



City of Kingston
Report to Administrative Policies Committee
Report Number AP-25-001

To: Chair and Members of the Administrative Policies Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Kyle Compeau, Director, Licensing & Enforcement Services
Date of Meeting: November 13, 2025
Subject: Business Licensing By-Law Amendments

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

This report is to request Council's approval to repeal and replace By-Law Number 2006-213, "A By-Law to License, Regulate and Govern Certain Businesses" (business licensing by-law) attached as Exhibit A. Since 2006, the business licensing by-law has undergone minor amendments to respond to changing legislation, however a comprehensive review has not taken place for several years.

The *Municipal Act, 2001* gives municipalities authority to license, regulate and govern businesses operating within the municipality for the purposes of health and safety, nuisance control, and consumer protection. Previously, there was a requirement for municipalities to re-enact licensing by-laws every five years, and while the *Municipal Act, 2001* no longer has this requirement, periodic reviews of the by-law are deemed beneficial to keep current with changes in business activities and legislation.

Through this report, staff are recommending the addition of two business licence classifications, and the redefining of several others to align with current and best practices. The by-law has also undergone a major formatting update to keep it consistent with other municipal by-laws, which has necessitated the repeal and replacement of the existing by-law. As part of the review, staff have also identified by-laws that can be consolidated into the business licensing by-law,

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allowing for the repeal of By-Law Number 2003-4, “A By-Law to License, Regulate and Govern Certain Trades and Occupations” attached as Exhibit B and By-Law Number 93-250, “A By-Law to Authorize the Lease of City Streets for the Purpose of Operating Motorized Refreshment Vehicles, and to Authorize the Adoption of Guidelines or Dealing with Applications, and to Authorize Motorized Refreshment Vehicle Regulations” attached as Exhibit C.

Taxi licensing is not included in this report as staff are planning to bring an amendment to the by-law by Q2 2026 ahead of the September 2026 transition.

Staff are recommending that Council approve the draft Business Licensing By-Law and the proposed Fees and Charges, in principle, as per Exhibit E to allow for additional time to process the recommended changes for the January 1st, 2026, licence renewal billing cycle.

Recommendation:

That the Administrative Policies Committee recommends to Council:

That the draft Business Licensing By-Law, attached as Exhibit D to Report Number AP-25-001, be approved; and

That Council approve, in principle, the proposed fees and charges outlined in Exhibit E, to be included in the 2026 Fees and Charges By-Law; and

That By-Law Number 2020-69, “A By-Law to Establish a Process for Administrative Penalties”, as amended, be further amended, as per Exhibit F to Report Number AP-25-001; and

That Council authorize the City Solicitor to submit an application to the Regional Senior Justice of the Ontario Court of Justice to establish set fines for the Business Licensing By-Law; and

That Council approve the ongoing designation of the following locations as fixed sites for the purpose of operating motorized refreshment vehicles pursuant to the Business Licensing By-Law:

- a) South side of Union Street between 5 Field Company Lane and Division Street (formerly referenced as “in the area of Parking Meter Number 708 but no further west than the projection of the Division Street Right of Way”); and
- b) North side of Union Street between 60 metres and 70 metres east of University Avenue (formerly referenced as “in the area of Parking Meter Number 719”).

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate & Emergency Services	<input checked="" type="checkbox"/>
David Fell, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	<input checked="" type="checkbox"/>
Jenna Morley, City Solicitor	<input checked="" type="checkbox"/>
Ian Semple, Commissioner, Transportation & Infrastructure Services	p.p. <input checked="" type="checkbox"/>

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Options/Discussion:**Background**

The *Municipal Act, 2001* gives municipalities authority to license, regulate and govern businesses operating within the municipality for the purposes of health and safety, nuisance control, and consumer protection. In 2006 Council enacted By-Law Number 2006-213, "A By-Law to License, Regulate and Govern Certain Businesses" (business licensing by-law) and it has been amended from time to time to add or modify regulations. An example of this is in 2018 when Bill 59, *Putting Consumers First Act, 2008* amended the *Payday Loans Act, 2008* and the *Municipal Act, 2001* to expand municipal authority to limit the number and location of payday loans establishments in the City, and as a result payday loan establishments were added to the business licensing by-law.

While the *Municipal Act, 2001* no longer requires that licensing by-laws be re-enacted every five years, periodic reviews of the by-law are deemed beneficial to keep current with changes in business activities and legislation.

The current by-law regulates 24 separate business classes as follows:

- Alarm Installation and Monitoring
- Amusement Arcades
- Auctioneers
- Automotive Repair
- Bill Posters
- Billiard Tables
- Food Service Premises
- Gasoline Sales
- Hawkers and Peddlers
- Lodging Houses
- Meat and Fish Sales
- Pawnbrokers
- Payday Loan Establishments
- Pet Stores
- Refreshment Vehicles
- Salons
- Specific Day Sales and/or Purchases

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- Specific Location Sales
- Street Performers
- Theatres
- Tobacco Sales
- Adult Entertainment Establishments
- Adult Entertainment Attendants
- Adult Entertainment Stores

Since 2006, business activities and regulations have evolved which has prompted a thorough review of the business licensing by-law. This review considered the regulations for current and potential business classes through the lens of best practices, municipal benchmarking, and public and stakeholder engagement. Through this process, several business classes were amalgamated, some were deemed redundant for various reasons identified in this report, and some were added or expanded in scope. One of the new business classes being proposed is salvage yards, or scrap metal dealer establishments, as directed by Council on November 7, 2023:

Whereas instances of reported thefts of copper wire, including telecommunication wires, has increased dramatically over the last nine months resulting in over 60 reported thefts; and

Whereas these thefts are perpetrated for the high sale value of copper in salvage yards for cash; and

Whereas the rate of recidivism is high given that offenders are not often incarcerated for these crimes; and

Whereas the loss of services when offenders cut and remove wires creates a safety concern for residents who cannot contact emergency services or safeguard their properties with active alarm systems; and

Whereas there is a significant cost to the municipality, property owners and business owners to replace wire and repair damaged poles as well as a burden on police resources taking officers away from focusing on other investigations; and

Whereas the Ontario Court of Justice continues to experience an unprecedented backlog of cases as a result of the COVID-19 pandemic, resulting in the withdrawal or judicial staying of charges due to persons not being tried within a reasonable time; and

Whereas there are several provinces that have enacted legislation to regulate the operation of salvage yards including the requirement to record information of individuals selling materials, reporting suspected stolen materials to police, and limiting cash transactions;

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Therefore Be It Resolved That as part of the ongoing staff review of City of Kingston By-Law Number 2006-213, "A By-Law to License, Regulate and Govern Certain Businesses", Council direct staff to provide a system of licences with respect to salvage yard businesses; and

That Council direct Mayor Paterson to approach the Regional Mayors Council to discuss options to regulate salvage yard businesses throughout the region in an effort to diminish the profitability of the sale of stolen metals; and

That Kingston City Council further call on the Ontario Government to enact legislation that will regulate salvage yards to limit cash transactions and require strict record keeping to assist police in locating and prosecuting offenders; and

That Kingston City Council expresses its concern that the nature of copper wire theft is not treated more seriously by the Courts, which routinely grant bail to repeat offenders, given the serious implications these acts have on the safety of community members; and

That Kingston City Council call on the Ontario Government to invest more resources into the Ontario Court of Justice to prioritize public safety and to ensure that offenders are held accountable for the offences they commit; and

That a copy of this motion be sent to The Honourable Doug Ford, Premier of Ontario, The Honourable Doug Downey, Attorney General of Ontario, and The Honourable Paul Calandra, Minister of Municipal Affairs and Housing.

While most of the other provisions of the business licensing by-law only required minor housekeeping amendments, it was identified that the by-law required significant updates to keep it current and consistent with other municipal by-laws. In addition, this report recommends consolidating By-Law Number 2003-4, "A By-Law to License, Regulate and Govern Certain Trades and Occupations" and By-Law Number 93-250, "A By-Law to Authorize the Lease of City Streets for the Purpose of Operating Motorized Refreshment Vehicles, and to Authorize the Adoption of Guidelines or Dealing with Applications, and to Authorize Motorized Refreshment Vehicle Regulations" with the proposed business licensing by-law. Minor amendments to ensure the references are kept updated and accurate are required to the Administrative Monetary Penalties. As such, it is recommended that By-Law Number 2006-213 be repealed and replaced with a new business licensing by-law, attached as Exhibit D. References to repeal the aforementioned by-laws are included in the proposed new by-law.

Analysis

The comprehensive review of the business licensing by-law resulted mostly in housekeeping amendments to the current regulations; however, some significant changes were made to bring forward two new businesses classes and to consolidate two existing by-laws into the business licensing by-law.

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Summary of Changes

The current business licensing by-law includes general regulations in each business class schedule including reasons for licensing, the fee, and the departments to which licence applications are circulated. The new by-law is drafted to expand the general regulations section in a way that is less prescriptive and provides the Director some discretion when circulating applications.

Language was also introduced to give the Director broader authority, including the ability to:

- Circulate applications to internal teams for approval, as appropriate.
- Waive licensing fees for social enterprises whose objectives align with the strategic priorities of Council or are City-supported initiatives.

Businesses Removed

Alarm Installation/Alarm Monitoring:

Effective September 21, 2023, the Kingston Police Services Board passed [By-Law Number 23-01](#) which transferred the authority to establish regulations and impose fees and charges for police emergency responses relating to alarm systems from the City to the Board. Alarm registrations are now available on the Kingston Police website for alarm businesses and the Board reports revenue from fees and charges imposed as part of the annual budget submissions to Council. While this business classification type is being removed from the business licensing by-law, it continues to be regulated under the authority of the Kingston Police Services Board.

Bill Posters:

Bill poster licences applied to “every person who posts or distributes any notice, poster, placard, bill or document of any kind, regardless of the material upon which the information appears”. This type of activity was originally regulated for the purposes of nuisance control, and to prevent accumulation of litter on City property. In 2022, By-Law Number 2004-190 “A By-Law to Regulate the Use of City Streets” (Streets By-Law) was amended to provide the municipality with a minimum of seven public notice boards for attaching posters, bills, advertisements or notices and to include additional regulations for maintaining the boards. Since digital marketing is now the most prominent method for advertising, and with the rise in prominence of social media and online public platforms, the need to regulate this type of activity is no longer justifiable.

Businesses Reclassified

Reviewing and clarifying definitions was a large part of this review. In doing so, it became apparent that there were some overlapping regulations that could easily be amalgamated into a broader licence classification. These newly defined regulations encompass the integral aspects

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of the current regulations but create a more streamlined process for handling these types of applications. Following is a list of all new classifications.

Current Classifications	New Classification
Adult Entertainment Attendants	Adult Entertainer
Adult Entertainment Stores	Adult Goods Establishment
Adult Entertainment Establishments	Adult Services Establishment
Arcades	
Billiards	Amusement Establishment
Cinema	
Lodging Houses	Boarding, Lodging or Rooming House
Salons	Esthetician Services Establishment
Gasoline Sales	Gas Station
Food Service Premises	Food Premises
Meat & Fish Sales	
Refreshment Vehicles	Food Vendor
Automotive Repair	Motor Vehicle Repair Establishment
Pawnbrokers	Pawnbroking Establishment
Pet Stores	Pet Sales Establishment

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Plumbing Contractors	Plumber Services Establishment
Tobacco Sales	Tobacco Retail Establishment
Auctioneer	
Hawker & Peddler	Transient Trader
Specific Day Sales	
Specific Location Sales	

Business Types Added

Scrap Metal Dealer Establishment:

On November 7, 2023, Council directed staff to provide a system of licences with respect to salvage yard businesses (scrap metal dealer establishments).

Scrap metal dealer establishments are commonly regulated in Ontario municipalities, including Brantford, Barrie, Hamilton, London, Ottawa, Peterborough, Thunder Bay and Toronto. The municipal regulations cover a wide range of requirements for salvage yards, including requirements for fencing and enclosures, lighting, chemical spill mitigations, etc. Most commonly, the regulations require business owners to keep records of transactions and to ensure reasonable effort is made to collect seller identification.

In September 2024, staff reached out to the scrap metal dealers within the community and informed them of the proposed regulations as well as the potential licensing impacts.

Businesses were offered the opportunity to provide their feedback and ask questions by meeting with staff either in person or virtually, or to submit comments via email. KIMCO Steel Sales Ltd. requested an in-person meeting on October 11, 2024. Below is a summary of the meeting:

- KIMCO is generally supportive of the proposed regulation and encourages the municipality to take action to address metal theft.
- Provided feedback on the definition of metals to provide clarity on which types were meant to be tracked.
- Noted that they and other scrap metal dealers in Kingston are already taking many precautions to prevent sales of stolen metal and are working with Kingston Police to assist in any investigation.

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- Asked for clarity in purchasing metal from individuals vs. companies, as many of their sales come from large companies or well-known contractors.
- Asked for clarity on the interpretation of “reasonable measures”.
- Asked for clarity regarding non-ferrous metals that are returned in their container services.
- Made suggestions regarding the application requirements.
- Asked that the City communicate with neighbouring municipal governments and scrap metal dealer establishments so that they are aware that the issues that Kingston is facing and addressing via the regulations are not carried over to the other jurisdictions.

As directed by Council, in consultation with local scrap metal dealer establishments, and to address the increasing thefts of copper and telecommunication wire and in the interest of public safety, the proposed scrap metal dealer establishments schedule requires owners to:

- Post required information regarding the collection of information by a police officer or other law enforcement agency;
- Obtain photo identification for a buyer or seller of scrap metal with a full name and address, including proof of age of majority;
- Record the buyer or seller’s name, address, date, time and description of the transaction;
- Verbally give notice that the information will be kept and may be provided to law enforcement;
- Keep records of transactions for a period of one year;
- Report suspected stolen materials promptly to police.

Staff liaised with Kingston Police to ensure the provisions meet the objectives of law enforcement while keeping in line with current legislation, recent Court decisions, and municipal best practices. The fee schedule for scrap metal dealer establishment was developed to align with municipal benchmarks and with regard to staff time and effort for processing this licence type.

Vapour Product Retail Establishment:

The Licensing team was approached by the Substance Use Health and Mental Wellbeing team with Southeast Public Health and subsequently met in February 2023 to discuss the rationale for licensing vapour products separately from tobacco products. A summary of the discussion is outlined here:

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- Over the past few years, the presence of vapour products has become widespread throughout the City of Kingston; they are sold in most stores where tobacco is sold and there has been a growth in specialty vape stores.
- In recent years, there has been a rapid increase in the number of vapour product retailers, with 76 known retailers in the city, including 16 specialty vapour product retailers.
- Since 2018, the Provincial government has regulated vapour product use and sales through the *Smoke-Free Ontario Act, 2017* (SFOA). Ontario's local health units are required to carry out inspections of tobacco and vapour product retail locations to ensure compliance with SFOA.
- There is currently no reliable system in place for the accurate tracking and inspecting of all vapour product retailers to ensure their compliance with SFOA.
- The introduction of a new licensing category for vapour product retailers would enable municipal oversight of the number and location of retailers and would support enforcement efforts. For example, licensing could also provide enforcement options and tools, including revocation of a licence or placing of conditions on a licence when there is non-compliance with relevant laws, including the SFOA.
- Under Public Health's mandate, retailers selling tobacco, vapour products or both have different inspection requirements and enforcement measures.
- Other Ontario municipalities that have introduced a licensing regime for vapour product retailers include Toronto, Hamilton, London, Oakville, and Brampton.

The proposed regulations for vapour product retail establishments reinforce the requirements within the SFOA and other guiding legislation pertaining to vapour products, including the requirement of proof of age of majority for vapour product sales. Introducing a separate regulation from tobacco may also disincentivize stores from selling vapour products and thereby reduce the prevalence of products in the market.

Commercial Kitchen:

As a current practice, the City has been licensing commercial kitchens as food service premises. Recently, staff have seen increasing numbers of commercial kitchens providing space for rent to small businesses and vendors. This business model has also been flagged by proprietors within the food industry as a need in Kingston, because it allows small businesses to upscale their businesses while working in a fully functional and safe environment. In response to that need, the business licensing by-law has expanded the food service premise definition to include commercial kitchens, and in doing so has created a fee category for commercial kitchen vendors that better aligns to the business type. This also allows for multiple business owners to occupy one address which has so far been a challenge within the existing licensing database.

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Plumber / Plumber Services Establishment

The City regulates Master Plumbers and Plumbing Contractors through By-Law Number 2003-4, “A By-Law to License, Regulate and Govern Certain Trades and Occupations” (Trades By-Law). In 2006, Ontario Regulation 583/06 provided conditions and limitations regarding licensing powers in the *Municipal Act, 2001* which stipulates that a municipality does not have the power in the business licensing by-law to provide a system of licenses with respect to electricians, master electricians or electrical contractors. Section 1(h) also stipulates that municipalities do not have the power to require “an individual carrying on or carrying on or engaged in the trade to complete examinations in relation to, or obtain any certificate issued by or on behalf of the municipality in relation to, his or her competence to perform the trade if he or she holds a certificate of qualification in that trade under the *Building Opportunities in the Skilled Trades Act, 2021* and the certificate of qualification is not suspended.”

