepared off site, is sold.
- e) "Commercial Zone" shall mean any lands zoned as Commercial pursuant to By-Law 42-91, as amended.

#### 3.2 General Provisions

- a) No person shall operate any refreshment vehicle within the limits of the Town of Prescott without first having obtained from the Town a licence for so doing.
- b) A separate licence shall be taken out for each vehicle.
- c) Every person who is issued a licence shall provide containers within close proximity for the disposal of refuse, waste and garbage generated as a result of the preparation, sale and consumption of refreshments and is responsible for the disposal of such refuse, waste and garbage.
- d) All refreshment vehicles and all parts and equipment thereof and therein related to the dispensing of refreshments shall be kept clean.

- e) No refreshments shall be sold from any vehicle drawn by animals.
- f) All motorized refreshment vehicles and motorized ancillary refreshment vehicles shall be roadworthy and comply with the *Highway Traffic Act* and shall be licensed for operation on a public highway.
- g) All refreshment vehicles shall comply with all federal, provincial and municipal by-laws, including the Town's parking and traffic by-laws.
- h) The Medical Officer of Health or person so designated by him or her shall forthwith cause such premise to be thoroughly inspected, together with all appurtenances and, if the vehicle and the premises comply with the requirements of this by-law, the Medical Officer of Health shall recommend a licence be granted to the applicant.
- i) The Fire Chief or person so designated by him or her shall forthwith cause such premise to be thoroughly inspected as to the installation and safety features of the heating and cooking appliances, and if the vehicle and premises comply with the requirements of this by-law, the Fire Chief shall recommend a licence be granted to the applicant.
- j) The Chief of Police or person so designated by him or her shall forthwith cause such premise to be thoroughly inspected with regard to the cleanliness and appearance and roadworthiness of the vehicle, and if the vehicle and premises comply with the requirements of this by-law, the Chief of Police shall recommend a licence be granted to the applicant.

### 3.3 Motorized Refreshment Vehicles

- a) The vehicle from which the refreshments are sold shall be of a commercial type.
- b) The body, doors and windows of such vehicle shall be of sufficiently sound construction to provide all reasonable protection against dust, dirt, insects or other injurious matter or things.
- c) The interior of the vehicle shall be repainted or refinished as often as required by the Medical Officer of Health or any person designated thereby.
- d) The floor of such vehicle shall be of a suitable impervious material free from

holes, cracks or crevices and the surface thereof shall be readily washable and kept clean and in good condition.

- e) Adequate refrigeration at a temperature not higher than 5 degrees Celsius shall be provided for perishable foodstuffs, and such foodstuffs shall be kept so refrigerated.
- f) Adequate equipment to maintain hot prepared foods at a temperature of not less than 60 degrees Celsius shall be provided and such foods shall be kept so heated.
- g) The sale of refreshments from motorized refreshment vehicles is prohibited on any street within the limits of the Town of Prescott.
- h) A motorized refreshment vehicle shall only be located on private property.
- i) A motorized refreshment vehicle is prohibited in all zones with the exception of a commercial zone as designated by By-Law 42-91, as amended.
- j) The site for a motorized refreshment vehicle shall have the following requirements:
  - i) a minimum 3 parking spaces for the use of patrons
  - ii) a minimum 10 metre distance between the vehicle and any public road allowance,
  - iii) no permanent electrical or other utility hook-up, and
  - iv) maintained in a neat and tidy condition at all times.
- k) The applicant for a motorized refreshment vehicle shall provide the following documents to the Clerk prior to the issuance of any licence:
  - i) written permission from the owner of the lands where the vehicle shall be located.
  - ii) a site plan giving a sketch of the proposed vehicle location, the dimensions of the property, the location of all buildings and structures, the parking spaces and the distance from any public street.
  - iii) written recommendations from the Chief of Police, the Fire Chief and the Medical Officer of Health or their designates thereof.

### 3.4 Motorized Ancillary Refreshment Vehicles

- a) In addition to the regulations set out in Subsections 3.2, 3.3(a) through 3.3(f) inclusive and 3.3(k)(iii) of this by-law, the following regulations shall apply to motorized ancillary refreshment vehicles":
  - i) The operator of any motorized ancillary refreshment vehicle shall conduct business only while parked off the travelled portion of a public street, public lands or park or parking lots unless permission has been granted in writing by Council.

### 3.5 Non-Motorized Refreshment Vehicles

- a) In addition to the regulations set out in Subsections 3.2, 3.3(a) through 3.3(f) inclusive and 3.3(k)(iii) of this by-law, the following regulations shall apply to non-motorized refreshment vehicles:
  - i) Refreshments may include hot dogs and similar products prepared and cooked on site;
  - ii) Refreshments may be sold in any public park in the Town of Prescott where there are no canteens or similar sales outlets in operation;
  - iii) Refreshments may be sold in the public streets in the Town of Prescott provided that the operator of the vehicle shall not be permitted to stop in any one location for longer than is necessary to complete a sale or sales;
  - iv) The equipment used is not vehicular-sized or similar to a chip wagon, mobile canteen and such equipment. Non-motorized ancillary refreshment vehicle shall be generally small in size.

### 3.6 Non-Motorized Ancillary Refreshment Vehicles

- a) In addition to the regulations set out in Subsections 3.2, 3.3(a) through 3.3(f) inclusive and 3.3(k)(iii) of this by-law, the following regulations shall apply to non-motorized ancillary refreshment vehicles:
  - i) Refreshments or confections may include, without limiting the generality of the foregoing, fruit, candy, peanuts, pretzels, popcorn,



fresh-baked goods, ice cream, pre-packaged ice cream and other iced confectionary items and similar products prepared off-site;

- ii) Refreshments may be sold in any public park in the Town of Prescott where there are no canteens or similar sales outlets in operation;
- iii) Refreshments may be sold in the public streets in the Town of Prescott provided that the operator of the vehicle shall not be permitted to stop in any one location for longer than is necessary to complete a sale or sales.