Rather than amending the Trades By-Law with the necessary updates, the Plumbing Contractor regulations (now named Plumber Services Establishment) have been consolidated within the proposed business licensing by-law. The examination requirements have been removed to reflect the changed legislation, and licensed plumbers must provide their certificate of qualification as part of their application for a plumber services establishment.

Fee Review

The review of the business licensing by-law prompted a comprehensive review of the licence fees associated with classification types, as well as the development of fees for the regulations that were added. In 2018, Watson & Associates Economics Ltd. was contracted to complete a fee review on the City’s licensing fees from an activity-based costing perspective. In the report, the current fees were compared with a full cost recovery fee, and a recommended fee was provided. Although the review is now outdated, staff used the comparators as a baseline. Exhibit G outlines the jurisdictional review conducted.

Exhibit H to this report reflects the changes being proposed for the select fees and charges and classifications outlined in this report. The proposed fees and charges were determined by evaluating municipal comparators and evaluating the staff effort involved in the licensing process. Exhibit H provides a snapshot of the municipal comparisons along with the city’s current and proposed fees.

To ensure that impacted businesses do not face hardships with the increased fees, staff are proposing a two-year transition period whereby increases occur over a two-year term to eventually meet the set target rate. For businesses with current active licences, these rates would not apply until the 2026 business licence renewals.

In addition to the jurisdictional review of other municipalities staff also reviewed the time involved to process the various business licences to further reinforce the rationale for the proposed fee changes from a cost recovery perspective. Depending on the licence type, various departments are involved in the licensing process. The departments consulted to provide estimates of the time spent processing new business licence applications include Building

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Services, Planning Services, Fire and Licensing Operations. The following table summarizes the effort involved for the relevant licence types.

Estimated Staff Time Spent on Licence Issuance		
Licence Classifications	Ranked Effort	Total Estimated Time Spent
Adult Entertainment Establishments	Medium	241-379 mins
Adult Entertainment Stores	Medium	231-379 mins
Amusement Arcade	Medium	236-374 mins
Auctioneers	Low	36-49 mins
Automotive Repair	Medium	246-384 mins
Billiard Tables	Medium	236-374 mins
Food Service Premises	High	276-419 mins
Gasoline Sales	Medium	226-364 mins
Hawkers and Peddlers	Low	45-85 mins
Lodging Houses	High	261-409 mins
Meat and Fish Sales	Medium	256-394 mins
Refreshment Vehicles	High	276-474 mins
Salons	High	261-399 mins
Specific Days Sales and/or Purchases	Medium	76-374 mins
Specific Location Sales	Low	76-104 mins
Theatres	Medium	236-374 mins
Tobacco Sales	Medium	241-379 mins

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Staff also researched fee structures for the new regulations in other municipalities to set rates for scrap metal dealer establishments, vapour product retail establishments and commercial kitchens. Some business types that were reclassified also warranted new rates.

Language was also included to give the Director authority to consider waiving licensing fees for social enterprises whose objectives align with the strategic priorities of Council or are City-supported initiatives. The waiver of fees will require an accompanying policy that will set out the terms, criteria and procedures for fee waivers. This policy will require additional consultation with the public, stakeholders, and internal staff to ensure that the key objectives are developed strategically and are best serving the needs of the community.

Resident versus Non-Resident Fees

Currently, the City of Kingston applies higher licensing fees to businesses owned by non-residents compared to those owned by residents. This fee structure was originally established to ensure that local business owners, who contribute to the City's economy year-round, were not unduly burdened while also accounting for administrative complexities associated with licensing businesses from outside the municipality. However, as staff review the existing licensing framework, it is important to reconsider whether this distinction remains justifiable and whether a standardized fee structure would be more equitable and practical.

One of the key reasons for making this change is to ensure fairness and consistency across all businesses operating within Kingston. The current fee disparity may discourage external businesses from setting up in Kingston or participating in temporary or seasonal economic activities, potentially limiting consumer choice and economic growth. By applying a uniform fee structure, the City of Kingston creates a level playing field where all businesses regardless of the owner's residency contribute equally to the costs of administration, enforcement, and oversight. This change aligns with the broader principles of fairness, economic development, and reducing unnecessary barriers to business entry.

However, some concerns may arise with standardizing fees, particularly from a policy perspective. One potential issue is that local businesses may perceive this change as reducing their competitive advantage, especially if they believe non-resident businesses operate without the same community investment or presence. Additionally, licensing fees for non-residents were historically set higher to account for potential challenges in enforcement and compliance monitoring, as businesses without a local presence can be harder to regulate. These factors were considered by staff, ensuring that appropriate mechanisms remain in place for enforcement and compliance while still fostering a more inclusive business environment.

Some municipalities do charge a premium for non-resident business licences although it is not a standard practice amongst most municipalities. Of the jurisdictional review conducted, few were identified, so the scope was expanded to include additional municipalities for reference. The primary licence type where an increased non-resident fee is prevalent is Hawkers and Peddlers. The following table outlines the municipalities that do charge a non-resident fee and the licence types.

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Municipality	Hawker/Peddler Resident	Non-Resident	Auctioneer Resident	Non-Resident	Specific Location Daily Sales Resident	Non-Resident
Belleville	\$50	\$25 – \$500 (based on number of vendors)	\$150	\$250		
Black River-Matheson Niagara Falls	\$250 \$110	\$500 \$650			\$150	\$500 (1 st day) \$100 (each additional day to max of \$1,000)
St. Catharines Port Colborne	\$240.10 \$50	\$738.35 \$125				
Grimsby Meaford	\$22.10 \$275	\$107.19 \$500				
Northeastern Manitoulin and the Islands	\$300	\$1,000				

Ultimately, moving toward a uniform fee structure reflects Kingston’s commitment to a business-friendly and transparent licensing system. The City will continue to monitor and assess the impacts of this change, ensuring that both resident and non-resident businesses contribute equitably to the regulatory framework that maintains consumer protection, public safety, and a thriving local economy.

Businesses Reclassified-Rates and Fees Adjustments

As part of this review, staff undertook a comprehensive evaluation of fees across all reclassified business types. Through this process, some fee structures were standardised so that each classification has a consistent user fee where practical with an objective of eliminating discrepancies between fee categories requiring the same staffing effort.

This realignment has resulted in an overall decrease in certain fees and increases to others. Most notably, the following changes are being recommended:

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- **Specific Days Sales:** A significant change being proposed is the reduction and consolidation of the Specific Days' Sales fees, whereby the non-resident fees are being removed, and the standard fees are being reduced to align with other municipal rates and effort involved in the licensing process. Staff are also proposing to increase the Hobby Group or Club fee from \$46 to \$92 over a two-year period to help offset costs incurred, while not placing a financial burden on non-for-profit organizations.

Overall, these changes have resulted in net decreases in fees for several small-scale vendors. The new approach is designed to lower barriers to market participation, making it more affordable for entrepreneurs, community vendors, and event-based businesses to operate in Kingston.

- **Plumbing Services Contractor:** Current practice is to licence certified plumbers as master plumbers and plumbing contractors. Of the 135 plumbers licensed in 2025, all but seven paid for both licences. The seven licensees that were licensed as master plumbers only work for institutions and report to their employers. There is no risk to public interest, and it is felt that they fall outside the scope of a business licensing by-law and associated regulations. Also being proposed is the removal of the master plumber business licence and associated non-resident fee. The current fee for the plumbing services establishment will be maintained, as it falls within a reasonable range of municipal comparators. The projected reduction in revenue for 2026 is estimated at approximately \$28,000.
- **Various:** Fee increases over a two-year period are being proposed for the following licence types: Automotive Repair, Gasoline Sales, Salons, Meat and Fish Sales and Hawkers and Peddlers. These fees fall below other municipal rates and require the same staff effort to issue. Meat and Fish Sales will be reclassified under Food Premise.
- **Billiards (Reclassified under Amusement Establishment):** It is proposed that these fees be standardized with other fees that are charged at a fixed rate. Currently, there is a lower standard fee and a charge for each additional table. The proposed fee will only be charged to establishments with five or more games.
- **Food Service Premises:** Proposed is a standardized fee structure using two rates, one for premises with less than 99 seats and one for those with 100 and more seats. Currently, rates are determined based on risk assessments provided by Southeast Public Health along with the number of seats in the establishment. Based on conversations with Southeast Public Health, risk assessments can change year to year based on several factors that have little bearing on licensing regulations. This is not a standard practice being used by other municipalities and creates an additional layer of administration. The practice of obtaining Public Health inspection confirmation for new licences will continue.
- **A late fee in the amount of \$75 is being proposed for all business licences.** This should encourage adequate compliance. The previous practise only applied to plumbing licences in the amount of \$150.

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The revised fee structure creates fairness across business types, removes unnecessary barriers for entrepreneurs, and ensures Kingston remains competitive with other municipalities. These changes were informed by municipal comparisons and staff time recovery and are designed to open the Kingston business market to greater participation, fostering a climate where more vendors can successfully operate and contribute to the local economy.

The anticipated overall net reduction in revenues associated with the proposed changes in 2026 is estimated at approximately \$32,000 with a full recovery in 2027. Other licensing fee increases will offset the projected shortfall in 2026.

Public Engagement

External stakeholders were consulted in the by-law's review and development as appropriate, including staff from Southeast Health, the Kingston Police, and local business owners.

After researching businesses within City limits that may be impacted by the new licence type regulations, copies of letters and emails were sent to approximately 103 businesses between September 27 and October 2, 2024. Staff provided these businesses with an opportunity to give feedback on the changes and invited them to a meeting on site at 1211 John Counter Boulevard on October 11, 2024. Additional meetings were offered to businesses in the following weeks. Pending Council approval, staff will send these businesses more information regarding the approved fees and timelines for applications as required.

Included in these communications was notification to 92 tobacco and vapour product retailers that would be impacted by the proposed by-law changes. Four responses were received seeking clarification of the requirements to obtain a licence.

At the same time, communication was sent to the three scrap metal dealers operating in the community to inform them of the proposed regulations and gather feedback on the impact licensing would have on their business. KIMCO Steel Sales Ltd. was the only respondent wanting to meet and attended an in-person meeting on October 11, 2024. The findings from that meeting are captured in this report.

Staff received written correspondence from another scrap metal dealer operating within the community who expressed opposition to the proposed requirement for individuals to provide a valid driver's licence or other photo identification when selling scrap metal. The concern raised centered on the potential impact this requirement may have on individuals without access to government-issued identification, including those facing financial or social barriers. The definition of "Scrap Metal" in the by-law refers to non-ferrous metals but exempts tin cans which can still be sold without identification. The following forms of photo identification are accepted and include a valid Ontario driver's licence, Ontario photo card, Canadian passport, or Canadian citizenship card with a photograph. The intent of this requirement is to confirm an individual's identity, address, and age of majority, which supports theft prevention and accountability. It will remain the responsibility of the business operator to determine whether a transaction can proceed when valid identification cannot be provided.

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Public engagement took place at the Inform and Consult Levels of the IAP2 Spectrum of Public Participation. A survey and an “Ideas” tool were used on a Get Involved Kingston project page. Feedback collected will be used to gather community sentiment on the proposed changes and guide future policy decisions related to regulating businesses in the municipality and inform communications with the business community.

The survey was open for feedback for three weeks, from September 9th until September 30th, 2024, on Get Involved Kingston. An option to submit feedback via email, mail or phone was also available. The Get Involved Kingston page was promoted to community members in a variety of ways including:

- Kingston This Week print ad
- Included in Get Involved Kingston newsletter
- Social media posts across LinkedIn, Facebook and Instagram
- Boosted social media ad on Facebook and Instagram
- Direct emails to 600+ business licence holders in the community

A summary of the survey responses and engagement results is attached to this report as Exhibit I. Of note, a majority of respondents feel positively about the regulation of new business categories. 61 per cent of respondents feel positively about regulating Scrap Metal Dealers, 79 per cent feel positively about regulating Vapour Product Retail Establishments and 77 per cent feel positively about regulating Commercial Kitchens.

After further review of the by-law, staff continued to engage with impacted businesses into 2025.

On June 12th, 2025, staff sent notification via email to 132 master plumbers and 125 plumbing contractors (being all addresses on file), to inform them of the upcoming changes to remove the requirement to obtain a master plumber licence.

Five responses were received via telephone and email confirming their understanding of the proposed changes. One concern was raised relating to generational companies feeling that the master plumber licence signifies a certain standard of plumber and removing this could be seen as a downgrade to those businesses. Staff further explained the reasoning behind the change, including the removal of the examination component that was included in the Skilled Trades By-Law Number 2003-4 and the intent to continue to require a business to have a plumber with a valid Certificate of Qualification in order to be licensed.

Staff have posted a copy of the proposed licensing by-law along with the proposed fees and charges for 2026 and 2027 on the city’s website. A notification was also sent to everyone who participated in the survey through the Get Involved platform. The notice was posted for a period of two weeks beginning on October 29th, 2025.

Indigenization, Inclusion, Diversity, Equity & Accessibility (IIDEA) Considerations

The updated by-law incorporates a framework that enables the Director to waive licensing fees for social enterprises whose objectives align with Council’s strategic priorities or are recognised

November 13, 2025

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as City-supported initiatives. This approach reflects Kingston's commitment to inclusion, equity, and reconciliation by ensuring that businesses with social, cultural, or community-focused missions are not restricted by financial barriers.

To advance Indigenous inclusion, the fee waiver policy will explicitly consider Indigenous-owned businesses and social enterprises that promote reconciliation, cultural awareness, or Indigenous economic development. Similarly, enterprises that advance diversity, equity, and accessibility will be eligible for waived fees where their operations align with municipal strategic priorities.

Staff will develop an accompanying policy to define the terms, eligibility criteria, and application process for fee waivers, with input from Indigenous partners, equity-deserving groups, and the broader community. This ensures the policy is transparent, inclusive and maximizes community benefit.

Existing Policy/By-Law

By-Law Number 2003-4, "A By-Law to License, Regulate and Govern Certain Trades and Occupations"

By-Law Number 93-250, "A By-Law to Authorize the Lease of City Streets for the Purpose of Operating Motorized Refreshment Vehicles, and to Authorize the Adoption of Guidelines or Dealing with Applications, and to Authorize Motorized Refreshment Vehicle Regulations"

By-Law Number 2006-213, "A By-Law to License, Regulate and Govern Certain Businesses"

By-Law Number 2025-6, "Fees and Charges By-Law 2025"

By-Law Number 2020-69, "A By-Law to Establish a Process for Administrative Penalties"

Notice Provisions

The proposed Business Licencing By-Law and proposed 2026-2027 fees and charges were posted to the City of Kingston's website on October 29th, 2025.

Financial Considerations

Implementation will be managed within existing Licensing & Enforcement budgets. Fee updates and associated administrative costs are anticipated to achieve cost recovery over the two-year transition. The anticipated reduction in 2026 fees outlined in this report will be offset by other licensing revenues. No new capital impacts are expected.

Contacts:

Laird Leggo, Manager, Licensing, Parking Operations & Policy 613-546-4291 extension 3132

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Other City of Kingston Staff Consulted:

Lisa Capener-Hunt, Director, Building Services & Chief Building Official

Lana Foulds, Director, Financial Services

Andrew Reeson, Senior Legal Counsel

Ted Posadowski, Chief Fire Prevention Officer

Lauren Desroches, Communications Officer

Greg McLean, Policy and Program Coordinator, Transportation and Transit Services

Exhibits Attached:

- Exhibit A By-Law Number 2006-213, "A By-Law to License, Regulate and Govern Certain Businesses"
- Exhibit B By-Law Number 2003-4, "A By-Law to License, Regulate and Govern Certain Trades and Occupations"
- Exhibit C By-Law Number 93-250, "A By-Law to Authorize the Lease of City Streets for the Purpose of Operating Motorized Refreshment Vehicles, and to Authorize the Adoption of Guidelines for Dealing with Applications, and to Authorize Motorized Refreshment Vehicle Regulations"
- Exhibit D Proposed Business Licensing By-Law
- Exhibit E Proposed Fees and Charges – 2026 and 2027
- Exhibit F A By-Law to Amend By-Law Number 2020-69
- Exhibit G Fee Review, Municipal Comparisons
- Exhibit H Municipal Comparisons and Proposed Fee Changes
- Exhibit I Public Engagement Survey Results

CITY OF KINGSTON

Ontario

BY-LAW NO. 2006-213

A BY-LAW TO LICENSE, REGULATE AND GOVERN CERTAIN BUSINESSES

PASSED: September 19, 2006

INDEX	Section
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A BY-LAW TO LICENSE, REGULATE AND GOVERN CERTAIN BUSINESSES
By-law No. 2006-213

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Offence and Penalty Provisions.....	7.0
Validity.....	8.0
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BY-LAW NO. 2006-213**A BY-LAW TO LICENSE, REGULATE AND GOVERN CERTAIN BUSINESSES****PASSED:** September 19, 2006

WHEREAS Part IV of the *Municipal Act, 2001* authorizes the council of every local municipality to pass by-laws for licensing, regulating and governing any business carried on within the municipality;

AND WHEREAS Council considers it desirable to exercise this authority for the purposes of health and safety, nuisance control and consumer protection;

THEREFORE the Council of The Corporation of the City of Kingston enacts as follows:

1.0 DEFINITIONS:

In this by-law:

"aesthetic services" means any services relating to enhancing beauty, which are not surgical procedures, including but not limited to: skin care, cosmetology services, makeup artistry, water therapies, manicures, pedicures, aromatherapy, airbrush tanning, facials, spa therapy, body treatments, waxing, reflexology, artificial nails, eyelash/eyebrow tinting and shaping.

"alarm system" means any device installed in a building, structure or premises to detect unauthorized entry or criminal activity which, when activated, emits an audible sound or transmits a signal or message to an alarm monitoring business, and includes a bank automated teller machine and a holdup or panic alarm, i.e., a device to report that a robbery is in progress, but does not include a medical alert alarm or a fire alarm system;

"Appeals Committee" means the Administrative Policies Committee or, in the event of organizational changes another Committee designated by Council to carry out the Committee's responsibilities for appeals.

"attendant" means any person who is employed in or performs at an establishment that provides services designed to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Establishment.

"body rub" means to knead, manipulate, rub, massage, touch or stimulate by any means of a person's body;

"body rub parlour" includes any premises or part thereof within the geographic limits of the City where a body rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;

"Building & Licensing Division" and **"Division"** means the Licensing & Enforcement Section, Department of Community Development Services Group or, in the event of organizational changes,

another unit designated by Council to carry out the Division's responsibilities for the administration and enforcement of this by-law;

"City" and "City of Kingston" mean The Corporation of the City of Kingston, as incorporated on January 1, 1998;

"Council" and "City Council" mean the Council of the City of Kingston;

"Downtown Kingston Business Improvement Area" means the geographic area designated by by-law;

"false alarm" means any signal or message from an alarm system to an alarm monitoring business that is reported to the Kingston Police, where there is no evidence that unauthorized entry or criminal activity was made or attempted and where the alarm system appears to have been activated unnecessarily, improperly, accidentally or for a purpose other than that for which it was installed, including:

- (a) by testing an alarm system without the prior knowledge and approval of the Kingston Police;
- (b) by reporting an attempted or completed criminal act or an emergency situation where there is no evidence that such an act took place or that such a situation existed;
- (c) as a result of mechanical failure, malfunction or faulty equipment;
- (d) as a result of negligence, error or carelessness on the part of the owner of the system, e.g., by permitting authorized persons to be on the premises without alarm passwords; or
- (e) as a result of atmospheric conditions, excessive vibrations or a power failure;

"flower sale by a local flower vendor" means a specific location sale of flowers carried on by a vendor who has a regular place of business in the City in which flowers are sold;

"flower sale by another person" means a specific location sale of flowers carried on by a vendor who does not have a regular place of business in the City in which flowers are sold;

"food" means food or drink for human consumption, and includes refreshments and confections;

"food premises" has the same meaning as in the *Health Protection and Promotion Act*;

"guardian" means a person who is the parent or permanent caregiver to a person under the age of 18 years

"highway" means any provincial or municipal highway within the geographic limits of the City, and includes all lands within the lateral boundaries of the highway;

"license" means a license issued under this by-law;

"licensee" means a person who holds a license under this by-law, and **"licensed" and "licensed business"** have a corresponding meaning;

"manager" means the Manager of Licensing & Enforcement or their designate

"motor assisted bicycle" and **"motorcycle"** have the same meaning as in the *Highway Traffic Act*;

"non-resident" means a person who does not reside or have a regular place of business in the City;

"person" means a person as defined in the *Interpretation Act*; and includes a corporation;

"personal service salon" means every place of business which does body modifications including but not limited to tattoo's, piercings, and stapling.

"place of business" means any place, premises or location, or part thereof, in which a business is carried on, and including but not limited to a shop, store, office, a dwelling unit or vehicle.

"property standards by-law" means the Property Standards By-Law of the City of Kingston a by-law enacted under section 15.1 of the *Building Code Act* that prescribes standards for the maintenance and occupancy of property;

"regular place of business" means the place of business in which a business is normally carried on, but does not include a place, premises or location in which a business is conducted on a one-time or temporary basis;

"resident" means a person who resides or has a regular place of business in the City;

"special sale" means a special show and sales event and includes but is not limited to such events as antique shows, craft fairs, and sales of jewellery, leather and fur products;

"street" means that part of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the sidewalk or shoulder;

"tobacco" has the same meaning as in the *Tobacco Control Act*;

"vehicle" means a vehicle as defined in the *Highway Traffic Act*; and

"zoning by-law" means a by-law enacted under section 34 of the *Planning Act* that restricts the use of land.

2.0 APPLICATION:

2.1 The requirements of this by-law apply to the following trades businesses and occupations carried on within the geographic limits of the City of Kingston:

General

- alarm installation;
- alarm monitoring;
- amusement arcades;
- auctioneers;
- automotive repair;
- bill posters;

- billiard tables;
- food service premises;
- gasoline sales;
- hawkers and peddlers;
- lodging houses;
- meat and fish sales;
- pawnbrokers;
- pet stores;
- refreshment vehicles;
- salons;
- specific days sales;
- specific location sales;
- street performers;
- theatres;
- tobacco sales.

Adult Entertainment

- adult entertainment establishments;
- adult entertainment attendants;
- adult entertainment stores.

2.2 The requirement to obtain a license applies to every trade, business or occupation described in section 2.1 regardless of whether the trade, business or occupation is being carried on wholly or partly within the City, and even if the trade, business or occupation is being carried on from a location outside the City.

3.0 ADMINISTRATION:

- 3.0 The Building and Licensing Division is responsible for the administration and enforcement of this by-law.
- 3.1 Every application for a new license or a renewal or extension of an existing license shall be submitted to the Division in the form provided.
- 3.2 Every application for a new license or a renewal or extension of a license shall be accompanied by the full license fee, as set out in the applicable schedule.

- 3.3 Except as otherwise provided in the applicable schedule, the license fee for the current year will be reduced by 25 per cent if an application for a new license is submitted between July 1st and November 30th.
- 3.4 Except as otherwise provided in the applicable schedule, the license fee for the current year will be waived if an application for a new license is submitted after November 30th and is accompanied by the full license fee for the next calendar year.
- 3.5 Despite sections to the contrary, the full license fee shall be paid, regardless of the date of application, if a person begins to carry on the business before submitting an application for a new license.
- 3.6 Adjustments in the rate structure shall automatically be effected each year based on the percentage change in the Consumer Price Index of Statistics Canada.
- 3.7 Every application for a license will be reviewed to determine whether it meets all of the general regulations set out in Part 4, *General Regulations*, and any special conditions set out in the applicable schedule for that business.
- 3.8 As part of this review, an application will be circulated to the departments and agencies set out in the applicable schedule for that business.
- 3.9 Where an application is circulated to a department or agency in accordance with the applicable schedule for that business, the department or agency may require an inspection of the proposed place of business.
- 3.10 If it is determined that an application meets the requirements of this by-law and all circulated agencies, the Division will issue the license if the license fee has been paid.
- 3.11 If it is determined that an application does not meet the requirements of this by-law or is objected to by a circulated agency, the Division will refuse to issue the license and will refund the license fee.
- 3.12 If, at any time, the Division determines, as a result of evidence that is provided, that the operation of a licensed business does not conform with the requirements of this by-law, it may suspend or revoke the license.
- 3.13 A person whose application for a new license or a renewal of a license has been refused or a person whose license has been suspended or revoked may, within fifteen days of being notified of the Division's decision, apply to the Appeals Committee for a review of the decision.
- 3.14 A person who wishes to appeal the Division's decision to the Appeals Committee shall file an application for a hearing and pay a fee of \$100.00 (one hundred) to the Committee to be collected by the Corporation of the City of Kingston.
- 3.15 A person who has applied for a review of the Division's decision will be given an opportunity to make written representations to or to appear before the Appeals Committee when it reviews the matter.

- 3.16 The Appeals Committee will review the matter and may affirm the decision of the Division or direct it to issue, renew or reinstate the license.
- 3.17 Decisions of the Appeals Committee are final.

4.0 GENERAL REGULATIONS:

- 4.1 No person shall carry on any trade, business or occupation within the City of Kingston for which a license is required under this by-law unless that person has first obtained a license from the Building and Licensing Division.
- 4.2 A license shall be required for each separate place of business.
- 4.3 A person is not eligible for a license unless his or her application is accompanied by the full license fee for that business, as set out in the applicable schedule or as determined under sections 3.3 and 3.4
- 4.4 Except as otherwise provided in the applicable schedule, a license is valid for one calendar year and every licensee shall renew the license by December 31st of each year.
- 4.5 A licensee is not eligible for the renewal or extension of an existing license unless the licensee has paid the full license fee for that business, as set out in the applicable schedule.
- 4.6 A licensee is not eligible for the renewal or extension of an existing license unless the licensee has provided an application form annually where required by the division.
- 4.7 A license is not transferable.
- 4.8 No person shall carry on any trade, business or occupation for which a license is required under this by-law: (i) if the license has expired or been revoked; or (ii) while the license is under suspension.
- 4.9 If work that requires a building permit under the *Building Code Act* is to be undertaken on the property to be used for carrying on a business, a person shall not submit an application for a license until the work has been completed in accordance with the requirements of the Act and the building code.
- 4.10 A person is not eligible to hold a license if the proposed use of the land, building or structure is not permitted by the zoning by-law that applies to the property, unless the land, building or structure was lawfully used for this purpose on the day of the passing of the zoning by-law.
- 4.11 A person is not eligible to hold a license if the property to be used for carrying on the trade, business or occupation does not conform with all applicable law, including but not limited to the property standards by-law that applies to the property, the *Tobacco Control Act*, the *Fire Protection and Prevention Act, 1997*, the fire code, the *Health Protection and Promotion Act*.
- 4.12 Despite Section 4.11 a conditional license may be issued to the applicant if it is determined that there are deficiencies found by the relevant inspectors that can be remedied within a

- specified time frame in order to come into compliance, and if the deficiencies are not likely to be a danger to the public.
- 4.13 Any conditional licenses shall clearly state the duration of the temporary license, and if the applicant fails to come into compliance with any Act or Code within the time specified then the license shall become null and void.
 - 4.14 A person is not eligible to hold a license if the operation of his or her business does not conform with the applicable standards and requirements of: (1) every by-law of the City; (2) every provincial or federal Act and regulation made under such an Act; and (3) every instrument of a legislative nature made or issued under a provincial or federal Act or regulation, including standards and requirements with respect to the qualifications of the persons carrying on or engaged in the business and with respect to the vehicles and equipment used for the purposes of the business.
 - 4.15 Where any order issued by the Division has been appealed and upheld by the Appeals Committee, or where there has been no appeal requested, the division may suspend or revoke the license.
 - 4.16 The Appeals Committee may modify, uphold or quash an order issued by the Division.
 - 4.17 A licensee shall display the license permanently in a prominent place in his or her place of business.
 - 4.18 In the case of vehicles and other equipment used for the purposes of the business, a licensee shall display the license or evidence of the license prominently on each vehicle and other equipment.
 - 4.19 A licensee who does not have a place of business shall carry the license on his or her person at all times while carrying on the business.
 - 4.20 Every licensee shall produce the license for inspection on the request of an authorized employee or agent of the City.
 - 4.21 Every person carrying on a trade, business or occupation for which a license may be required under this by-law shall allow, at any reasonable time, an employee or agent of the City authorized by the manager to inspect their place of business and any other premises, equipment, vehicles or property used for purposes related to the trade, business or occupation, other than a room or place actually being used as a dwelling, to determine compliance with the requirements of this by-law.
 - 4.22 No person shall obstruct, hinder or otherwise interfere with an authorized employee or agent of the City while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this by-law.
 - 4.23 No licensee shall construct or equip a place of business or other premises used for the business so as to hinder the enforcement of the by-law.

- 4.24 Every licensee shall maintain his or her place of business in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the premises.
- 4.25 No licensee or employee of a licensee shall discriminate in the carrying on of the trade, business or occupation against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.
- 4.26 No licensee or employee of a licensee shall refuse to permit a person to enter and remain in a place of business or other premises used for the business to which the public are customarily admitted for the reason that he or she is a blind person accompanied by a guide dog.

5.0 EXEMPTIONS:

- 5.1 The requirement to obtain a license under this by-law does not apply to a business that is engaged exclusively in the sale of goods by wholesale.
- 5.2 The requirement to obtain a license under this by-law does not apply to those persons or classes of business that are exempted in a schedule to this by-law.
- 5.3 Market Vendors holding leases and operating on Market Square in accordance with the Market By-law are not required to obtain a license under this by-law.

6.0 SCHEDULES: ADDITIONAL CONDITIONS FOR INDIVIDUAL BUSINESSES

- 6.1 The following schedules are attached to and form part of this by-law:

General Businesses

- Schedule A-1 Alarm Installation
- Schedule A-2 Alarm Monitoring
- Schedule A-3 Amusement Arcades
- Schedule A-4 Auctioneers
- Schedule A-5 Automotive Repair
- Schedule B-1 Bill Posters
- Schedule B-2 Billiard Tables
- Schedule F-1 Food Service Premises
- Schedule G-1 Gasoline Sales
- Schedule H-2 Hawkers and Peddlers
- Schedule L-1 Lodging Houses
- Schedule M-2 Meat and Fish Sales
- Schedule P-1 Pawnbrokers
- Schedule P-2 Pet Stores
- Schedule R-1 Refreshment Vehicles
- Schedule S-1 Salons
- Schedule S-2 Specific Days Sales

- Schedule S-3 Specific Location Sales
- Schedule S-4 Street Performers
- Schedule T-1 Theatres
- Schedule T-2 Tobacco Sales

Adult Entertainment Businesses

- Schedule AE-1 Adult Entertainment Establishments
- Schedule AE-2 Adult Entertainment Attendants
- Schedule AE-3 Adult Entertainment Stores.

7.0 OFFENCE AND PENALTY PROVISIONS:

- 7.1 Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Municipal Act*, the *Municipal Act, 2001* or the *Provincial Offences Act* and to any other applicable penalties.
- 7.2 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 7.3 If this by-law is contravened and a conviction entered, the court may also order that the premises or part of the premises be closed to any use for a period not exceeding two years.

8.0 VALIDITY:

- 8.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

9.0 COMMENCEMENT:

- 9.1 This by-law comes into force on November 1, 2006.
- 9.2 In accordance with subsection 150(13) of the *Municipal Act, 2001*, this by-law expires on November 30, 2011.

GIVEN FIRST AND SECOND READINGS September 5, 2006

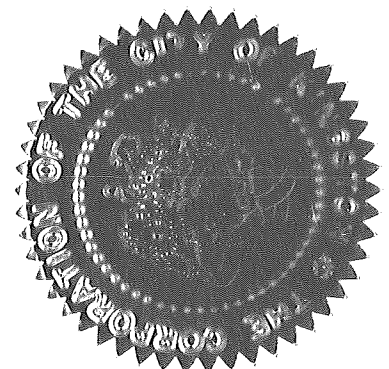
GIVEN THIRD READING AND FINALLY PASSED September 19, 2006



CITY CLERK



MAYOR



THE CORPORATION OF THE CITY OF KINGSTON

PART I Provincial Offences Act

By-Law No. 2006-213, "A By-Law to License, Regulate and Govern Certain Businesses"

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (includes costs)
1.	Failing to obtain a license prior to carrying on a business.	4.1	\$200.00
2.	Failing to obtain a license for each separate place of business	4.2	\$200.00
3.	Failing to renew a license by December 31 st of each calendar year, except as otherwise provided in the applicable schedule.	4.4	\$200.00
4.	Carrying on a business for which the permit has been revoked or suspended.	4.8	\$200.00
5.	Carrying on a business for which the permit has expired.	4.8	\$200.00
6.	Failing to display a license in a prominent place in the business.	4.17	\$75.00
7.	Failing to display evidence of a license prominently on a vehicle.	4.18	\$75.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (includes costs)
8.	Failing to carry a license on his or her person at all time	4.19	\$75.00
9.	Failing to produce a license for inspection.	4.20	\$100.00
10.	Obstructing, hindering, or interfering with an inspection.	4.21	\$375.00
11.	Failing to keep place of business in a clean and sanitary condition.	4.24	\$100.00
12.	Posting notices in places other than designated or permitted areas.	Schedule B-1 Special condition (1)	\$75.00
13.	Failing to provide a sample notice to the Division.	Schedule B-1 Special condition (2)	\$75.00
14.	Failure to remove the posted materials by the date agreed upon.	Schedule B-1 Special condition (3)	\$75.00
15.	Operating as a hawker and peddler in the Downtown Kingston Business Improvement Area.	Schedule H-1 Special condition (2)	\$100.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (includes costs)
16.	Operating as a hawker and peddler in the Downtown Kingston Business Improvement Area.	Schedule H-1 Special condition (2)	\$100.00
17.	Carrying on a refreshment vehicle license between the hours of 11:00p.m. and 7:00a.m.	Schedule R-1 Special condition (8)	\$100.00
18.	Operating a refreshment vehicle on a street or sidewalk within the DBIA that is not issued under S-3, or in accordance with the Market By-law.	Schedule R-1 Special condition (9)	\$100.00
19.	Carrying on business of a Class B refreshment Vehicle on a highway.	Schedule R-1 Special condition Class A and Class B (3)	\$100.00
20.	Allowing a person under the age of 18 to enter and remain in the Personal service salon without the accompaniment of a guardian.	Schedule S-1 Special condition (2a)	\$100.00
21.	Allowing a person under the age of 18 to obtain services in a Personal Service Salon without a waiver form submitted by the guardian in person at the Personal Service Salon.	Schedule S-1 Special condition (2b)	\$100.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (includes costs)
22.	Performing in areas that are residential.	Schedule S-4 (4)	\$100.00
23.	Performing between the hours of 11:00p.m. and 9a.m.	Schedule S-4 (5)	\$100.00
24.	Performing in the outside foyer of the Grand Theatre.	Schedule S-4 (6)	\$100.00
25.	Failing to remain mobile and rotate the location of the performance at minimum intervals of 90 minutes.	Schedule S-4 (7)	\$100.00
26.	Obstructing or interfering with the movement of pedestrians.	Schedule S-4 (10)	\$100.00
27.	Disturbing businesses or residents in the vicinity.	Schedule S-4 (10)	\$100.00
28.	Failing to change performance locations on request during Busker Rendezvous.	Schedule S-4 (12)	\$100.00
29.	Being open for business between the hours of 2:00a.m. and 12:00 noon of the same day.	Schedule AE1 Special condition (7)	\$75.00
30.	Allowing a person under the age of 18 to enter and remain in the establishment.	Schedule AE1 Special condition (10)	\$100.00
31.	Failing to place or maintain signs at all entrances indicating that no person under the age of 18 may enter and remain in the establishment.	Schedule AE1 Special condition (12)	\$100.00