### 3.7 Exceptions

- a) Notwithstanding any provisions of subsections 3.2 to 3.6, refreshment vehicles providing food and beverage services at special events hosted and/or organized by a non-profit organization recognized by Council, and paying a fee established by the organizers, shall be exempt from Section 3 of this by-law.
- b) Notwithstanding any provisions of subsections 3.2 to 3.6, the Loeb trailer shall be exempt from Section 3 of this by-law. The purpose of this exemption is to recognize the fundraising efforts of the Loeb Corporation for non-profit and charitable groups and associations.

## Section 4 Salesperson, Hawkers and Pedlars

### 4.1 General Provisions

- a) No person shall go from place to place or to a particular place or places in the Town of Prescott with goods, wares or merchandise for sale, hawk or peddle, or to carry and expose samples, catalogues, patterns or specimens of any goods, wares or merchandise which are to be delivered afterwards, without first having obtained from the Town a licence for so doing.
- b) Notwithstanding Subsections 4.1(a), every person who proposes to conduct a daily sale, or for consecutive days not exceeding three days, in a specific location within the Town of Prescott for the sale of goods, wares or merchandise either directly, or by way of sample, catalogue pattern, or specimens for delivery later, shall obtain a "specific location daily sales licence".
- c) The applicant for a salesperson's licence or a specific location daily sales licence shall provide the following documents and information in writing to the Clerk prior to the issuance of any licence:
  - i) what wares, goods or merchandise are being hawked, peddled or sold, or orders taken for delivery at a later date or dates;
  - ii) the location proposed, if applicable, for the sale of the said wares, goods or merchandise;
  - iii) written proof or authorization to sell goods, wares or merchandise for the manufacturer or producer;
  - iv) vehicles, if any, to be used in the hawking, peddling or selling;
  - v) frequency of hawking, peddling or selling; and
  - vi) proposed days and hours of hawking, peddling or selling in Prescott.
- d) Should the applicant meet the conditions of Section 4 of this by-law, the Clerk may issue a salesperson's licence.
- e) Any licence granted to vendors shall be prominently displayed on any vehicle or equipment used in the business or the licensee shall carry it with him or her, and shall upon demand show it to any municipal officer or person requesting to see the licence.

- f) No salesperson, hawker or peddler who goes from place to place within the Town of Prescott shall not be permitted to stop in any one location for longer than is necessary to complete a sale or sales.
- g) All licensees shall comply with all municipal parking requirements and any other applicable laws or regulations.

#### 4.2 Exceptions

- a) No licence shall be required in respect of:
  - i) if the goods, wares or merchandise are hawked, peddled or sold to wholesale or retail dealers in similar goods;
  - 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 an agent or employee of them having written authority to do so, provided that the grower, producer or manufacturer resides in the Town of Prescott;
  - 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;
  - iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the Town of Prescott or by his or her agent or employee;
  - v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the Town of Prescott in respect of premises used for the sale of such goods, wares or merchandise;
  - vi) a vendor who sells to wholesale or retail dealers in similar goods.
  - vii) a vendor who sells milk or cream fluid milk products to the consumer or to any person for resale.
  - viii) a vendor selling goods, wares or merchandise, or carrying and exposing samples, catalogues, patterns or specimens of any goods, wares or merchandise which are to be delivered afterwards, at an event or trade show hosted or sponsored by a community-based non-profit organization or association.

**Section 5  
Auctioneers**

5.1 Definition

- a) Any person selling or putting up for sale goods, wares, merchandise or effects by public auction shall be deemed an auctioneer within the meaning of this by-law.

5.2 General Provisions

- a) No person shall carry on the business of an auctioneer within the Town of Prescott without first having obtained from the Town a licence for so doing.
- b) No auctioneer's licence shall be granted to any applicant who is not of good character, or whose premises are not suitable for the business of an auctioneer or if upon a residential or other highway in which it is deemed not desirable that the business should be carried on. The means of ascertaining whether the applicant is of good character shall be a report made by the Chief of Police; the means of ascertaining whether the premises are suitable for the business shall be a report made by the Chief of Police, the Chief Building Official and the Fire Chief.
- c) No auctioneer shall:
  - i) permit any disorder in his or her auction room or offices;
  - ii) make or permit to be made, any misrepresentation as to the quality or value of any goods, wares, merchandise or effects which may be offered for sale by him or her;
  - iii) give away articles or sell them for nominal amounts for the purpose of stimulating bidding;
  - iv) do any act that is calculated to confuse, or which may reasonably have the effect of confusing, a purchaser as to the amount he or she pays for any article or articles; and
  - v) avail himself or herself of the services of or act in concert with persons for the purpose of raising or stimulating bids.
- d) Should the applicant meet the provisions of Section 5 of this by-law, the Clerk may issue an auctioneer's licence.

5.3 Exceptions

- a) Section 5 of this by-law does not apply to a sale sponsored by a service club, the municipal corporation or non-profit organization to raise funds for non-profit or charitable purposes.
- b) Section 5 of this by-law does not apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

**Section 6**  
**Second Hand Goods**

6.1 General Provisions

- a) No person shall operate a second hand shop, deal in second hand goods or go from house to house or along any highway in the Town for the purpose of collecting, purchasing or obtaining second hand goods without first having obtained from the Town a licence for so doing.
- b) No person shall exercise the trade of a pawnbroker without first having obtained from the Town a licence for so doing.
- c) Every licensee shall keep a record of all goods purchased or taken in exchange by him/herself, his agent, employee or servant. The entry in the record shall be made at the time of transaction or immediately thereafter and shall include the price paid, a brief description of the article or articles, name of purchaser and seller, and serial number of item or good, if any.
- d) Goods redeemed on pawn tickets, purchased or taken in exchange by licensed dealers shall be treated as purchases and so entered in the records.
- e) Should the applicant meet the conditions of Section 4 of this by-law, the Clerk may issue a salesperson's licence.

6.2 Exceptions

- a) Section 6 of this by-law does not apply to persons engaged in any of the objects mentioned in this by-law for charitable or patriotic purposes.
- b) Section 6 of this by-law does not apply to any person operating a business in a commercial or permitted zone providing the operation and/or dealing in second hand goods is a secondary business.
- c) Section 6 of this by-law does not apply to any person or person engaged in a garage, lawn, yard sale.