32.	Allowing an attendant to work without a license.	Schedule AE1 Special condition (13)	\$200.00
33.	Allowing an attendant to provide entertainment or services not in public view.	Schedule AE1 Special condition (16)	\$200.00
34.	Advertising the establishment with the word(s) "nude", "naked", "topless", "bottomless", or "sexy".	Schedule AE1 Special condition (18)	\$100.00
35.	Working as an attendant without obtaining a license.	Schedule AE2 Special condition (1)	\$100.00
36.	Providing entertainment or services not in public view.	Schedule AE2 Special condition (5)	\$200.00
37.	Engaging in physical contact with another person in the establishment involving the touching of the breast, pubic area, or buttocks.	Schedule AE2 Special condition (6)	\$100.00
38.	Displaying goods less than 1.5 metres above the floor level.	Schedule AE3	\$100.00
39.	Allowing a person under the age of 18 to enter and remain in the store.	Schedule AE3 Special condition (8)	\$200.00
40.	Failing to place or maintain signs at all entrances indicating that no person under the age of 18 may enter and remain in the store.	Schedule AE3 Special condition (9)	\$100.00

Note: The penalty provision for the offences listed above is Section X of By-Law ____, as amended, a certified copy of which has been filed.

SCHEDULE A-1

ALARM INSTALLATION

Applicable to:	Every person involved in the installation, replacement, maintenance, repair and service of security alarm systems.
Exemptions:	None
Reason for Licensing/Conditions:	Consumer protection – protect from fraud Nuisance control – protect public from unnecessary use of police time
Annual License Fee:	\$100.00
Application Circulated to:	(1) Building Section (2) Kingston Police.
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special condition applies to every alarm installation business: (1) the past conduct of an applicant shall provide reasonable evidence that the issuance of a license would not be adverse to the public interest, including evidence that the applicant has not been convicted of an offence under the <i>Criminal Code</i> .

SCHEDULE A-2

ALARM MONITORING

Applicable to:	Every business which monitors security alarm systems and notifies the Kingston Police when an alarm system has been activated.										
Exemptions:	None										
Reason for Licensing/Conditions:	Consumer protection – adequate responses to legitimate alarms Nuisance control - protect public from unnecessary use of police time										
Annual License Fee:	<ol style="list-style-type: none"> 1. \$100.00 for an alarm monitoring company; 2. an additional \$45.00 fee per alarm system will be payable unless there have been no false alarms in the previous licensing period for any renewing system; and 3. if alarm systems are added after the start of a calendar year, a supplementary monthly fee of \$3.75 per alarm system is payable. 										
Additional Fees for False Alarms:	<p>If the Kingston Police respond, within a 365 day period, to false alarms from a registered alarm system, the business monitoring the system will be required to pay the following fees:</p> <table style="margin-left: 40px;"> <tr> <td>first false alarm</td> <td>\$ 0.00</td> </tr> <tr> <td>second false alarm</td> <td>\$ 60.00</td> </tr> <tr> <td>third false alarm</td> <td>\$ 90.00</td> </tr> <tr> <td>fourth false alarm</td> <td>\$120.00</td> </tr> <tr> <td>fifth false alarm</td> <td>\$150.00.</td> </tr> </table>	first false alarm	\$ 0.00	second false alarm	\$ 60.00	third false alarm	\$ 90.00	fourth false alarm	\$120.00	fifth false alarm	\$150.00.
first false alarm	\$ 0.00										
second false alarm	\$ 60.00										
third false alarm	\$ 90.00										
fourth false alarm	\$120.00										
fifth false alarm	\$150.00.										
Application Circulated to:	<ol style="list-style-type: none"> (1) Building Section (2) Kingston Police. 										
Special Conditions:	<p>In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every alarm monitoring business:</p> <ol style="list-style-type: none"> (1) the past conduct of an applicant shall provide reasonable evidence that the issuance of a license would not be adverse to the public interest, including evidence that the applicant has not been convicted of an offence under the <i>Criminal Code</i>; (2) an alarm system shall not be monitored unless it has been registered with the Kingston Police and assigned a registration number; and Kingston Police will not respond to an alarm that is not registered in accordance with this by-law; (3) every application for a license shall include a register which identifies the name and address of the owner and the registration number of every alarm system that is to be monitored; 										

	<p>(4) every licensee shall maintain this register and inform the Kingston Police promptly of any changes to the information;</p> <p>(5) every licensee shall pay the fee for a false alarm to the Kingston Police within 30 days of the date of the invoice and, if a licensee fails to do so, the Division may suspend, revoke or refuse to renew his or her license.</p>
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SCHEDULE A-3
AMUSEMENT ARCADES

Applicable to:	Every place of business with five or more "amusement machines", i.e., mechanical video and/or electronic games that are available for the use of the general public, including pinball machines, television games, video games and similar devices which are intended for operation as a game, entertainment or amusement.
Exemptions:	The requirement to obtain an "amusement arcade license" does not apply to: (1) premises with four or less amusement machines; or (2) bingo halls where electronic equipment is used.
Reason for Licensing/Conditions:	Health and safety – overcrowding concerns, food handling procedures if food involved Nuisance Control.- noise and to prevent congestion on sidewalks
Annual License Fee:	\$100.00.
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit (4) Kingston Police.
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every amusement arcade: (1) the premises shall be supervised at all times by a person of at least 18 years of age; (2) a licensee shall prevent, where possible, the patrons from congregating on an adjacent sidewalk in a manner that obstructs the movement of pedestrians.

SCHEDULE A-4
AUCTIONEERS

Applicable to:	Every person who sells or offers goods or services for sale by public auction.
Exemptions:	<p>The requirement to obtain an "auctioneer license" does not apply to:</p> <ul style="list-style-type: none"> (1) a person conducting an auction on behalf of a service club or similar organization to raise money for charitable purposes; (2) a sheriff or court bailiff acting under a court procedure; (3) a municipality conducting an auction under the tax sale provisions of the <i>Municipal Act, 2001</i>; (4) a person who engages the services of a licensed auctioneer to conduct an auction on his or her behalf; (5) a person registered under the <i>Real Estate and Business Brokers Act</i> who is selling real estate by public auction; or (6) a person licensed under the <i>Livestock Community Sales Act</i> who is conducting a community livestock sale.
Reason for Licensing/Conditions:	<p>Health and Safety - overcrowding</p> <p>Consumer Protection – turnover of possible stolen or fraudulent items</p>
Annual License Fee:	\$100.00.
Application Circulated to:	<ul style="list-style-type: none"> (1) Building Section (2) Kingston Fire and Rescue (3) Kingston Police.
Special Conditions:	<p>In addition to the General Regulations set out in Part 4 of this by-law, the following special condition applies to every auctioneer:</p> <ul style="list-style-type: none"> (1) written records shall be kept, including a detailed list of all the items being auctioned, the names and addresses of the owners of those items, the amount received for each item, and the names and addresses of the purchasers.

SCHEDULE A-5
AUTOMOTIVE REPAIR

Applicable to:	Every person , involved in the trade business or occupation of making repairs to motor vehicles and related services.
Exemptions:	The requirement to obtain an "automotive repair license" does not apply to: <ol style="list-style-type: none"> 1) places of business in which the only service provided to motor vehicles is automotive detailing or cleaning; or 2) persons who carry on a farming business that is eligible for an exemption from taxes under the <i>Retail Sales Tax Act</i>, that is registered under the <i>Farm Registration and Farm Organizations Funding Act, 1993</i>, and that is a permitted use under the zoning by-law that applies to the property.
Reason for Licensing/Conditions:	Consumer protection – with regards to fraudulent use of goods and parts, and unsafe or improper maintenance and repair
Annual License Fee:	\$50.00
Application Circulated to:	<ol style="list-style-type: none"> 1) Building Section 2) Kingston Fire and Rescue 3) Kingston Police
Special Conditions:	None.

SCHEDULE B-1
BILL POSTERS

Applicable to:	Every person who posts or distributes any notice, poster, placard, bill or document of any kind, regardless of the material upon which the information appears.
Exemptions:	The requirement to obtain a "bill poster license" does not apply to charitable or non-profit groups who post or distribute information about community events of a cultural, recreational or educational nature, as long as the information is posted on designated public notice boards and in other permitted locations.
Reason for Licensing/Conditions:	Nuisance control – to prevent accumulation of litter on city property
Annual License Fee:	\$100.00.
Application Circulated to:	(1) Engineering Services Division (2) Streets and Sidewalks Division (Operations Department) (3) Utilities Kingston (4) Kingston Police
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every bill poster: (1) notices and other documents shall be posted only on designated public notice boards and in other permitted locations; (2) prior to posting or distributing materials, a sample shall be provided to the Building and Licensing Division along with the method of posting and distribution and proposed removal date for posted materials; (3) the removal of posted materials shall be completed by the date agreed upon.

SCHEDULE B-2
BILLIARD TABLES

Applicable to:	Every place where billiard, pool, or bagatelle tables are available for use by the general public.
Exemptions:	None
Reason for Licensing/Conditions:	Health and safety - overcrowding
Annual License Fee:	\$50.00 for the first table; and \$25.00 for each additional table.
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) Kingston Police
Special Conditions:	None.

**SCHEDULE F-1
 FOOD PREMISES**

Applicable to:	Every food premises, other than a refreshment vehicle, where meals, meal portions or baked goods are prepared for immediate consumption or sold or served in a form that will permit consumption on the premises or elsewhere.
Exemptions:	None.
Reason for Licensing/Conditions:	Health and safety – safe food handling procedures and inspections Consumer protection – ensure necessary inspections for fire safety
Annual License Fee:	<p><i>Low Risk Premises:</i> \$75.00 0 to 99 seats \$125.00 More than 100 seats.</p> <p><i>Medium Risk Premises:</i> \$150.00 0 to 99 seats \$200.00 More than 100 seats.</p> <p><i>High Risk Premises:</i> \$250.00 0 to 99 seats \$300.00 More than 100 seats.</p>
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Public Health
Special Conditions:	<p>In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every food service premises:</p> <p>(1) the level of risk will be determined by the Health Unit, based on its "Food Safety Risk Criteria";</p> <p>(2) if Public Health finds that the operation and maintenance of a licensed business does not conform with the requirements of the <i>Health Protection and Promotion Act</i> and the Food Premises Regulation, the Building and Licensing Division may suspend the license until the situation has been rectified.</p>

SCHEDULE G-1
GASOLINE SALES

Applicable to:	Every place of business where gasoline and other fuels formulated to propel motor vehicles are sold.
Exemptions:	None.
Reason for Licensing/Conditions:	Health and safety – combustible materials storage requires inspection.
Annual License Fee:	\$50.00
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue
Special Conditions:	None.

**SCHEDULE H-1
 HAWKERS AND PEDDLERS**

Applicable to:	<p>Every person who goes from place to place on foot or in a vehicle for the purpose of:</p> <ul style="list-style-type: none"> (i) selling goods and services; (ii) entering into contracts for the sale of goods or services which are to be delivered at a later date; or (iii) promoting the sale of goods and services by encouraging individuals to come to a person's regular place of business.
Exemptions:	<p>The requirement to obtain a "hawker and peddler license" does not apply to:</p> <ul style="list-style-type: none"> (1) persons who sell goods that are grown or produced on their own agricultural operation within the City of Kingston, or family members or employees who have written authority to sell the goods on their behalf; or (2) persons who sell Christmas trees on a seasonal basis. (3) persons who raise funds in door to door sales campaigns for registered charitable organizations.
Reason for Licensing/Conditions:	<p>Consumer protection –regarding sale of defective merchandise Health and safety – storage of merchandise in safe manners Nuisance control – sale of merchandise from private property/diverting customers of on site businesses/blocking sidewalks</p>
Annual License Fee:	<p>\$50.00 for residents; \$100.00 for non-residents.</p>
Application Circulated to:	<ul style="list-style-type: none"> (1) Building Section (2) Kingston Police
Special Conditions:	<p>In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every hawker and peddler:</p> <ul style="list-style-type: none"> 1) An application shall specify the types of goods and services to be sold or promoted. 2) No person shall operate as a hawker and peddler in the Downtown Kingston Business Improvement Area.

SCHEDULE L-1
LODGING HOUSES

Applicable to:	Every premises in which four or more persons, exclusive of staff, are lodged, with or without meals, in return for a fee.
Exemptions:	<p>The requirement to obtain a "lodging house license" does not apply to.</p> <ul style="list-style-type: none"> (1) premises with self-contained residential units; (2) hotels, motels and resorts; (3) hospitals, nursing homes, homes for the young or the aged, or other institutions that are licensed, approved or supervised under any Act; or (4) group homes that are licensed or funded under a provincial or federal statute.
Reason for Licensing/Conditions:	<p>Health and safety – that all code issues are met and proper separations are in place</p> <p>Consumer protection – that consumers are provided information for civil matters if necessary</p>
Annual License Fee:	\$100.00
Application Circulated to:	<ul style="list-style-type: none"> (1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit (4) Kingston Police (5) Utilities Kingston or the Electrical Safety Authority.
Special Conditions:	<p>In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every lodging house:</p> <ul style="list-style-type: none"> (1) an application shall include the manager's name, address and emergency contact information, if the manager does not reside on the premises; (2) an application shall also include the number of rooms for rent, the number of residents, and the number of bathrooms; (3) a licensee shall inform the Building and Licensing Division promptly of any changes to the above information.

**SCHEDULE M-1
 MEAT AND FISH SALES**

Applicable to:	Every premises where fresh, frozen or previously frozen meat, including poultry, game, delicatessen and other meat products and Fish including freshwater fish, saltwater fish, and every type of seafood and shellfish, is sold.
Exemptions:	The requirement to obtain a "meat or fish sales license" does not apply to: <ol style="list-style-type: none"> (1) a place of business on an agricultural property that sells only meat produced on that agricultural operation; or (2) a place of business that sells only meat or fish products that have been commercially prepackaged elsewhere, and that are offered for sale in the original packages.
Reason for Licensing/Conditions:	Health and safety – that all inspections are performed and necessary sanitary precautions are taken and food handling procedures are met.
Annual License Fee:	\$50.00
Application Circulated to:	<ol style="list-style-type: none"> (1) Building Section (2) Kingston Fire and Rescue (3) KF&LA Health Unit
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special condition applies to every meat seller: <ol style="list-style-type: none"> (1) if the Health Unit finds that the operation and maintenance of a licensed business do not conform with the requirements of the <i>Health Protection and Promotion Act</i> and the Food Premises Regulation, the Building and Licensing Division may suspend the license until the situation is rectified.

SCHEDULE P-1 PAWNBROKERS	
Applicable to:	Every person who carries on the business of a pawnbroker, i.e., who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon.
Exemptions:	None.
Reason for Licensing/Conditions:	Health and safety - that the location adheres to fire regulations and the building is safe for the public Consumer protection – to ensure that merchandise is not stolen
Annual License Fee:	\$100.00
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) Kingston Police
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every pawnbroker: (1) security in the amount of \$2,000.00 shall be provided to the City; (2) the operation of the business shall conform with the provisions of the <i>Pawnbrokers Act</i> .

SCHEDULE P-2 PET STORES	
Applicable to:	Every person that sells live animals, including birds and reptiles, as household pets.
Exemptions:	The requirement to obtain a "pet store license" does not apply to: <ol style="list-style-type: none"> (1) registered breeders of purebred dogs or cats; or (2) persons who carry on a farming business that is a permitted use under the zoning by-law that applies to the property.
Reason for Licensing/Conditions:	Health and safety - to ensure that animals are provided clean sanitary environments and proper veterinary care where required Consumer protection – that sick animals are not being sold to people or spreading diseases
Annual License Fee:	\$100.00
Application Circulated to:	<ol style="list-style-type: none"> (1) Building Section (3) Kingston Fire and Rescue (4) Kingston Police (5) Kingston Humane Society.
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every pet store: <ol style="list-style-type: none"> (1) if the Humane Society finds an animal that is in distress, the Licensing Section may suspend or revoke the license; (2) A license may be revoked or suspended where an animal is sold or offered for sale where it is prohibited by federal or provincial law, or Municipal By-law of the City of Kingston

SCHEDULE R-1	
REFRESHMENT VEHICLES	
Applicable to:	<p>Every vehicle from which food intended for immediate consumption is sold. For purposes of this by-law, refreshment vehicles are divided into the following classes:</p> <p>Class A, a motorized vehicle, other than a motor assisted bicycle or motorcycle, from which food that is prepared and cooked on-site is offered for sale, e.g., a chip truck;</p> <p>Class B, a motorized vehicle, other than a motor assisted bicycle or motorcycle, from which food that is prepared and cooked off-site is offered for sale, e.g., a catering truck;</p> <p>Class C, a non motorized vehicle propelled by muscular power, motor assisted bicycle, trailer, or motorcycle from which food that is prepared and cooked on-site is offered for sale, e.g., hot dogs;</p> <p>Class D, a non motorized vehicle, propelled by muscular power, motor assisted bicycle or motorcycle from which food that is prepared and cooked off-site is offered for sale, e.g., ice cream.</p> <p>Class E, any Class A or B refreshment vehicle which proposes to operate for less than one month in any year.</p>
Exemptions:	NONE
Reason for Licensing/Conditions:	Health and safety – that proper food handling procedures are met and that all combustible materials are safely stored and operating safely and inspected annually.
Annual License Fee:	<p>Class A \$225.00 Class B \$225.00 Class C \$100.00 Class D \$50.00 Class E \$115.00</p> <p>These fees apply regardless of the application date and, in the event of a disagreement, the Buildings and Licensing Division will determine the applicable "class" of a refreshment vehicle.</p>
Application Circulated to:	<p>(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit</p>
Special Conditions:	
All Refreshment Vehicles	
In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every refreshment vehicle:	

- (1) a separate license shall be required for each refreshment vehicle;
- (2) each vehicle shall obtain inspections annually prior to renewing a license.
- (3) Every vehicle or cart is required to paint the license number on two sides of the vehicle or cart in lettering no smaller than 3 inches in height prior to annual inspection.
 - a) If more than one vehicle is being licensed each license number shall be suffixed by a different number to ensure they are readily distinguishable from each other.
- (4) an application shall include the types of food to be sold and the address of any off-site premises at which food is to be prepared and cooked;
- (5) the operation and maintenance of any off-site food premises shall conform with the requirements of the *Health Protection and Promotion Act* and the Food Premises Regulation;
- (6) an applicant that requests permission to operate from a stationary position shall include a site plan showing the proposed location of the refreshment vehicle and of adjacent structures;
- (7) where combustible materials are used, an application shall include a certificate of inspection from a licensed gas fitter annually.
- (8) no refreshment vehicle shall carry on business between the hours of 11.00 p.m. and 7.00 a.m.;
- (9) no refreshment vehicle shall operate on a street or sidewalk within the DBIA except in accordance with a permit issued under schedule S-3, or in accordance with the Market By-law.
- (10) if the Health Unit finds that the operation and maintenance of a refreshment vehicle do not comply with the requirements of the *Health Protection and Promotion Act* and the Food Premises Regulation, the Building and Licensing Division may suspend the license until the situation has been rectified.
- (11) Except as otherwise provided in the applicable schedule, the license fee shall be reduced by 50% if an application to be for one month or less at any point through out the year.

Class A and Class B

In addition to the General Regulations and the special conditions that apply to all refreshment vehicles, the following special conditions also apply:

- (1) an application for a *Class A* or *Class B* refreshment vehicle license shall include a copy of the vehicle registration and of a current inspection certificate indicating that the vehicle meets the requirements of the *Highway Traffic Act*;
- (2) the dimensions of a *Class A* or *Class B* refreshment vehicle shall not be greater than 6.7 meters in length and 2.6 meters in width;
- (3) a *Class B* refreshment vehicle shall not carry on business on any highway, except at a construction site where the highway has been closed to traffic.

Class C and Class D:

In addition to the General Regulations and the special conditions that apply to all refreshment vehicles, the following special conditions also apply:

- (1) no *Class C* or *Class D* refreshment vehicle shall be drawn by a horse or other animal;
- (2) a *Class C* or *Class D* refreshment vehicle may carry on business on streets and sidewalks other than those within the Downtown Kingston Business Improvement Area;
- (3) a *Class C* or *Class D* refreshment vehicle may carry on business in a municipal park if there are no authorized canteens or other authorized food outlets operating in that park;
- (4) a *Class C* or *Class D* refreshment vehicle whose license does not authorize it to operate from a stationary position shall not stop in any location for longer than is necessary to complete its sales.

Class E:

In addition to the General Regulations and the special conditions that apply to all refreshment vehicles, the following special conditions also apply:

1. all applications for licenses must be made at least 10 regular business days prior to proposed opening date; and
2. any *Class A* or *Class B* vehicle proposing to operate as a *Class E* vehicle that does not comply with the above restriction will be required to be licensed as a *Class A* or *Class B* and be subject to all regulations and fees as set out;
3. an application for a *Class E* refreshment vehicle license shall include a copy of the vehicle registration and of a current inspection certificate indicating that the vehicle meets the requirements of the *Highway Traffic Act*;;
4. the dimensions of a *Class E* refreshment vehicle shall not be greater than 6.7 meters in length and 2.6 meters in width.
5. If a *Class E* refreshment vehicle makes additional application beyond once a year, then they will be considered as applying for a *Class A* or *B* license and will pay the balance of the required annual fee for the *Class A* or *B* license.

SCHEDULE S-1
SALONS

Applicable to:	Every place of business in which the services of washing, cutting, trimming, shaving and treating or styling of hair are provided to the general public, and every place that offers aesthetic services, and Personal Service Salons
Reason for Licensing/Conditions:	Health and safety - that all inspections are performed and necessary sanitary precautions are taken Consumer protection - that consumers are provided service by qualified persons
Annual License Fee:	\$50.00
Exemptions:	(1) Doctor and Medical Health Professional Offices (2) Laser treatment clinics where no other Aesthetic service is provided.
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit
Special Conditions:	(1) No person shall work as a hair stylist in a salon unless he or she is qualified to do so under the <i>Apprenticeship and Certification Act, 1998</i> ; (2) In addition to the General Regulations set out in Part 4 of this by-law, the following special condition applies to Personal Service Salons. <ol style="list-style-type: none"> a. No person under the age of 18 shall be allowed to enter or remain in a Personal Service Salon without the accompaniment of a guardian b. No person under the age of 18 shall be allowed to obtain services in a Personal Service Salon without a waver form submitted by the guardian in person at the Personal Service Salon, containing the Name, Date of Birth, phone number and address of both the minor and the guardian who must present valid Ontario or other provincial or legal photo ID, as well as a description of the tattoo.

SCHEDULE S-2 SPECIFIC DAYS SALES	
Applicable to:	<p>Every person, including a hobby group or club, that proposes to carry on business for part of a calendar year in a specific location other than the person's regular place of business, if any, for the purpose of:</p> <ol style="list-style-type: none"> (1) selling goods and services including food; (2) entering into contracts for the sale of goods or services that are to be delivered at a later date; or (3) promoting the sale of goods and services by encouraging individuals to come to the person's regular place of business. <p>For purposes of this by-law, specific days sales are divided into the following classes:</p> <p>Class A – Sales of One to Five Days</p> <p><u>Class A-1</u>: sale by a local hobby group or club;</p> <p><u>Class A-2</u>: flower sale by a local flower vendor;</p> <p><u>Class A-3</u>: flower sale by another person;</p> <p><u>Class A-4</u>: special sale by a resident;</p> <p><u>Class A-5</u>: special sale by a non-resident;</p> <p>Class B – Sales of Six Days to Six Months</p> <p><u>Class B-1</u>: sale by a resident;</p> <p><u>Class B-2</u>: sale by a non-resident.</p>
Exemptions:	<p>The requirement to obtain a specific days sale license does not apply to:</p> <ol style="list-style-type: none"> (1) individual vendors who participate in a Class A-1 sale if these vendors have obtained any required permits and licenses; (2) persons who sell goods that are grown or produced on their own agricultural operation within the City of Kingston, or family members or employees who have written authority to sell the goods on their behalf; or (3) vendors who operate as part of the public market at Market Square in compliance with the applicable by-law governing its operation; or (4) persons who conduct no more than two days of garage or yard sales per calendar year on the residential property that they own or occupy. (5) Entrepreneurs participating in government entrepreneurship programs
Reason for Licensing/Conditions:	<p>Consumer protection - that consumers are provided information for civil matters if necessary</p> <p>Health and Safety – ensure proper food handling procedures are inspected</p>

SCHEDULE S-2: SPECIFIC DAYS SALES cont'd:

License Fee:	<p>Class A-1 \$25.00 per sale Class A-2 \$25.00 per location or \$25.00 per vendor Class A-3 \$600.00 per location or \$600.00 per vendor Class A-4 \$500.00 per vendor Class A-5 \$1500.00 per vendor Class B-1 \$100.00 for the first month and \$25.00 for each additional month Class B-2 \$1000.00 for the first month and \$300.00 for each additional month.</p> <p>In the event of a disagreement, the Building and Licensing Division will determine the applicable "class" of each proposed specific location sale, including whether an organization is entitled to be classified as a "charitable organization".</p>
Application Circulated to:	<p>(1) Building Section (2) Kingston Fire and Rescue (3) Kingston Police (4) KFL&A Health</p>
<p>Special Conditions:</p> <p>All Specific Days Sales: In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to all specific location sales:</p> <ol style="list-style-type: none"> 1) registered Charities are exempt from the requirement to pay the license fee upon verification of charitable status; 2) a separate license shall be required for each sale and for each separate location at which a proposed sale is to be carried on; 3) an application for a license shall include the types of goods and services to be offered, the proposed dates, the location, and evidence of permission to use that location; 4) a sale shall be carried on only in the location and during the period specified in the license; 5) all applications must be received by the Division no less than 10 regular business days prior to the sale date. <p>Class A Sales: In addition to the General Regulations and the special conditions that apply to all sales, the following special conditions also apply to Class A sales:</p> <ol style="list-style-type: none"> (1) a license will be issued for a maximum of five consecutive days; (2) if a proposed sale is scheduled to exceed five consecutive days, an application for an additional license shall be made; (3) to qualify as a Class A-1 sale, the goods and services shall be specific to the group or club's interests, and profits shall be obtained solely from table rents to individual vendors, admission fees, and canteen sales. <p>Class B Sales: In addition to the General Regulations and the special conditions that apply to all sales, the following special</p>	

conditions also apply to Class B sales:

- (1) a license will be issued for a maximum of six consecutive months;
- (2) upon application, the duration of a license may be extended at the discretion of the Licensing Section;
- (3) the full monthly fee will be charged even if a sale is carried on for only a portion of a calendar month.

SCHEDULE S-3 SPECIFIC LOCATION SALES	
Applicable to:	Every person engaged in the sale of any item while on a public street or sidewalk or other municipal property under the jurisdiction of the City of Kingston.
Reason for Licensing/Conditions:	Health and safety - that the location adheres to fire regulations and the building is safe for the public, Consumer protection - that service and guarantee promises are honoured
License Fee:	Class 1 : None Class 2: \$32.36 daily Class 3: \$6044.48 annually
Exemption	Approved annual Downtown Business Improvement Area side walk sales
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit (4) Kingston Police (5) Culture and Recreation
Special Conditions:	
<p>In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply:</p> <ol style="list-style-type: none"> 1. All applications must be received by the Division no less than 10 regular business days prior to the sale date. 2. an undertaking as set out by the division will be signed by the business owner; 3. a separate license shall be required for each location 4. where combustible materials are used, an application shall include a certificate of inspection from a licensed gas fitter; 5. before being granted a license, an applicant shall sign an agreement indemnifying the City and agreeing to comply with the by-laws regulating noise and the use of streets, all General Regulations set out in Part 4 of this by-law, and the special conditions that apply to Specific Location 5.1. in any Class 1 location no food or merchandise shall be sold within 60 meters which conflicts with the existing business of any vendor, and priority for locations shall be given to businesses who are already members of the DBIA. 6. Sales Location to be approved by the Division, and may require Council approval prior to issuing a license. 7. Despite the above no person, whether licensed or not, shall carry on any business that involves the selling of goods of any kind on any street or sidewalk within the City of Kingston, unless a permit has 	

been issued to the person by the Division authorizing the use of a designated space on the extended portion of one of the following sidewalks or road allowances.

Special Conditions Continued:

Class 1 locations:

1. south-eastern corner of Princess and Wellington;
2. south-western corner of Princess and Wellington;
3. north-eastern corner of Princess and Bagot;
4. south side of Princess from Wellington to mid-block;
5. north-eastern corner of Princess and King;
6. south side of Princess in front of the Grand Theatre;
7. south side of Princess from Barrie to mid-block; and
8. north side of Brock between Bagot and Montreal.

Class 2 locations:

1. Market Square on Monday, Wednesday and Fridays and during any events as authorized by the City of Kingston

Class 3 locations:

1. north side of Stuart in the area of parking meter 719 (for refreshment vehicles class A)
2. south side of Union at meter 708 (no further west than Division) (for refreshment vehicles class A)

SCHEDULE S-4 STREET PERFORMERS	
Applicable to:	Every person who proposes to perform on a sidewalk within the City of Kingston.
Exemptions:	The requirement for a "street performer license" does not apply to a person registered with the Downtown Kingston Business Improvement Area who performs as part of the annual Busker Rendezvous for the period of that event.
Reason for Licensing/Conditions:	Health and safety – Ensure that the performance will not endanger the public Nuisance control – That the streets and sidewalks are clear for pedestrians, and that no performance is stationary long enough so that noise becomes a problem
Annual License Fee:	\$25.00, regardless of the application date.
Application Circulated to:	Kingston Police
<p>Special Conditions:</p> <p>In addition to the General Regulations set out in Part 4 of the by-law, the following special conditions apply to every street performer:</p> <ol style="list-style-type: none"> (1) an applicant shall be at least 18 years old or have a parent or guardian's written authorization; (2) a written description of the performance to be given shall be submitted for approval with the application form, and any subsequent proposals for changes to the performance shall also be submitted for approval; (3) An application may be submitted to any other agency as deemed appropriate if it is determined by the department that there is a threat to public health or safety and should any agency have any objections to issuing the license it will not be granted by the department. (4) no performance shall be given in areas that are residential; (5) no performance shall be given between the hours of 11.00 p.m. and 9.00 a.m.; (6) performances shall be limited to sidewalks and shall not take place in the outside foyer of the Grand Theatre; (7) a performer shall remain mobile and rotate the location of his or her performance at minimum intervals of 90 minutes; (8) a performer shall keep each performance location in a neat and clean condition; (9) a performer shall prevent, where possible, the throwing of litter in a performance location, on the adjacent street, or on other properties; (10) a performance shall not be conducted in a manner that interferes with or obstructs the movement of pedestrians or disturbs the businesses and residents in the vicinity; (11) before being granted a license, an applicant or in the case of a person under the age of 18 their parent or guardian, shall sign an agreement indemnifying the City and agreeing to comply with the by- 	

laws regulating noise and the use of streets, all General Regulations set out in Part 4 of this by-law, and the special conditions that apply to street performers;

(12) during the annual Kingston Buskers Rendezvous and other special events authorized by the City, a performer shall be prepared to change performance locations, and the terms of a performer's agreement with the City may be waived or a license may be suspended temporarily by the Building and Licensing Division.

SCHEDULE T-1 THEATRES	
Applicable to:	Every place of business where theatrical performances, concerts, and other types of entertainment are held, including movie theatres and drive-in theatres.
Exemptions:	The requirement to obtain a "theatre license" does not apply to a theatre that is operated by a municipality, university, college, community college, school, or charitable organization.
Reason for Licensing/Conditions:	Health and safety – over crowding precautions, as well as safe food handling procedures are met.
Annual License Fee:	\$200.00
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply: <ol style="list-style-type: none"> (1) the operation of every theatre to which the <i>Theatres Act</i> applies shall conform with the provisions of that Act; (2) every theatre which has a valid license under the <i>Theatres Act</i> is entitled to a license under this by-law.

SCHEDULE T-2 TOBACCO SALES	
Applicable to:	Every person who keeps tobacco for sale or trade.
Exemptions:	None.
Reason for Licensing/Conditions:	Health and safety – safe storage of flammable materials Consumer protection – that provincial requirements are met for storage, sale and advertising of tobacco products.
Annual License Fee:	\$200.00.
Application Circulated to:	(1) Building Section (2) KFL&A Health Unit (3) Kingston Police
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special condition applies: (1) the operation of every business which sells tobacco shall conform with the provisions of the <i>Tobacco Control Act</i> regarding the sale and supply of tobacco.