**Section 7**  
**Garage, Lawn or Yard Sales**

7.1 Definitions

- a) For the purposes of this by-law, a "garage sale" shall mean any general sale to the public of personal property from any premises in any zone as defined in the Town's Zoning By-Law 42-91 as amended and includes, but not limited to, "garage", "lawn", "yard", "attic", "driveway", "room", "backyard", "patio", "flea market" or "rummage" sale.
- b) A "person" shall include joint housekeeping units or groups hosting a garage sale for charitable or religious objects or purposes.

7.2 General Provisions

- a) No person shall hold more than two garage sales annually in the Town of Prescott.
- b) No person shall offer for sale property other than their personal property.
- c) No person shall hold a garage sale for more than two consecutive days.
- d) Such garage sales shall be limited to the hours of 8:00 a.m. to 9:00 p.m. on each of the days.
- e) A joint garage sale is permitted. A joint garage sale is a group of residents or tenants or an organization who hold a garage sale. The provisions of this by-law apply to joint garage sales.
- f) No person shall erect any sign other than at the location of the garage sale with the exception of directional signs.
- g) Directional signs may be posted provided they are removed immediately after the garage sale.
- h) No person shall fail to remove directional signs after the termination of his or her garage sale.
- i) Garage sales held for charitable or religious objects or purposes shall

comply with the provisions of this by-law.



**Section 8**  
**Taxis**

8.1 Definitions

- a) "Driver" shall mean and include any person engaged in driving or operating any taxi-cab or other vehicle for hire.
- b) "Owner" shall include any person having possession or control of a taxi-cab or other vehicle for hire, including possession or control by way of an instalment purchase agreement or rental agreement.
- c) "Taxi-Cab" shall mean any motor vehicle with at least four doors used for hire for the conveyance of passengers from one point to another point within the Town of Prescott or to any point beyond its limits.

8.2 General Regulations

- a) The Chief of Police shall be responsible for:
  - i) reporting to Council from time to time the performance of his or her duties under Section 8 of this by-law whenever requested to do so;
  - ii) to ascertain, from time to time and as often may be require by Council, whether the owners and drivers of taxi-cabs continue to comply with the provisions of this by-law and any other relevant legislation and regulations;
  - iii) to satisfy himself or herself as to the good character and responsibility of all applicants for licences;
  - iv) to ascertain if all applicants for owners and drivers licences have knowledge of the streets, public buildings and places within and adjacent to the Town.
  - v) to inspect and satisfy himself as to the efficiency, repair and condition of every taxi-cab in respect of which a licence is issued or applied for.
  - vi) to submit to Council a report respecting applications, recommendations for cancelation or suspension of any taxi licence;
- b) The maximum number of taxi-cabs that may be licensed under this by-law shall not exceed one taxi-cab for every six hundred residents of the Town. The number of residents shall be determined by Council and the population statistics provided by the Province of Ontario from time to time may be used

as a basis.

- c) If a taxi-cab owner or driver is convicted of any offence under
  - i) the *Criminal Code of Canada*, or
  - ii) the *Narcotic Control Act of Canada*, or
  - iii) the *Food and Drug Act of Canada*, or
  - iv) three times of any other infraction of any by-law of the Town of Prescott regulating traffic and parking in Prescott, or the *Highway Traffic Act* or *Liquor Licence Act*shall have his or her licence revoked immediately.
- d) The application for a licence shall include the following:
  - i) name, address, telephone number (home and business), age and driver's licence number of applicant
  - ii) the make, style, model, serial number, and licence number of the vehicle being used as a taxi
  - iii) and in the case of a driver, the name and address of his or her employer and a copy of the taxi-cab owner's licence.
- e) No person shall be granted a licence who is under the age of eighteen years.
- f) No person employing a taxi-cab shall refuse upon demand to pay the fare or charge authorized by this by-law.
- g) No person shall order a taxi-cab and not afterwards use the same without paying the driver the amount of taxi fare the driver is entitled to if he or she had performed the taxi service originally requested.

### 8.3 Taxi-Cab Owners

- a) No person shall own or operate a taxi-cab in the Town of Prescott without first having obtained from the Town a licence for so doing.
- b) No person shall own or operate a taxi-cab in the Town of Prescott unless he or she has a current and valid Ontario Driver's Licence issued by the Ministry of Transportation.

- c) No person shall be licensed as an owner unless he or she is registered as the "owner" of the said taxi-cab.
- d) A separate taxi-cab licence shall be required for each taxi-cab.
- e) All taxi-cab owners shall maintain offices and dispatch services within the limits of the Town. Such offices must be located in a commercial zone or a zone approved for such activities.
- f) In addition to subsection 8.2(d), every applicant for a taxi-cab owner's licence shall file the following documents with the Clerk
  - i) a duplicate copy or certified copy of a policy of insurance issued by a company authorized to issue such indemnity insurance policies in Ontario insuring the applicant and drivers for a period of at least one year in the amount of one million dollars (\$1,000,000) minimum. Such policy is to cover both liability and property;
  - ii) a copy of his or her current Ontario driver's licence;
  - iii) a duplicate copy or certified copy of the taxi-cab's certificate of safety issued and signed by a licensed mechanic authorized to do so.
- g) The taxi-cab owner shall advise the Clerk of any cancellations, expiry or changes of his or her insurance policy immediately.
- h) The owner of every licensed taxi-cab shall at all times keep his or her taxi-cab in clean and sanitary conditions and in good repair. The Chief of Police shall, upon breach of this provision, notify the owner thereof to cease operations until such time as the vehicle has been put in a clean and sanitary condition and is in good repair.
- i) Every owner of a licensed taxi-cab shall, upon purchase, exchange or receipt of another vehicle to be used in place of an existing taxi-cab, shall submit his or her vehicle to the Chief of Police for inspection and apply to the Clerk for a transfer of his or her taxi-cab owner's licence, subject to a satisfactory report by the Chief of Police.
- j) The owner of every licensed taxi-cab shall, when requested by the Chief of Police, produce a certificate of mechanical fitness certifying that the said vehicle is in a safe condition to be operated on a public highway.