SCHEDULE AE-1: ADULT ENTERTAINMENT ESTABLISHMENTS	
Applicable to:	Every place of business, including a body rub parlour, in which entertainment or services designed to appeal to erotic or sexual appetites or inclinations are provided.
Exemptions:	<p>The requirement to obtain an "adult entertainment establishment license" does not apply to a theatre which exhibits films that have been approved under the <i>Theatres Act</i>.</p> <p>Despite the special conditions set out in this Schedule, an adult entertainment establishment may continue to be operated at the place of business known municipally as 46 Montreal Street, if it obtains a license annually and complies with all other requirements of this by-law.</p>
Reason for Licensing/Conditions:	<p>Health and safety – to ensure that premises meet all regulations.</p> <p>Consumer Protection – that minors not be admitted to an establishment</p> <p>Nuisance protection – that locations are approved based on proximity to neighbouring properties to reduce nuisance to residential areas from noise.</p>
Annual License Fee:	\$1,000.00
Application Circulated to:	<ul style="list-style-type: none"> (1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit (4) Kingston Police

<p>Special Conditions:</p> <p>In addition to the General Regulations set out in section 4 of this by-law, the following special conditions apply to every establishment:</p> <ul style="list-style-type: none"> (1) an application for a license shall include the name of the owner and operator of the proposed establishment; (2) an applicant shall be at least 19 years of age; (3) the past conduct of the applicant shall offer reasonable evidence that the issuance of a license would not be adverse to the public interest, including evidence that he or she has not been convicted of an offence under the Criminal Code or the Controlled Drugs and Substances Act; (4) an establishment shall be located only in an area that is zoned for commercial or commercial arterial use in the zoning by-law that applies to the property; (5) no more than three adult entertainment establishments shall be permitted in the City of Kingston including the establishment operating at the location known municipally as 46 Montreal Street ; (6) no establishment shall be located closer than 300 metres, measured in a continuous path over the shortest distance, from another establishment or from a school, public park, residence or area that is
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zoned for residential use in the zoning by-law that applies to the property;

- (7) no licensee shall permit the establishment to be open for business or permit any entertainment or services to be provided between 2:00 a.m. and 12:00 noon of the same day;
- (8) during the hours of business, a licensee or his or her delegate, who shall be at least 19 year of age, shall be in the establishment at all times;
- (9) a licensee shall be responsible for ensuring that all entrances to the establishment are kept unlocked during the hours of business;
- (10) no licensee shall permit a person under the age of 18 to enter and remain in the establishment;

SCHEDULE AE-1: ADULT ENTERTAINMENT ESTABLISHMENTS

Special Conditions cont'd:

- (11) every licensee shall post and maintain signs in areas that are accessible to the patrons and employees, including but not limited to washrooms and attendant dressing rooms, stating that physical contact is prohibited and sexually transmitted diseases can be transmitted through unprotected physical contact.
- (12) every licensee shall place and maintain signs at every entrance to the establishment and in a prominent place within the establishment indicating that no person under the age of 18 may enter and remain in the establishment;
- (13) no licensee shall permit a person to work as an attendant in his or her establishment unless the person is at least 18 years of age and has obtained an adult entertainment attendant license and a numbered photo identification card in accordance with Schedule AE-2;
- (14) a licensee shall provide the Building and Licensing Division, not later than one working day after the commencement of an attendant's employment at his or her establishment, with the attendant's name and license number and the starting date of the attendant's employment;
- (15) a licensee shall also advise the Division promptly of the date of termination of an attendant's employment;
- (16) no licensee shall permit an attendant to provide entertainment or services other than within public view;
- (17) no licensee shall knowingly permit an attendant to have any physical contact with another person in the establishment that involves the touching of a breast, pubic area or buttocks;
- (18) no licensee shall erect or place or permit the erection or placing of any sign or other advertising device that includes the words "nude", "naked", "topless", "bottomless", or "sexy", or that includes any other word or picture, symbol or representation with a similar meaning or implication.
- (19) No licensee shall permit drunken, quarrelsome, violent or disorderly conduct.
- (20) No licensee shall permit anyone in a licensed establishment to hold, sell, distribute or use illegal drugs.
- (21) no licensee shall knowingly permit any patron or attendant to engage in any activity of a criminal nature in the establishment;

SCHEDULE AE-2: ADULT ENTERTAINMENT ATTENDANTS	
Applicable to:	Every person who is employed in or performs at an establishment that provides services designed to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Establishment.
Exemptions:	None.
Reason for Licensing/Conditions:	Health and safety – to protect the attendants from patrons through limited contact
Annual License Fee:	\$100.00, which is valid for a period of one year from the date of issue.
Application Circulated to:	(1) Kingston Police
<p>Special Conditions:</p> <p>In addition to the general regulations set out in section 4, the following special conditions apply to every adult entertainment attendant:</p> <ol style="list-style-type: none"> (1) no person shall commence work as an attendant unless he or she has obtained both an attendant license and a numbered photo identification card from the Building and Licensing Division; (2) an applicant shall be at least 18 years of age; (3) an application shall include the applicant's current address and the name and address of his or her employment agency, if applicable; (4) an application shall be accompanied by proof of age, a valid driver's license with a photograph of the applicant or an acceptable substitute, and one other piece of identification; (5) no attendant shall provide entertainment or services other than within public view; (6) no attendant shall engage in any physical contact with another person in the establishment that involves the touching of a breast, pubic area or buttocks. (7) the past conduct of the applicant shall offer reasonable evidence that the issuance of a license would not be adverse to the public interest, including evidence that he or she has not been convicted of an offence under the Criminal Code or the Controlled Drugs and Substances Act; 	

SCHEDULE AE-3: ADULT ENTERTAINMENT STORES	
Applicable to:	Every place of business, including an adult video store, in which goods designed to appeal to exotic or sexual appetites or inclinations are provided.
Exemptions:	<p>The requirement to obtain an "adult entertainment store" license does not apply to a place of business in which less than five per cent of the goods provided are designed to appeal to exotic or sexual appetites or inclinations, however no goods shall be displayed at a height of less than 1.5 metres above floor level, unless such goods are in a place to which the public are not customarily admitted and all goods shall be placed behind an opaque barrier of a size and nature that ensures that only the titles of the goods are visible the public.</p> <p>Despite the conditions set out in this Schedule, adult entertainment stores may continue to be operated at the places of business known municipally as 235 Montreal Street, 277 Bath Road, 292 Queen St and 1300 Bath Rd if each store obtains a license annually and complies with all other requirements of this by-law.</p>
Reason for Licensing/Conditions:	<p>Health and safety – to ensure that the premises meets all provincial regulations</p> <p>Nuisance protection – that locations are approved based on proximity to neighbouring properties to reduce nuisance to residential areas from noise</p>
Annual License Fee:	\$300.00
Application Circulated to:	<p>(1) Building Section</p> <p>(2) Kingston Fire and Rescue</p> <p>(3) Kingston Police.</p>
Special Conditions:	
<p>(1) In addition to the general regulations set out in Section 4, the following special conditions apply to every adult entertainment store;</p> <p>(2) an application for a license shall include the names of the owner and operator of the proposed store;</p> <p>(3) an applicant shall be at least 19 years of age;</p> <p>(4) the past conduct of the applicant shall offer reasonable evidence that the issuance of a license would not be adverse to the public interest, including evidence that he or she has not been convicted of an offence under the Criminal Code or the Controlled Drugs and Substances Act;</p> <p>(5) a store shall be located only in an area that is zoned for commercial or commercial arterial use in the zoning by-law that applies to the property;</p> <p>(6) No more than four Adult entertainment Stores will be permitted within the City of Kingston including the stores listed in this schedule;</p> <p>(7) no store shall be located closer than 300 metres, measured in a continuous path over the shortest distance, from another adult entertainment establishment store or from a school, public park, residence or area that is zoned for residential use in the zoning by-law that applies to the property;</p> <p>(8) no licensee shall permit a person under the age of 18 to enter and remain in the store;</p> <p>(9) a licensee shall place and maintain signs at every entrance and in a prominent place within the store indicating that no person under the age of 18 may enter and remain in the store;</p> <p>(10) no licensee shall erect or place or permit the erection or placing of any sign or other advertising device that includes words, pictures, symbols or representations of an erotic nature or similar meaning or implication.</p>	

BY-LAW NO. 2003-4

A BY-LAW TO LICENSE, REGULATE AND GOVERN CERTAIN TRADES AND OCCUPATIONS

PASSED: December 17, 2002

WHEREAS section 257.2 of the current *Municipal Act* authorizes the council of every local municipality to pass by-laws for licensing, regulating and governing any business, including trades and occupations, carried on within the municipality;

AND WHEREAS section 150 of the *Municipal Act, 2001* will continue to provide this authority when it comes into force on January 1, 2003;

AND WHEREAS the Council of the City of Kingston considers it desirable to exercise this authority for the purposes of health and safety and consumer protection;

THEREFORE the Council of the Corporation of the City of Kingston enacts as follows:

1. DEFINITIONS

In this by-law:

"Appeals Committee" means the committee established by the Council Procedure By-law (No. 98-1, as amended) and includes any successor committee designated by Council to carry out the responsibilities of this committee;

"apprentice electrician" means a person who is an apprentice, as defined in the *Trades Qualification and Apprenticeship Act*, in the trade of electrician;

"apprentice plumber" means a person who is an apprentice, as defined in the *Trades Qualification and Apprenticeship Act*, in the trade of plumber;

"Building and Licensing Division" means the Building and Licensing Division, Department of Planning and Development or, in the event of organizational changes, another unit designated by Council to carry out its responsibilities for the administration and enforcement of this by-law, and *"Division"* has the same meaning;

"certificate of qualification" means, with respect to an electrician or plumber, a certificate of qualification in that trade issued under the *Trades Qualification and Apprenticeship Act*;

"City" and *"City of Kingston"* mean The Corporation of the City of Kingston, as incorporated on January 1, 1998;

"Council" and *"City Council"* mean the Council of the City of Kingston;

“electrical contractor” means a person who,

- (a) is or employs a master electrician,
- (b) is engaged in the business of contracting for the installation and repair of electrical work, or
- (c) solicits, advertises or represents himself or herself to the public as doing the work of an electrician or as being an electrical contractor;

“electrical work” means the work, as described in a regulation under the *Trades Qualification and Apprenticeship Act*, which an electrician is qualified to perform;

“electrician” means a person who holds a valid certificate of qualification in the trade of electrician under the *Trades Qualification and Apprenticeship Act*;

“institution” includes a public hospital or other health care facility, a provincial correctional institution, a manufacturing or industrial premises, and a building or facility owned or occupied by the province, a university, college, community college, school, school board, or municipality other than the City;

“journeyman electrician” and *“journeyman plumber”* have the same meaning as *“electrician”* and *“plumber”*, respectively;

“licence” means a licence issued under this by-law;

“licensee” means a person who holds a licence issued under this by-law and *“licensed”* has a corresponding meaning;

“maintenance electrician” means a person who holds a valid certificate of qualification in the trade of construction and maintenance electrician under the *Trades Qualification and Apprenticeship Act* and is employed as a staff employee to do electrical repairs on premises or equipment owned and occupied or operated by his or her employer;

“master electrician” means a person who:

- (a) is a journeyman electrician,
- (b) is skilled in the planning, superintending and installation of electrical work,
- (c) is familiar with the laws, rules and regulations governing the trade of electrician, and
- (d) has successfully passed the Master Electrician’s examination under this by-law;

“master plumber” means a person who:

- (a) is a journeyman plumber,
- (b) is skilled in the planning, superintending and installation of plumbing work,
- (c) is familiar with the laws, rules and regulations governing the trade of plumber, and

(d) has successfully passed the Master Plumber's examination under this by-law;

"*non-resident*" means a person who does not have a regular place of business in the City;

"*Ontario Building Code*" means the regulations made under the *Building Code Act, 1992* that establish standards for the construction and demolition of property;

"*person*" has the same meaning as in the *Interpretation Act*, and includes a corporation;

"*place of business*" means any place, premises or location, or part thereof, in which a business is carried on, and includes a shop, store or office, and an office in a dwelling unit which is accessible to the public;

"*plumber*" means a person who holds a valid certificate of qualification in the trade of plumber under the *Trades Qualification and Apprenticeship Act*;

"*Plumbers' and Electricians' Joint Examining Board*" means the committee established by the Council Procedure By-Law (No. 98-1, as amended) and includes any successor body established by Council to carry out the Board's responsibilities, and "*Examining Board*" has the same meaning;

"*plumbing contractor*" means a person who:

- (a) is or employs a master plumber,
- (b) is engaged in the business of contracting for the installation and repair of plumbing work,
or
- (c) solicits, advertises or represents himself or herself to the public as doing the work of a plumber or as being a plumbing contractor;

"*plumbing work*" means the work, as described in a regulation under the *Trades Qualification and Apprenticeship Act*, which a plumber is qualified to perform;

"*premises*" means a building or part of a building or a location where a person carries on any trade to which this by-law applies;

"*proof of insurance*" means a certificate of insurance issued by a company authorized to carry on the business of insurance in the Province of Ontario that contains a provision or an endorsement naming the City and its agents as additional insured parties, and stating that the insurer will provide the City with at least thirty days' written notice of any cancellation, expiration or change to the terms of the insurance;

"*regular place of business*" means the place of business in which the business is normally carried on, but does not include a place, premises or location in which a business is conducted on a one-time or temporary basis; and

"*resident*" means a person who has a regular place of business in the City.

2. APPLICATION:

2.1 The requirements of this by-law apply to every person who carries on business in the following trades and occupations, except where exempted by section 5 of this by-law:

- electrical contractor;
- plumbing contractor;
- master electrician;
- master plumber.

2.2 The requirement to obtain a licence applies to every trade and occupation described in section 2.1, regardless of whether it is being carried on wholly or partly within the City, and even if it is being carried on from a location outside the City.

3. ADMINISTRATION:

3.1 The Building and Licensing Division and the Plumbers' and Electricians' Joint Examining Board are responsible for the administration and enforcement of this by-law.

3.2 Every application for a new licence or a renewal of an existing licence under this by-law shall be submitted to the Division in the form provided.

3.3 Every application for a new licence or a renewal of an existing licence shall be accompanied by the applicable licence fee and by all documentation and other information that is needed to determine whether the applicant is eligible to apply for a licence in that trade or occupation.

3.4 Where two or more persons propose to carry on business as a partnership, their application shall include the name and address of each member of the partnership even though the licence, if approved, will be issued in the name of one partner only.

3.5 Every application for a new licence will be reviewed to determine whether it meets all general requirements set out in Part 4 and the special conditions set out in the Schedule to this by-law which applies to that trade or occupation.

3.6 If it is determined that an application for a new licence meets these requirements, the Division will issue the licence.

3.7 In the event that a licence is subsequently lost or destroyed, the Division may, after reviewing the circumstances, issue a replacement licence to the licensee upon receipt of the applicable fee, as set out in Schedule 1.

3.8 If it is determined that an application for a new licence does not meet the requirements of the by-law, the Division will refuse to issue the licence.

3.9 Every application for the renewal of a licence will be renewed if the applicant:

- (1) has paid the applicable licence fee;
- (2) has filed all necessary documentation and other information; and

- (3) has carried on business in the trade or occupation in compliance with the requirements of this by-law and in a manner that affords reasonable cause to believe that the licensee will continue to carry on business in compliance with the requirements of this by-law, with all applicable law, and with honesty and integrity.
- 3.10 If it is determined that an application for a renewal of a licence does not fulfil the requirements set out in section 3.9, the Division will refuse to renew the licence.
- 3.11 A person holding an electrical contractor's or plumbing contractor's licence who does not renew the licence on or before December 31st of the year for which it was issued shall be required to pay a late payment fee, as set out in Schedule 1, in addition to the annual licence fee.
- 3.12 The licence of a person holding a master electrician's or master plumber's licence which is not renewed on or before March 31st of the year subsequent to the year for which the licence was issued shall be deemed to have expired.
- 3.13 In the event that a licence expires in accordance with section 3.12, the person who holds the expired licence shall be required to submit an application for a new licence and will be subject to all requirements that apply to such applications.
- 3.14 Every licensee or another person acting on the licensee's behalf shall notify the Division in writing within 14 days of any of the following events:
 - (1) retirement of the licensee from business;
 - (2) death of the licensee;
 - (3) sale, transfer or termination of the business; or
 - (4) where the licence was obtained on the basis of an employee's certificate, the termination of that employee's employment.
- 3.15 A licensee who is unable to carry on business in the trade or occupation because of health problems or another person acting on the licensee's behalf may surrender the licence voluntarily to the Division together with a medical certificate or statutory declaration that provides evidence of the circumstances.
- 3.16 A licensee whose licence has been surrendered voluntarily in accordance with section 3.15 must, before resuming business, submit a medical certificate to the Division from a qualified medical practitioner certifying that the licensee is fit and able to resume carrying on business in the trade or occupation.
- 3.17 Upon receipt of the medical certificate, the Division will:
 - (1) if the licence has not expired, reinstate or return it to the licensee;
 - (2) if it has expired and the medical certificate is submitted between January 1st and June 30th, renew the licence for the current calendar year, without penalty, upon the payment of the annual licence fee; or

- (3) if it has expired and the medical certificate is submitted after June 30th, renew the licence for the current calendar year, without penalty, upon payment of 50 per cent of the annual licence fee.
- 3.18 If the City determines that the insurance required by a licensed electrical contractor or a plumbing contractor is due to expire on a certain date, the Division will suspend the licence coincidentally with the expiry of the insurance unless the licensee files further proof of insurance by the end of office hours on the date of expiry.
- 3.19 The Division will, upon determining that the insurance of a licensee is due to expire, notify the electrical contractor or plumbing contractor that his or her licence will be suspended unless further proof of insurance is filed on or before the date of expiry.
- 3.20 If, at any time, the Division determines, as a result of evidence that is provided, that a licensee is not carrying on business in a trade or occupation in compliance with the requirements of this by-law, it may suspend or revoke the licence in accordance with sections 7.1 and 7.2.
- 3.21 A person whose application for a new licence or a renewal of a licence has been refused, or whose licence has been suspended or revoked may, within fifteen days of being notified of the decision, apply to the Appeals Committee for a review of the decision.
- 3.22 Despite section 3.21, the review of a refusal to permit a person to sit for a Master's examination shall be conducted by the Examining Board in accordance with Schedule 2 of this by-law, and its decision is not subject to review by the Appeals Committee.
- 3.23 A person who has applied under section 3.21 for a review of a decision will be given an opportunity to make written representations to or to appear before the Appeals Committee when it reviews the matter.
- 3.24 The Appeals Committee will review the matter at its next meeting, and may confirm the decision, or direct the Division to issue, renew or reinstate the licence.
- 3.25 Decisions of the Appeal Committee under section 3.24 are final.
- 3.26 There will be no refund to a licensee or former licensee of all or any portion of the licence fees in the event of the suspension or revocation of a licence.

4. GENERAL LICENSING REQUIREMENTS:

- 4.1 No person shall carry on business within the City in a trade or occupation described in section 2.1 unless that person holds a valid licence from the City for that trade or occupation.
- 4.2 A person is not eligible to hold a licence if he or she provides misleading, false or incorrect information for the purposes of obtaining, renewing or retaining a licence.
- 4.3 A person is not eligible to hold a licence unless that person has paid the licence fee for that trade as set out in Schedule 1.

- 4.4 A person is not eligible to hold a licence unless he or she complies with all of the requirements of this by-law, including the special conditions set out in the Schedule to this by-law that applies to the trade or occupation.
- 4.5 A person is not eligible to hold a licence as an electrical contractor or plumbing contractor unless he or she maintains, without any lapse in coverage, insurance in accordance with section 8 of Schedule 3 of this by-law.
- 4.6 A licence is valid for one calendar year only and every licensee is required to submit an application for a renewal of his or her licence by December 31st of each year, together with the applicable licence fee.
- 4.7 A licensee shall not transfer his or her licence to another person without the approval of the Division, and an application for a transfer will be subject to the same requirements as an application for a new licence for that trade.
- 4.8 No person shall carry on business in a trade for which a licence is required under this by-law: (1) if the licence has expired or been revoked; or (2) while the licence is under suspension or has been voluntarily surrendered to the Division.
- 4.9 Every licensee shall carry his or her licence at all times and, where applicable, display evidence of the licence on the vehicles and other property used for the purposes of the business in accordance with Schedule 3 of this by-law.
- 4.10 Every licensee shall produce the licence for inspection upon the request of an authorized employee or agent of the City.
- 4.11 Every licensee shall allow, at any reasonable time, an authorized employee or agent of the City to inspect his or her place of business and any other premises, other than a place actually being used as a dwelling, equipment, vehicles and other personal property used for the business, to determine whether the requirements of this by-law are being complied with, and no person may obstruct, hinder or otherwise interfere with such an inspection.
- 4.12 Every licensee shall carry on business in the trade in compliance with the requirements of this by-law, with all applicable law, and with honesty and integrity.
- 4.13 Every licensee shall be responsible for the acts of any person employed by or associated with the licensee in carrying on business in the trade in the same manner and to the same extent as though such acts were done by the licensee.
- 4.14 No licensee shall permit his or her name to be used by any other person, whether licensed or unlicensed, for the purposes of promoting that person's business.

5. EXEMPTIONS:

- 5.1 The requirements of this by-law do not apply to:
 - (1) Persons who do electrical or plumbing work in the course of their employment with the City, Utilities Kingston and its subsidiary companies, or any local board of the City;

- (2) Persons who replace hot water tanks and who hold valid certificates of qualification to do this work under the *Technical Standards and Safety Act, 2000*;
 - (3) Persons who maintain, service or replace mechanical or electrical components and accessories that form part of an appliance;
 - (4) Persons who drill and service water wells;
 - (6) Persons who are qualified to install, repair, service, clean and empty septic systems in accordance with the requirements of the *Ontario Building Code*; or
 - (7) Persons who do electrical or plumbing work solely on residential premises which they occupy or plan to occupy as a dwelling unit.
- 5.2 Institutions whose employees do electrical or plumbing work in the course of their employment are not required to obtain master electrician or master plumber licences for these employees.
- 5.3 Despite section 5.2, every institution shall employ, for its internal electrical and plumbing work, a licensed master electrician and master plumber, and shall provide the name of these persons each year to the Building and Licensing Division.
- 5.4 As an alternative to meeting the requirement set out in section 5.3, an institution may engage the services of a licensed electrical contractor and plumbing contractor for its internal electrical and plumbing work.

6. SCHEDULES:

- 6.1 The following Schedules are attached to and form part of this By-law:

Schedule 1	Licence Fees
Schedule 2	Plumbers' and Electricians' Joint Examining Board
Schedule 3	Electrical Contractors and Plumbing Contractors
Schedule 4	Master Electricians and Master Plumbers

7. OFFENCE AND PENALTY PROVISIONS:

- 7.1 Any licensee who does not carry on business in a trade in compliance with the requirements of by-law shall be subject to the following penalties:
- (1) For the first occurrence – a one month suspension;
 - (2) For misrepresentation or fraudulent behaviour in dealing with customers -- a three month suspension; and
 - (3) For more serious misrepresentation, misconduct, or breach of a licensee's obligations -- a six month suspension.

- 7.2 The length of the suspensions described in section 7.1 may be doubled in the event of a second occurrence and tripled in the event of a third occurrence, and a licensee's licence may be revoked in the event of continuing occurrences.
- 7.3 Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act* and to any other applicable penalties.
- 7.4 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 7.5 If this by-law is contravened and a conviction entered, the court may also order that the premises or part of the premises be closed to any use for a period not exceeding two years.

8. VALIDITY:


- 8.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

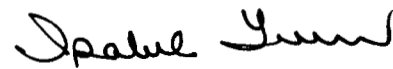
9. COMMENCEMENT:

- 9.1 This By-law comes into force on December 31, 2002.
- 9.2 In accordance with subsection 150(13) of the *Municipal Act, 2001*, this by-law expires five years after it comes into force.

GIVEN FIRST AND SECOND READINGS December 3, 2002

GIVEN THIRD READING AND FINALLY PASSED December 17, 2002


Acting CITY CLERK


MAYOR



SCHEDULES

SCHEDULE 1	LICENCE FEES		
Description of Licence		Licence Fee	
Licence "A" (Resident)			
Master Electrician		\$100.00	
Electrical Contractor		\$200.00	
Licence "A-1" (Non-Resident)			
Master Electrician		\$125.00	
Electrical Contractor		\$250.00	
Licence "A" (Resident)			
Master Plumber		\$100.00	
Plumbing Contractor		\$200.00	
Licence "A-1" (Non-Resident)			
Master Plumber		\$125.00	
Plumbing Contractor		\$250.00	
Replacement Licence Certificate (8-1/2 X11)		\$25.00	
Replacement Wallet Card		\$10.00	
Late Payment Fee for Electrical Contractors and Plumbing Contractors		\$150.00	

SCHEDULE 2:**PLUMBERS' & ELECTRICIANS' JOINT EXAMINING BOARD**

1. A Plumbers' and Electricians' Joint Examining Board will be appointed by City Council, consisting of the Chief Building Official, the Plumbing Inspector, one Electrical Contractor, one Plumbing Contractor, one Master Electrician, one Master Plumber, one representative of the Electrical Safety Authority, the Supervisor, Building and Licensing, and a representative of the Licensing Section.
2. The Rules and Regulations for the examination of applicants regarding the fees to be paid upon examinations and all other matters necessary to the proper application of the provisions of this by-law are set out in Appendix A to this Schedule.
3. The Rules and Regulations referred to in section 2 may be amended by Council on the recommendation of the Examining Board.
4. Any person who fails to pass an examination for a licence may apply to the Examining Board to sit for a further examination and may be re-examined after the expiration of three months from the date of the first examination.
5. All persons applying for an examination or re-examination shall pay the examination fee set out in the Rules and Regulations in Appendix "A" to this Schedule.
6. Any person who fails to pass an examination for a second time shall appear before the Examining Board to show cause why he or she should be permitted to apply for a further examination. The Examining Board may, if the circumstances warrant it, direct that the person be re-examined on a date to be determined according to the Rules and Regulations.
7. If a licensee in a trade or occupation to which the examination requirement applies has not carried on business in the trade or occupation for five years or more, or if the workmanship of the licensee does not comply with the requirements of this by-law or the requirements set out in any relevant legislation, regulation or code, the Examining Board may require the licensee to submit to a re-examination.
8. Any person who is refused permission by the Examining Board:
 - a. to sit for the examination by the Examining Board, or
 - b. having failed, to sit for a further examination,may apply for a review of the Examining Board's refusal within fifteen days of being notified of the decision by filing his or her written application with the Division, setting out in detail the grounds on which the applicant relies.
9. The Division will provide written notice to the Examining Board of the receipt of any application for a review under section 8 at its next regular meeting.
10. The Examining Board, on receipt of the notice, will provide the applicant with a copy of its reasons for having refused to give its permission to the applicant.

11. The Examining Board will determine the time and date for the hearing and the Division will notify the applicant of the time and date by means of personal notice or registered mail.
12. The applicant may appear before the Examining Board to make representations and the onus will be on the applicant to show why he or she should be granted permission.
13. The hearing will be conducted in accordance with the *Statutory Powers Procedure Act*.
14. The Examining Board will provide its decision in writing to the Division either:
 - a. within seven days of the date of the completion of the review hearing; or
 - b. if a transcript of the review hearing is requested, within seven days of the date of the receipt of the transcript by the Examining Board.
15. The Division will notify the applicant of the decision immediately by sending a copy by personal notice or registered mail.
16. The decision of the Examining Board on this matter is final and binding.

APPENDIX A To Schedule 2:	Rules and Regulations for the Examination of Applicants
<ol style="list-style-type: none">1. An applicant wishing to write a Master Electrician's or Master Plumber's examination shall be in possession of a valid certificate of qualification in the trade of electrician or plumber, and shall provide evidence that he or she has held such certificate for a minimum of two years.2. Any person who applies to write the exam shall complete and sign the application form and file it, along with the examination fee of \$125.00, with the Building and Licensing Division. The Division will forward it to the Examining Board between the first and fifteenth days of the months during which examinations are to be held.3. The Division will, upon receipt of an application and the examination fee, make or cause to be made all investigations required under this by-law.4. Upon completion of such investigations, the applicant will receive a written notice from the Division if he or she is to be permitted to sit for the examination, indicating the date, time and place of the examination.5. No applicant shall be examined unless the Division has received the examination fee of \$125.00.6. Examinations will be held quarterly in every year, or as required by the Examining Board.7. The Examining Board has the sole responsibility for determining the nature of the examinations, the specific dates and times at which examinations will be held, and all other matters in connection with the examinations.8. Examinations will be supervised by the person or persons appointed by the Examining Board.9. At least two members of the Examining Board or two other persons will be appointed by the Examining Board as Examiners to conduct and mark the examinations without interference, and all Examiners shall be qualified electricians or plumbers, depending on the examination.10. An applicant who takes the examination shall obtain a mark of at least 70 percent to be qualified for a Master Electrician's or Master Plumber's licence.11. Subject to the provisions of subsections 8 to 16 of Schedule 2, the decision of the Examiners who are appointed under section 9 is final as to whether an applicant has sufficient experience and knowledge to receive a passing mark and is qualified for a Master's Licence.12. Applicants will be examined as to their ability to perform:<ol style="list-style-type: none">a. In the case of the electrical examination, electrical work as defined in this by-law; the examination will be based on the applicants' knowledge of practical work being carried out in accordance with the electrical code requirements, and other related provincial and municipal regulations and by-laws; orb. In the case of the plumbing examination, plumbing work as defined in this by-law; the examination will be based on the applicants' knowledge of practical work being carried out in accordance with the plumbing code requirements, and other related	

provincial and municipal regulations and by-laws.

13. An applicant may, if good cause is provided to the Chair of the Examining Board, be excused from attending one examination without having to file a new application, but an applicant will not be excused from a second examination.
14. Where an applicant is excused under section 13, the fee will not be forfeited.
15. Where an applicant who has not been excused under section 13 misses an examination, the fee shall be forfeited and the application shall be null and void.
16. Every Examiner who is appointed under section 9 to conduct and mark examinations, other than an employee of the City, will be paid a fee of \$75.00 for each paper that is marked
17. The fee will be paid by the City when the Examiners appointed under section 9 submit accounts for payment which have been approved by the Examining Board.

SCHEDULE 3:	ELECTRICAL CONTRACTORS & PLUMBING CONTRACTORS
Reason for Licensing/Conditions:	<ul style="list-style-type: none"> • Health & Safety • Consumer Protection
Special Conditions:	<ol style="list-style-type: none"> 1. Subject to the exemptions in Part 5 of this by-law: <ol style="list-style-type: none"> (1) no person shall apply to the Building and Licensing Division for an Electrical Contractor's or Plumbing Contractor's licence without providing confirmation of employment of a licensed Master Electrician or Master Plumber, respectively, upon whose qualifications the contractor's license will be obtained; (2) no person who is not licensed as an Electrical Contractor or Plumbing Contractor under this by-law shall contract for or receive payment for any electrical or plumbing work, respectively, in the City; (3) no person shall hire or employ an Electrical Contractor or Plumbing Contractor who is not licensed under this by-law to do any electrical or plumbing work, respectively, in the City; (4) no contractor who is not licensed under this by-law shall employ a Journeyman Electrician or Journeyman Plumber, or Apprentice Electrician or Apprentice Plumber to do any electrical or plumbing work, respectively, in the City; (5) no contractor licensed under this by-law shall employ any person other than a Journeyman Electrician or Journeyman Plumber, or Apprentice Electrician or Apprentice Plumber, to do any electrical or plumbing work, respectively, in the City; (6) no contractor licensed under this by-law shall permit an Apprentice Electrician or Apprentice Plumber in his or her employ to do any electrical or plumbing work, respectively, in the City, except under the supervision of a licensed Master in that trade; (7) no contractor shall hire or employ any person to do any electrical or plumbing work in the City except in accordance with the provisions of this by-law; and (8) a licence application from a corporation shall be made by an officer or employee who is authorized to act on its behalf, but the licence will be issued in the name of the corporation. 2. The following licences may be issued pursuant to this Schedule, upon satisfactory proof that the applicant is at least 18 years of age: <ol style="list-style-type: none"> (1) Licence "A" to a Resident Electrical Contractor or Resident Plumbing Contractor, indicating the licensed Master in his or her

	<p>employ upon whose qualifications the licence has been obtained;</p> <p>(2) License "A-1" to a Non-Resident Electrical Contractor or Non-Resident Plumbing Contractor, indicating the licensed Master in his or her employ upon whose qualifications the licence has been obtained.</p> <p>3. Upon application made in accordance with the provisions of this by-law, the Division will issue:</p> <p>(1) a License "A" to:</p> <p>(a) a Resident Electrical Contractor or Resident Plumbing Contractor whose regular place of business is within the City of Kingston, upon providing satisfactory proof that he or she:</p> <ul style="list-style-type: none">i) has insurance in accordance with the requirements of Section 8 of this Schedule;ii) is carrying on business as an Electrical Contractor or Plumbing Contractor;iii) is either a licensed Master or employs a Master who holds a valid Master's licence from the City of Kingston under this by-law; andiv) complies with the other provisions of this by-law. <p>(2) a License "A-1" to:</p> <p>(a) a Non-Resident Electrical Contractor or Non-Resident Plumbing Contractor whose regular place of business is outside the City of Kingston, upon providing satisfactory proof that he or she:</p> <ul style="list-style-type: none">i) has insurance in accordance with the requirements of Section 8 of this Schedule;ii) is carrying on business as an Electrical Contractor or Plumbing Contractor;iii) is either a licensed Master or employs a Master who holds a valid Master's licence from the City of Kingston under this by-law; andiv) complies with the other provisions of this by-law. <p>4. An applicant for a Non-Resident Electrical Contractor's or Non-Resident Plumbing Contractor's licence will be eligible for a licence if the applicant provides proof in a form satisfactory to the Division that he or she holds a valid Contractor's licence from a municipality or agency listed in subsection 4(1) or 4(2) of this Schedule and complies with the other provisions of this by-law.</p>
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(1) In the case of a Non-Resident Electrical Contractor's licence, an applicant shall be required to provide proof that he or she holds a valid Electrical Contractor's License from one of the following:

- (a) the City of Barrie;
- (b) the City of Brantford;
- (c) the City of Cambridge;
- (d) the City of Guelph;
- (e) the City of Hamilton;
- (f) the City of Kitchener;
- (g) the City of London
- (h) the City of Ottawa;
- (i) the City of Thunder Bay;
- (j) the City of Toronto;
- (k) the City of Windsor; or
- (l) the Electrical Contractor Registration Agency.