- k) Upon renewal of every taxi-cab owner's licence, the owner shall provide a certificate of mechanical fitness certifying that the said vehicle is in a safe condition to be operated on a public highway.
- l) Every licensed taxi-cab shall at all times be equipped with at least five (5) serviceable tires of which one (1) shall be available as a spare.
- m) The owner of every licensed taxi-cab shall equip the unit with a roof sign. Such sign shall be installed on the roof of the taxi-cab while the vehicle is in use as a taxi-cab. The roof sign shall be illuminated when the vehicle is in operation as a taxi-cab from an hour after sunset to half an hour before sunrise.
- n) Every owner of a licensed taxi-cab shall, when required, submit his or her taxi for inspection to the Chief of Police and no owner shall at any time, when his or her taxi is not employed, prevent or hinder the Chief of Police or any police officer from entering such taxi-cab or upon such premises for the purpose of inspecting such vehicle.
- o) Every licensed taxi-cab owner shall file with the Clerk the names and addresses of each licensed driver employed by him or her.
- p) No owner shall require any driver to be on duty more than twelve (12) hours in any day and no owner shall be on duty as a driver more than twelve (12) hours in any day.
- q) An owner may sell his or her taxi-cab and its equipment to any person and upon such sale, the owner's licence in respect of such taxi-cab shall be terminated. The new owner shall follow the procedures set out in this by-law to obtain his or her taxi-owner's licence.
- r) Every owner of a licensed taxi-cab shall keep a record of the date, time, origin and destination of each trip, the driver and the taxi-cab used. Such records shall be retained for a period not less than twelve (12) months at the taxi stand from which the taxi-cab operates. Such records shall be produced immediately for examination when requested by any officer of the Prescott Police Services.

#### 8.4 Taxi-Cab Drivers

- a) All taxi-cab owners who drive a taxi-cab shall be subject to the provisions of subsection 8.4 of this by-law.
- b) No person shall drive a taxi-cab in the Town of Prescott without first having obtained from the Town a licence for so doing.
- c) No person shall drive a taxi-cab in the Town of Prescott unless he or she has a current and valid Ontario Driver's Licence issued by the Ministry of Transportation.
- d) No driver shall be employed in any other full-time occupation and drive a taxi-cab between the hours of 9:00 a.m. and 5:00 p.m., Monday to Friday inclusive, except on recognized holidays.
- e) No driver, while his or her taxi-cab is being operated for hire, shall consume any liquor or drug, or shall appear to have consumed any liquor or drug.
- f) Every driver shall have a clean and neat appearance and shall at all times be civil and well-mannered.
- g) Every driver shall give full information to any police officer requesting such in regards to any passenger, including names, addresses and other known information.
- h) Every driver shall serve the first person requiring a taxi-cab and, if the driver pleads that he/she has accepted a previous order, the driver shall provide the name of the person so engaged together with his/her address and time and place of engagement and appointment. But no driver shall be compelled to take any order if the person requesting service owes the owner or driver any previous fare or, in the opinion of the driver, the person requesting service is disorderly or questionable.
- i) Every driver shall punctually keep all his or her appointments and serve at any place in Town.
- j) Every driver shall take proper care and duty of all property delivered or entrusted to him/her for conveyance. Any property or money left in the taxi-cab shall be delivered immediately to the person owning the same, or in the case that the owner is not known or cannot be found, to the Prescott Police Services with all information regarding the found property and/or money.

- k) Every person in a taxi-cab shall be entitled to take with him or her baggage to a reasonable extent free of charge, and it shall be the duty of the driver to load and unload the same free of charge. Use of trunk space may be charged to the person as set out in Schedule "A" to this by-law.
- l) The driver shall be courteous to any passenger at all times and shall handle the luggage, property or other possessions with the utmost care.
- m) Every driver shall drive the taxi-cab in the most direct, travelled route from the point of engagement to the point of destination unless otherwise requested by the passenger.
- n) No driver, while conveying a paying passenger, shall have in the taxi-cab any person who is not a paying customer.
- o) No driver shall permit any immoral, indecent or disorderly conduct in the vehicle.
- p) No driver shall carry in the taxi-cab more persons, including the driver, than there are seats and seatbelts available.
- q) No driver shall publish or use a tariff or demand or receive rates and charges that exceed those authorized by this by-law. Upon request by a passenger, the driver shall provide for inspection a tariff card issued by the Town.
- r) Whenever a taxi-cab has been engaged by a paying passenger, the driver shall not allow other passengers in the taxi-cab without first obtaining the consent of the paying passenger.

**Section 9  
Cartage Vehicles**

9.1 Definitions

- a) "Cartage vehicle" shall mean a motor vehicle used for hire for the conveyance of goods.
- b) "Goods" may include any waste matter.

9.2 General Provisions

- a) No person shall operate a cartage vehicle without first having obtained from the Town a licence for so doing.
- b) All vehicles used for hire shall meet current standards for the operation of such vehicles.
- c) No person shall own or operate a cartage vehicle in the Town of Prescott unless he or she has a current and valid Ontario Driver's Licence issued by the Ministry of Transportation.
- d) The owner of every licensed cartage vehicle shall at all times keep his or her vehicle in good repair. The Chief of Police shall, upon breach of this provision, notify the owner thereof to cease operations until such time as the vehicle has been put in good repair.
- e) The owner of every licensed cartage vehicle shall, when requested by the Chief of Police, produce a certificate of mechanical fitness certifying that the said vehicle is in a safe condition to be operated on a public highway.
- f) A separate licence shall be required for each cartage vehicle.

**Section 10**  
**Places of Amusement, Billiards and Pool Room**

10.1 Definitions

- a) "Amusement machine" means any mechanical, electronic or computerized machine or device, or any combination thereof, intended for use as a game, entertainment or amusement which is offered for use to the public by any person and shall include a pinball machine, television game, shooting gallery, video game, or other similar devices but shall not include billiard or pool tables, games of chance as defined by the *Criminal Code of Canada* or any machine used only for the purpose of vending merchandise or services or playing recorded music.
- b) "Billiard or pool room" means any establishment or part thereof containing one or more billiard tables and/or pool tables.
- c) "Place of amusement" means any establishment or part thereof containing three (3) or more amusement machines made available to the public.
- d) "Holder of licence" shall mean the person, organization, corporation, partnership who keeps, owns or operates for gain a place of amusement licensed under this by-law.

10.2 General Provisions

- a) No person shall conduct, operate, carry on or permit to be carried on a place of amusement or a billiard or pool room without first having obtained from the Town a licence for so doing.
- b) An application for a place of amusement and/or a billiard or pool room shall include the proposed location, a diagram of the floor area, the number of machines/devices and the way the applicant proposes to operate and manage the premises.
- c) A place of amusement and/or billiard or pool room shall be located in any commercial zone in Prescott outside the radius of four hundred (400) metres of a school as defined by the *Education Act*.
- d) The application shall be circulated for review and comments to the Town's



Chief Building Official, the Chief of Police, the Fire Chief, the Lanark, Leeds and Grenville District Health Unit and any other department or agency as deemed advisable prior to Council's consideration of a licence.

- e) The holder of a licence who fails to operate his or her place of amusement for a period of thirty (30) consecutive days shall have his licence revoked. Council may extend this period of time at the reasonable request of the applicant.
- f) Every holder of a licence shall ensure that:
  - i) the premises have sufficient lighting to permit the safe use of the facility by the public;
  - ii) waste receptacles are accessible to the users within the premise;
  - iii) an adult person is present at all times when the place of amusement and/or billiard or pool room is open to the public to supervise the use and activities within the facility;
  - iv) the premises are kept clean and sanitary at all times;
  - v) the place of amusement and/or billiard or pool room is operated and managed in such a manner that will prevent the creation of any nuisance and adverse impacts on abutting and neighbouring businesses, residences and other establishments; and
  - vi) the protection of the public health and safety is maintained at all times.
- g) No licence issued pursuant to Section 10 of this by-law shall be transferred.
- h) The holder of the licence shall permit the premises to be inspected at all reasonable hours by Town officials referred to in this by-law.
- i) The holder of a licence shall be permitted to operate the place of amusement and/or billiard or pool room between the following hours:
  - i) Monday through Saturday inclusive 9:00 a.m. to 11:00 p.m.
  - ii) Sunday 12:30 p.m. to 11:00 p.m.
- j) The holder of the licence shall ensure that three or more persons shall not stand in a group or near to each other on any street or sidewalk abutting the premise.

- k) The holder of the licence shall ensure that no person or persons situate themselves in such a manner as to obstruct the free passage of pedestrians on outside streets, sidewalks or boulevards.

### 10.3 Exceptions

- a) This by-law does not apply to the following establishments:
  - i) premises which are licensed under the *Liquor Licence Act* and its primary use is not a place of amusement, billiard or pool room;
  - ii) establishments which sell amusement machines, billiard or pool tables provided that such machines and tables are not available on the premises for use by the general public;
  - iii) establishments where amusement machines only are made available as an accessory use, provided that the floor area occupied by the amusement machines does not exceed five (5) percent of the total floor area of the establishment, but in no case shall the number of machines exceed three (3);
  - iv) premises with amusements that are licensed and/or operated by the Ontario Lottery Corporation; and
  - v) premises with amusements that are contrary to the *Criminal Code of Canada* or prohibited by law.

**Section 11**  
**Carnivals, Circuses, Midways**

11.1 Definitions

- a) "Carnival" shall mean and include without limiting the generality of the term any travelling fair or festivity, exhibition of works.
- b) "Circus" shall mean and include without limiting the generality of the term any travelling show of horses, riders, acrobats, clowns, performing animals, trainers and other people.
- c) "Midway" shall mean and include without limiting the generality of the term any mechanical and/or computerized rides, merry-go-rounds, switchback railways, carousels, roller coasters and accompanying concession stands and games.

11.2 General Provisions

- a) No person shall operate a carnival, circus or midway within the Prescott without first having obtained from the Town a licence for so doing.
- b) The applicant for a licence must provide the following documents with the application:
  - i) a duplicate copy or certified copy of adequate insurance with a minimum of one million dollars liability (\$1,000,000);
  - ii) written permission from the Chief of Police;
  - iii) written evidence that compliance will be made with the requirements of the Lanark, Leeds and Grenville District Health Unit;
  - iv) evidence of sponsorship by a recognized local organization or group of people for a charitable purpose;
  - v) the proposed dates, times of operation and location of the carnival, circus or midway; and
  - vi) any other information Council may request to ensure that the carnival, circus or midway will be conducted in a safe, sanitary and lawful manner.
- c) The holder of the licence shall be responsible for all waste disposal and adequate washroom facilities unless otherwise being provided by a

person/organization other than the licence holder.

- d) The carnival, circus or midway shall be operated in a safe and sanitary manner and all animals performing or used in the carnival, circus or midway shall be treated in an humane manner consistent with the *Ontario Society for the Prevention of Cruelty to Animals Act* and any other federal, provincial or municipal laws.

**Section 12  
Vicualling Houses**

12.1 Definitions

- a) "Vicualling house" shall mean and include any premise where food is prepared and/or offered for sale or sold to the public for immediate consumption.

12.2 General Provisions

- a) No person shall keep or operate any vicualling house without first having obtained from the Town a licence for so doing.
- b) No licence shall be issued until the applicant provides the Town with a copy of a satisfactory report issued by the Medical Officer of Health indicating that the premise is properly equipped for supplying and serving food to the public in accordance to the *Health Protection and Promotion Act* and its regulations.
- c) Any licence under Section 12 of this by-law may be revoked or suspended at any time upon a report of the Medical Officer of Health stating that the holder of the licence has failed to comply with the provisions of the *Health Protection and Promotion Act* and its regulations.

12.3 Exceptions

- a) The following premises in Prescott are exempt from Section 12 of this by-law:
  - i) Hotels licensed under the *Liquor Licence Act*;
  - ii) Private homes where boarders are kept under private arrangements;
  - iii) Lodges, churches and other societies, services, clubs and organizations operating without the purpose of gain and/or profit; or
  - iv) premises where no food other than bottled drinks are offered for sale or sold.

**Section 13**  
**Adult Entertainment**

13.1 Definitions

- a) "Adult entertainment parlour" means any premises or part thereof in which are provided, in pursuance of a business, services designed to appeal to erotic or sexual appetites or inclinations.
- b) "Adult entertainment performer" means any individual who provides services designed to appeal to erotic or sexual appetites or inclinations in an adult entertainment parlour pursuant to a business, through performing, or through being the subject of exhibition, viewing or an encounter.
- c) "Business" includes any trade, calling or occupation.
- d) "Certificate of proof of age" means an original or duly certified copy of a legal birth certificate or other certificate or card issued pursuant to a statute or regulation of the Government of Canada or of the Province of Ontario attesting to the date of birth or age of the individual referred to therein.
- e) "Operator" refers to any person who alone or with others operates, manages, supervises, runs or controls an adult entertainment parlour, and "operate", "operation" and other works of like import or intent shall be given a corresponding meaning.
- f) "Owner" includes a person who alone or with others has a right to possess or occupy, or actually does possess or occupy, an adult entertainment parlour and includes a lessee of an adult entertainment parlour or premises upon which an adult entertainment parlour is located.
- g) "Partial nudity" means clothed in a manner that leaves uncovered, or visible through less than full opaque clothing any portion of:
  - i) genitals or the pubic area;
  - ii) buttocks; or
  - iii) a breast, below the top of the areola, of a female person.
- h) "To provide" includes to furnish, perform, solicit or give services designed to appeal to erotic or sexual appetites or inclinations.

- i) "Services" includes activities, facilities, performances, exhibitions, viewing and encounters but does not include the exhibition of film approved under the *Theatres Act*.
- j) "Services designed to appeal to erotic or sexual appetites or inclinations" includes:
  - i) services of which a principal feature or characteristic is the nudity or partial nudity of any person; and
  - ii) services in respect of which the word "nude", "naked", "topless", "bottomless", or "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

### 13.2 General Provisions

- a) There shall be taken out by every person carrying on or engaging in or intending to carry on or engage in the business of:
  - i) adult entertainment performer;
  - ii) operator of an adult entertainment parlour; or
  - iii) owner of an adult entertainment parlour.

a licence from the Town authorizing them respectively to carry on their respective business in the Town of Prescott, for which licence the person obtaining the same shall pay to the Clerk at the time of taking out such licence the fee fixed by this by-law.
- b) No person shall, in the Town of Prescott, act or perform as an adult entertainment performer, or act as the owner or operator of an adult entertainment parlour, or carry on or engage in any such business, without first having obtained from the Town a licence for so doing.
- c) No person shall, in the Town of Prescott, except under the authority granted by a licence issued under this by-law, engage in or carry on business as:
  - i) adult entertainment performer;
  - ii) operator of an adult entertainment parlour; or
  - iii) owner of an adult entertainment parlour.

- d) An owner of an adult entertainment parlour who is also the operator of such parlour shall be required to be licensed under both classes of licence, and to pay the fee in respect of both.
- e) A separate licence shall be required in respect of each premises, building or place used as or for the purpose of an adult entertainment parlour.
- f) A person may apply to the Council for a licence granting authority to such person to be engaged in or carry on one or more of the following classes of businesses:
  - i) adult entertainment performer;
  - ii) operator of an adult entertainment parlour; or
  - iii) owner of an adult entertainment parlour.
- g) Despite subsection 13.2(f), no individual under the age of eighteen (18) years may apply for or be licensed as an adult entertainment performer.
- h) Every person applying for a licence under subsection 13.2(f) shall provide the following information:
  - i) name and address of the applicant;
  - ii) name and address of individual signing the application form, and the intended licensee, if not already provided in the application form;
  - iii) name and address of the owner of any building, premises, or place upon, in or from which any business is to be carried on pursuant to the licence applied for;
  - iv) any business name to be used in relation to the business if different from the name of the applicant;
  - v) telephone number of the business;
  - vi) nature of the class of business to be carried on pursuant to the licence, in accordance to the provisions of this by-law;
  - vii) particulars of the class and status of any licence or any other person under the *Liquor Licence Act* in respect of any building, premises or place, in or at which the business activities for which the licence is sought is to be carried on or engaged in by the applicant;
  - viii) any other information relevant to the application or the business to which the occupation relates, as may be required by Council.
- i) No person shall own or operate an adult entertainment parlour outside a



Commercial zone in accordance with the Town's zoning regulations.

- j) Every individual applying for a licence under this by-law shall, at the time of making such application, produce to the Clerk a certificate of proof of age relating to such individual, and shall include in the application form the individual's name, the number and description of such certificate, and any age or date of birth shown on it.
- k) Where the applicant is a corporation or partnership, the applicant shall provide, on the application form, such information relating to the corporation or partnership, respectively as may be required by the Council and without limiting the generality of the foregoing, such information shall include the following:
  - i) where the applicant is a partnership, the names and addresses of all the partners;
  - ii) where the applicant is a corporation, the names and addresses of all officers and directors of the corporation, a list showing the name and address of every shareholder of the corporation holding more than 10% of the equity shares of the corporation;
  - iii) a list showing the name and address of every person having a beneficial interest in the business of the applicant;
  - iv) the name and address of every person having responsibility for the management or operation of the business of the applicant.
- l) Where more than 10% of the equity shares in a corporation applying for a licence are held by another corporation, the applicant shall include in the application form such information pertaining to that corporation similar to that required for the applicant, and the requirements of this subsection shall also apply to that corporation.
- m) The requirements of this by-law with respect to an application for a licence shall apply as well to an application for a renewal of a licence or for a new licence to replace a licence previously terminated.
- n) An applicant for a licence under this section of the by-law is entitled to be issued such licence unless:
  - i) having regard to the applicant's financial position, the applicant cannot reasonably be expected to be financially responsible in the

- ii) conduct of the applicant's business;
  - ii) the past or present conduct of any person referred to in the application affords reasonable grounds for belief that the applicant will not carry on the business in accordance with the law and with integrity and honesty;
  - iii) the applicant, or any other person making an application or providing information in support thereof on behalf of an applicant, makes a false statement or provides false information in an application under this section;
  - iv) activities being carried on by the applicant, or to be carried on pursuant to the licence sought are, or will be, in contravention of this by-law or any other law;
  - v) the premises, accommodation, equipment or facilities in respect of which the licence is to be issued, are not, or will not be, in compliance with this by-law or any other law; or
  - vi) the applicant, where an individual, is under the age of eighteen (18) years.
- o) i) The Clerk shall make such investigations or inquiries with respect to any application for a licence under this section, as he or she may see fit, and may obtain such information relevant to such application as he or she feels may be warranted, and may in the case of an application for an adult entertainment performer where there does not appear to be grounds pursuant to which Council might refuse to issue a licence, pursuant to the criteria referred to in this section, issue such licence in accordance with this by-law.
- ii) Where the investigation or any other information available to the Clerk discloses reasonable grounds to believe that the applicant may not be entitled to the issuance of a licence on any grounds referred to in this by-law, or by reason of any other provision of this by-law or applicable law, the Clerk shall refer the matter to the Council which shall provide the applicant an opportunity for a hearing with respect to the application, as required by law.
- iii) All applications for adult entertainment parlour owner licences and operator licences shall be considered by Council.
- p) Every licence issued under this section of the by-law is personal to the

licensee and shall not be transferred or assigned.

- q) Notwithstanding subsection 1.3 of this by-law, the following provisions apply in addition to section 13:
- i) Where an enforcement officer has reasonable grounds to believe that any person has contravened any provisions of this by-law, or any other law, including the *Criminal Code of Canada*, involving an individual under the age of eighteen (18) years in or at an adult entertainment parlour, such enforcement officer shall, in addition to commencing any prosecution based upon such grounds, provide a report in writing to the Clerk, and the Council may hold a hearing to consider whether or not the licence of any person who or which owns or operates such adult entertainment parlour should be revoked.
  - ii) Where the Council concludes, after a hearing, that an individual under the age of eighteen (18) years has been found at or in an adult entertainment parlour, such conclusion may, in the in the discretion of the Council, acting according to law, constitute ground for the revocation of the licence of the owner or operator of such adult entertainment parlour.
- r) No owner of an adult entertainment parlour shall permit any person other than a licensed operator to operate such adult entertainment parlour.
- s) No owner or operator shall permit the provision of services designed to appeal to erotic or sexual appetites or inclinations upon or at the adult entertainment parlour owned or operated respectively by such person, by any individual other than a licensed adult entertainment performer.
- t) No adult entertainment performer shall provide services designed to appeals to erotic or sexual appetites or inclinations in any adult entertainment parlour unless the owner, and the operator are licensed as owner or operator respectively under this by-law.
- u) No person not being the owner of an adult entertainment parlour shall operate the adult entertainment parlour unless the owner of the adult entertainment parlour is licensed as owner under this by-law.

- v) No licensee or other person required to be licensed under this by-law shall, in carrying on the business in respect of which such licence is required, employ or use the services of any person required to be licensed under this by-law or any other law unless such person is so licensed.
- w) No owner or operator of an adult entertainment parlour:
  - i) shall permit any individual under the age of eighteen (18) years to enter or remain in the adult entertainment parlour or any part thereof;
  - ii) shall permit any individual under the age of eighteen (18) years to act or appear as an adult entertainment performer or to provide services, at an adult entertainment parlour; or
  - iii) shall provide services at an adult entertainment parlour to an individual under the age of eighteen (18) years.
- x) No individual under the age of eighteen (18) year shall act or perform as an adult entertainment performer at any adult entertainment parlour.
- y) Every owner and every operator of an adult entertainment parlour and every adult entertainment performer shall provide a certificate of proof of age to any enforcement officer who requests it.

**Section 14**  
**Boats for Hire**

14.1 General Provisions

- a) No person shall operate a boat for hire without first having obtained from the Town a licence for so doing.
- b) All boats used for hire shall meet current standards for the operation of such boats and meet all marine, navigational and safety laws and regulations and any other applicable laws.
- c) The owner of every licensed boat shall at all times keep his or her boat in good repair. Upon breach of this provision, the Clerk shall notify the owner thereof to cease operations until such time as the boat has been put in good repair.
- d) A separate licence shall be required for each boat for hire.
- e) The following documents shall be submitted by the applicant when applying for a licence:
  - i) a copy of comprehensive liability and boat insurance in the amount of no less than \$1,000,000;
  - ii) a proposed operation plan, including where he or she proposes to operate from, number of passengers, hours of operations.
  - iii) a letter certifying that the operator, or in the case of more than one operator, operators of the boat for hire are qualified to operate the said boat for the purpose of transporting passengers, and knowledgeable of the waterways to be used.
- f) Council reserves the right to determine the maximum number of boats for hire based upon the total number of applicants, number of passengers and market demands.

14.2 Exceptions

- a) Section 14 of this by-law does not apply to boats for hire for non-passenger purposes.

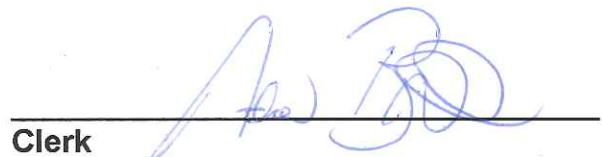
**Section 15  
Enactment**

This by-law being a consolidation of the Town's licensing by-law for certain businesses and occupations is hereby enacted.

All previous licensing and regulating by-laws and resolutions of Council relating to the certain businesses and occupations found in this by-law are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
3rd DAY OF APRIL, 1995**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

**Schedule "A"**

**Schedule of Fees**  
(March 4, 1996<sup>1</sup>)

**Transfer of Licence**

1. Any licence \$25.00 or greater, the transfer fee shall be \$20.00.
2. Any licence less than \$25.00, the transfer fee shall be \$10.00.

**Section 2 - Transient Traders**

1. The annual fee for a transient trader's licence by a farmer, resident in Ontario who offers for sale only that produce of his own farm shall be \$5.00.
2. The fee to be paid for a transient trader's licence to operate a business in the Town of Prescott shall be \$500.00.

**Section 3 - Refreshment Vehicles**

1. The annual fee for a motorized refreshment vehicle licence shall be \$500.00 per vehicle.
2. The annual fee for a motorized ancillary refreshment vehicle licence shall be \$500.00 per vehicle. When the applicant and owner of such canteen pays a business tax to the Town of Prescott for premises used in connection with the operation of the motorized ancillary refreshment vehicle, the annual fee shall be \$1.00 per vehicle.
3. The annual fee for a non-motorized refreshment vehicle licence shall be \$200.00 per vehicle.
4. The annual fee for a non-motorized ancillary refreshment vehicle licence shall be \$100.00 per vehicle.

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<sup>1</sup> Council amended Schedule of Fees at meeting March 4, 1996. Various increases in licence fees.

#### **Section 4 - Salesman, Hawkers and Pedlars**

1. The annual fee for a salesman, hawkers and pedlars licence shall be \$600.00. If the application is submitted after June 30 of the year, the fee shall be \$400.00 for the remainder of the year.
2. The fee for a "Specific Location Daily Licence" shall be \$300.00 for the day specified or consecutive days specified (maximum four days).
3. Where an application is made for a salesman, hawkers and pedlars licence by a bona fide charitable organization, The fee to be paid for such licence shall be \$1.00 for the year in which it is issued or any part thereof.

#### **Section 5 - Auctioneers**

1. That annual fee for an auctioneer's licence shall be \$50.00.
2. The auctioneer's licence fee for a daily auction event/sale shall be \$25.00.

#### **Section 6 - Second Hand Goods**

1. The annual fee for a second hand goods licence shall be \$25.00.

#### **Section 7 - Garage, Lawn or Yard Sales**

1. There is no charge for a garage, lawn or yard sale.

#### **Section 8 - Taxis**

1. The annual fee for a taxi-cab owner's licence shall be:
  - for the first vehicle, \$75.00, and
  - for each additional vehicle, \$50.00.
2. The annual fee for a taxi-cab driver's licence shall be \$30.00.

#### **Section 9 - Cartage Vehicles**

1. The annual fee for a cartage vehicle licence shall be:
  - for the first vehicle, \$60.00, and
  - for each additional vehicle, \$40.00.



**Section 10 - Places of Amusement, Billiards and Pool Rooms**

1. The annual fee for a place of amusement licence shall be \$200.00.
2. The annual fee for a billiard or pool room licence shall be \$200.00.
3. The annual fee for both (place of amusement and billiard/pool room) licences shall be \$350.00.

**Section 11 - Carnivals, Circuses and Midways**

1. The fee for a carnival, circus and/or midway licence shall be \$35.00 per day or part day the licensed carnival, circus and/or midway is operating in Prescott.

**Section 12 - Victualling Houses**

1. The annual fee for a victualling house licence shall be \$20.00.

**Section 13 - Adult Entertainment Parlours**

1. The annual fee for an adult entertainment parlour owner's licence shall be \$300.00.
2. The annual fee for an adult entertainment parlour operator's licence shall be \$300.00.
3. The annual fee for an operator and owner licence if the operator and owner are the same person shall be \$500.00.
4. The fee for an adult entertainment performer licence shall be \$25.00 for a period of one year from the date of issuance.

**Section 14 - Boats for Hire**

1. The annual fee for a boat for hire licence shall be \$35.00.

**Schedule "A"**

**Schedule of Fees**  
(April 3, 1995)

*See March 4, 1996*

**Transfer of Licence:**

1. Any licence \$25.00 or greater, the transfer fee shall be \$10.00.
2. Any licence less than \$25.00, the transfer fee shall be \$5.00.

**Section 2 - Transient Traders:**

1. The annual fee for a transient trader's licence by a farmer, resident in Ontario who offers for sale only that produce of his own farm shall be \$5.00.
2. The fee to be paid for a transient trader's licence to operate a business in the Town of Prescott shall be \$500.00.

**Section 3 - Refreshment Vehicles**

1. The annual fee for a motorized refreshment vehicle licence shall be \$500.00 per vehicle.
2. The annual fee for a motorized ancillary refreshment vehicle licence shall be \$500.00 per vehicle. When the applicant and owner of such canteen pays a business tax to the Town of Prescott for premises used in connection with the operation of the motorized ancillary refreshment vehicle, the annual fee shall be \$1.00 per vehicle.
3. The annual fee for a non-motorized refreshment vehicle licence shall be \$50.00 per vehicle.
4. The annual fee for a non-motorized ancillary refreshment vehicle licence shall be \$150.00 per vehicle.

**Section 4 - Salesman, Hawkers and Pedlars**

1. The annual fee for a salesman, hawkers and pedlars licence shall be \$500.00. If

the application is submitted after June 30 of the year, the fee shall be \$300.00 for the remainder of the year.

2. The fee for a "Specific Location Daily Licence" shall be \$250.00 for the day specified or consecutive days specified (maximum four days).
3. Where an application is made for a salesman, hawkers and pedlars licence by a bona fide charitable organization, The fee to be paid for such licence shall be \$1.00 for the year in which it is issued or any part thereof.

#### **Section 5 - Auctioneers**

1. That annual fee for an auctioneer's licence shall be \$25.00.
2. The auctioneer's licence fee for a daily auction event/sale shall be \$10.00.

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  - for the first vehicle, \$60.00, and
  - for each additional vehicle, \$30.00.
2. The annual fee for a taxi-cab driver's licence shall be \$25.00.

#### **Section 9 - Cartage Vehicles**

1. The annual fee for a cartage vehicle licence shall be:
  - for the first vehicle, \$40.00, and
  - for each additional vehicle, \$30.00.



**Section 10 - Places of Amusement, Billiards and Pool Rooms**

1. The annual fee for a place of amusement licence shall be \$150.00.
2. The annual fee for a billiard or pool room licence shall be \$150.00.
3. The annual fee for both (place of amusement and billiard/pool room) licences shall be \$250.00.

**Section 11 - Carnivals, Circuses and Midways**

1. The fee for a carnival, circus and/or midway licence shall be \$25.00 per day or part day the licensed carnival, circus and/or midway is operating in Prescott.

**Section 12 - Victualling Houses**

1. The annual fee for a victualling house licence shall be \$20.00.

**Section 13 - Adult Entertainment Parlours**

1. The annual fee for an adult entertainment parlour owner's licence shall be \$250.00.
2. The annual fee for an adult entertainment parlour operator's licence shall be \$250.00.
3. The annual fee for an operator and owner licence if the operator and owner are the same person shall be \$425.00.
4. The fee for an adult entertainment performer licence shall be \$25.00 for a period of ~~six months~~ *one year* from the date of issuance.

**Section 14 - Boats for Hire**

1. The annual fee for a boat for hire licence shall be \$35.00.