(2) In the case of a Non-Resident Plumbing Contractor's licence, an applicant shall be required to provide proof that he or she holds a valid Plumbing Contractor's licence from one of the following:

- (a) the City of Barrie;
- (b) the City of Cambridge;
- (c) the City of Hamilton;
- (d) the City of Kitchener;
- (e) the City of London;
- (f) the City of Sarnia;
- (g) the City of Sault Ste. Marie;
- (h) the City of Thunder Bay;
- (i) the City of Toronto; or
- (j) the City of Windsor.

5. The person upon whose qualifications the License "A-1" was obtained shall be responsible for the supervision of work on all jobs for which the License "A-1" was obtained.

6. Every licensee under this Schedule shall:

- (1) attach to or paint a sign in a clearly visible position showing his or

her name and licence number in letters and figures not less than 1.2 cm. (3 inches) in height on both sides of the body of all vehicles used for the transportation of equipment and materials in the course of the business; and

- (2) ensure that his or her name, licence number and business address are included on all stationery, forms, bills, invoices, statements and other printed or written advertising material, including any publications, used in the course of the business.
6. Every Contractor holding a Licence "A" or "A-1" shall, within three months from the date of the resignation, retirement or death of his or her Master Electrician or Master Plumber, employ another Master Electrician or Master Plumber.
 7. No person shall hold more than one type of license, either Licence "A" or License "A-1", at the same time.
 8. Every Resident Electrical Contractor, Resident Plumbing Contractor, Non-Resident Electrical Contractor and Non-Resident Plumbing Contractor shall file proof of insurance with the City in the amounts of:
 - (1) public liability of not less than \$2,000,000.00 on account of bodily injuries to or death of one person and not less than \$1,000,000.00 on account of bodily injuries to or death of more than one person as a result of any one accident; and
 - (2) property damage of not less than \$500,000.00.

SCHEDULE 4:	MASTER ELECTRICIANS & MASTER PLUMBERS
Reason for Licensing/Conditions:	<ul style="list-style-type: none"> • Health & Safety • Consumer Protection
Special Conditions:	<ol style="list-style-type: none"> 1. Subject to the exemptions in Part 5 of this by-law: <ol style="list-style-type: none"> (1) no person shall hire or employ any Master Electrician or Master Plumber who is not licensed under this by-law to do any electrical or plumbing work respectively; (2) no Maintenance Electrician, as defined in this by-law, shall do any electrical work in the City except, <ol style="list-style-type: none"> (a) on premises or equipment owned and occupied or operated by his or her regular employer and which are in the nature of electrical repairs and maintenance only; or (b) the repair, servicing, maintenance or replacement of any electrical equipment or appliances. 2. Under no circumstances shall electrical conduit or wiring be installed by anyone except under the direction of a Master Electrician or an Electrical Contractor from the point or points of delivery of electrical power or energy up to the point or points where the power or energy can be consumed or used by any electrical equipment. 3. The following licences may be issued pursuant to this Schedule, subject to the applicant indicating his or her employer: <ol style="list-style-type: none"> (1) Licence "A" to a Resident Master Electrician or Resident Master Plumber; (2) Licence "A-1" to a Non-Resident Master Electrician or Non-Resident Master Plumber. 4. Upon application made in accordance with the provisions of this by-law, the Building and Licensing Division will issue: <ol style="list-style-type: none"> (1) a Master's Licence "A" to a resident electrician or plumber, upon providing satisfactory proof that he or she: <ol style="list-style-type: none"> (a) holds a valid certificate of qualification and has held such certificate for the two years preceding the application; (b) has worked as a Journeyman Electrician or Journeyman Plumber for a period of at least two years prior to making application; (c) complies with the provisions of this by-law; and (d) has passed the Master's examination in accordance with this by-law.

	<p>(2) a Master's Licence "A-1" to a Non-Resident Electrician or Non-Resident Plumber, upon providing satisfactory proof that he or she:</p> <ul style="list-style-type: none">(a) holds a valid certification of qualification and has held such certificate for the two years preceding the application;(b) has been a Journeyman Electrician or Journeyman Plumber for a period of two years prior to making application;(c) complies with the provisions of this by-law; and(d) has passed the Master's examination in accordance with this by-law. <p>5. Despite section 4 of this Schedule, an applicant for a Master Electrician's or Master Plumber's licence will not be required to write the Master's examination if the applicant provides proof in a form satisfactory to the Division that he or she has successfully passed the Master's examination and holds a valid Master's licence from a municipality or agency listed in subsection 5(1) or 5(2) of this Schedule.</p> <ul style="list-style-type: none">(1) In the case of a Master Electrician's licence, an applicant shall be required to provide proof that he or she has passed the Master Electrician's examination and holds a valid Master Electrician's Licence from one of the following:<ul style="list-style-type: none">(a) the City of Barrie;(b) the City of Brantford;(c) the City of Cambridge;(d) the City of Guelph;(e) the City of Hamilton;(f) the City of Kitchener;(g) the City of London(h) the City of Ottawa;(i) the City of Thunder Bay;(j) the City of Toronto;(k) the City of Windsor; or(l) the Electrical Contractor Registration Agency;(2) In the case of a Master Plumber's licence, an applicant shall be required to provide proof that he or she has passed the Master Plumber's examination and holds a valid Master Plumber's licence from one of the following:
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- (a) the City of Barrie;
- (b) the City of Cambridge;
- (c) the City of Hamilton;
- (d) the City of Kitchener;
- (e) the City of London;
- (f) the City of Sarnia;
- (g) the City of Sault Ste. Marie;
- (h) the City of Thunder Bay;
- (i) the City of Toronto; or
- (j) the City of Windsor;

6. No Master Electrician or Master Plumber shall work for more than one Contractor at the same time.
7. A Master Electrician or Master Plumber shall notify the Division in writing within 48 hours after ceasing to act as a Master for an Electrical Contractor or Plumbing Contractor, and upon commencing to act as a Master for another Contractor.
8. No person shall hold more than one type of licence, either Licence "A" or Licence "A-1", at the same time.
9. The Division may issue a special licence, without an examination, to permit a qualified expert or specialist to install special wiring and connections for electrical experiments, or to undertake research work for new inventions at a specified location, provided that the other provisions of this by-law are complied with.
10. Electricians employed by visiting theatrical or performing companies may work without a licence as assistants to and under the supervision of a licensed electrician who holds a valid certificate of qualification.

Note: The following by-law was updated as of April 18, 2000 - By-law No. 2000-98



City of Kingston

Ontario

BY-LAW NO. 93-250

**A BY-LAW TO AUTHORIZE THE LEASE OF CITY STREETS FOR
THE PURPOSE OF OPERATING MOTORIZED REFRESHMENT
VEHICLES, AND TO AUTHORIZE THE ADOPTION OF
GUIDELINES FOR DEALING WITH APPLICATIONS, AND
TO AUTHORIZE MOTORIZED REFRESHMENT VEHICLE
REGULATIONS**

PASSED: August 10, 1993

As Amended By:

By-Law No. 94-135	April 12, 1994
By-Law No. 94-151	May 3, 1994
By-Law No. 95-264	September 27, 1995
By-Law No. 2000-98	April 18, 2000

(Office Consolidation)

BY-LAW NO. 93-250

**A BY-LAW TO AUTHORIZE THE LEASE OF CITY STREETS FOR
THE PURPOSE OF OPERATING MOTORIZED REFRESHMENT
VEHICLES, AND TO AUTHORIZE THE ADOPTION OF
GUIDELINES FOR DEALING WITH APPLICATIONS, AND
TO AUTHORIZE MOTORIZED REFRESHMENT VEHICLE
REGULATIONS**

PASSED: August 10, 1993

WHEREAS Paragraph 3, Section 308 of the *Municipal Act*, R.S.O. 1990, c. M.45 authorizes Councils of local municipalities to pass By-Laws for permitting any person to place, construct, install, maintain and use objects in, on, under or over sidewalks and highways under its jurisdiction and prescribe the terms and conditions upon which the same are to be placed, constructed, installed, maintained or used;

AND WHEREAS Council has approved the operating of motorized refreshment vehicles on certain City Streets;

NOW THEREFORE the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. In this By-Law "**Motorized Refreshment Vehicle**" shall mean a motor vehicle from which food, which has been prepared and cooked on site and/or prepared and cooked off site, is sold.

(By-Law No. 93-250 - 1993)

2. The following locations are hereby designated as fixed sites for the purpose of operating motorized refreshment vehicles pursuant to this By-Law:

- (a) South side of Union Street in the area of Parking Meter No. 708 but no further west than the projection of the Division Street Right of Way;
- (b) North side of Union Street in the area of Parking Meter No. 719.

(By-Law No. 93-250 - 1993)

Subsection (c) is hereby deleted in its entirety

(By-Law No. 94-135 – 1994; 2000-98 - 2000)

3. No person shall use the streets listed in Section 2 hereof for the purpose of operating a motorized refreshment vehicle thereon without having first obtained approval of City Council, entered into a lease agreement with the City and paid the prescribed rental fee.

(By-Law No. 93-250 - 1993)

4. The sale of refreshments from motorized refreshment vehicles is prohibited during the hours of 11:00 P.M. and 7:00 A.M., and vehicles shall not remain in a fixed site during those hours.

(By-Law No. 93-250 - 1993)

5. The annual charge for the lease of any street listed in Section 2 of this By-Law shall be a minimum of Five Thousand (\$5,000.00) Dollars, plus Goods and Services Tax, and subject to annual C.P.I. increases.

(By-Law No. 93-250 - 1993;
94-151 - 1994; 95-264 - 1995)

6. The guidelines for dealing with applications for the operation of motorized refreshment vehicles on City Streets are hereby approved and adopted as set forth in **Schedule "A"** to this By-Law.

(By-Law No. 93-250 - 1993)

7. The regulations governing motorized refreshment vehicles are hereby approved and adopted as set forth in **Schedule "B"** to this By-Law.

(By-Law No. 93-250 - 1993)

8. This By-Law shall come into force and take effect on the date of its passing.

(By-Law No. 93-250 - 1993)

SCHEDULE 'A'

**GUIDELINES ESTABLISHED FOR THE PURPOSE OF
DEALING WITH APPLICATIONS FOR THE
OPERATION OF MOTORIZED REFRESHMENT VEHICLES**

1. Persons wishing to utilize one of the following designated City street sites in the Queen's University area shall make formal application to the City Clerk on the prescribed form:
 - (i) the south side of Union Street in the area of parking meter No. 708, but no further west than the projection of Division Street right-of-way;
 - (ii) the north side of Union Street in the area of parking meter No. 719.
2. A successful applicant shall be required to enter into a lease agreement with the City of Kingston for a three year period which shall be renewable based on past performance and shall be required to comply with all of the fire, health and safety standards contained in this By-Law.

(By-Law No. 95-264 - 1995)
3. Every successful applicant who enters into a lease agreement shall have public liability insurance in the amount of \$2,000,000.00, naming the City as a party insured.
4. Allocation of the designated sites which are the subject of a tender call shall be based on the following criteria: City businesses; established business record; City residents or Property Owners.

(By-Law No. 95-264 - 1995)
5. The leases shall not be transferable. Only vacated motorized refreshment vehicle spots will be the subject of a public tender and shall be called by the City upon termination of the said lease agreement.

(By-Law No. 95-264 - 1995)
6. Applicants shall comply with all laws, City by-laws, codes and the Regulations contained in **Schedule "B"** attached to and forming part of By-Law No 93-250.
7. Approval of an application by Council shall take the form of a By-Law passed pursuant to the **Municipal Act** authorizing the agreement.

(By-Law No. 93-250 - 1993;
94-151 - 1994)

SCHEDULE "B"

MOTORIZED REFRESHMENT VEHICLE REGULATIONS

1. Operators shall obtain the written consent of the Chief Fire Official or his designate, the Chief Building Official or his designate, the Kingston Police Department, the Kingston, Frontenac and Lennox and Addington Health Unit, or any such agency as City Council may, from time to time, deem necessary.
2. No such written consent shall be given by any of the above agents or agencies until such time as the applicant has submitted the following written documents with each application, and the agent or agency signing the application has inspected the vehicle:
 - A motor vehicle inspection certificate indicating that the vehicle meets the requirements of the **Highway Traffic Act**, R.S.O. 1990, c. H.8;
 - Registered ownership of the vehicle as issued by the Province of Ontario;
 - Certification of installation and/or approval of any and all equipment installed upon or within the vehicle that may be regulated under the federal Natural Gas Installation Code or the federal Propane Installation Code. The certificate shall include the number of appliances inspected, their location, the make, model, serial number and type of appliance installed or inspected including the date of installation and inspection; and
 - Name and registration number of the licensed fitter who inspected or installed the natural gas or propane fueled appliance.
3. All vehicles shall be inspected every twelve months by the approving agencies.
4. All appliances within the vehicle shall have a ULC/CSA or Wernock Hersey Approval Plate. All natural gas or propane fueled appliances shall have a CGA approval plate.
5. All appliances shall be installed under, and meet the requirements of, all applicable laws, by-laws, codes and regulations.
6. Appliances shall be designed for use with the fuel being used.
7. No fuel or source of energy other than natural gas, propane or electricity shall be used within or upon the vehicle.
8. Proper venting shall be provided at both top and bottom for refrigerators.
9. All appliances shall be secured to prevent movement or dislodging of the appliance in the event of motor vehicle collision or upset of the vehicle.

10. Deep fryers shall be deemed to be as commercial cooking equipment producing grease laden vapors; therefore, the installation and fire protection requirements of NFPA 96 shall apply.

SCHEDULE "B" (Cont'd)

11. Deep fryers shall be equipped with fire dampers providing a leak proof seal. The fire damper shall have both a fusible link and provision for manual closing of the fire damper lid which must be in the closed position when the vehicle is in transit to prevent spillage of the hot and flammable liquids within the deep fryer.
12. The vehicle shall be equipped with a ten pound fire extinguisher rated 10 BC in addition to an automatic extinguishing system for the deep fryer.
13. The interior of the vehicle's food preparation and food handling area shall be constructed of stainless steel and shall meet the requirements of the Ministry of Health for prevention of bacterial growth.
14. The owner shall maintain the equipment in a safe and sanitary condition pursuant to the **Health Protection and Promotion Act**, R.S.O. 1990, c. H.7, and Regulations made thereunder, at all times, and the vehicle shall be subject to inspection at all reasonable times by any of the approving authorities..
15. No propane fueled refreshment vehicle shall operate within ten feet horizontal distance from any building or building opening in accordance with the federal Propane Installation Code.
16. Vehicle length shall be no greater than the length of one parking stall. The maximum width of the vehicle shall not exceed 2.6 metres.
17. Sufficient freshwater shall be provided on each vehicle to provide for operation. Sufficient storage shall be provided for "grey water". Grey water shall be disposed of into the sanitary sewer. Under no circumstances shall the disposal of grey water be allowed into the City's storm sewer system.
18. The operator shall provide garbage receptacles as required, affixed to the vehicle so as not to create a litter problem or to block the City sidewalk, and he shall be responsible for the disposal of garbage from the receptacles.

(By-Law No. 93-250 - 1993)

City of Kingston By-Law Number 2025–XX

Business Licensing By-Law

1st Reading date

2nd Reading date

3rd Reading date

Passed date

City of Kingston By-Law Number 2025–XX

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Whereas:

The *City* is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “***Municipal Act, 2001***”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A by-law respecting a matter may:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter; and
- (c) provide for a system of licences respecting the matter (*Municipal Act, 2001*, s. 8 (3)).

A single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

A single-tier municipality may pass by-laws respecting:

- (a) economic, social and environmental well-being of the municipality, including respecting climate change;
- (b) health, safety and well-being of persons;
- (c) protection of persons and property, including consumer protection;
- (d) structures, including fences and signs; and
- (e) business licensing (*Municipal Act, 2001*, s. 10 (2)).

A municipality may delegate its powers and duties under the *Municipal Act, 2001* to a

Business Licensing By-Law

person or body subject to the restrictions set out in Part II of the *Municipal Act, 2001* (s. 23.1 (1)).

A municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances (*Municipal Act, 2001*, s. 128 (1)).

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 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 engaging in it (*Municipal Act, 2001*, s. 151 (1)).

If a municipality is satisfied that the continuation of a business poses an immediate danger to the health or safety of any person or to any property, the municipality may, for the time and on such conditions as it considers appropriate, without a hearing, suspend a licence subject to the following:

- (a) before suspending the licence, the municipality shall provide the licensee with the reasons for the suspension, either orally or in writing; and
- (b) the suspension will not exceed 14 days (*Municipal Act, 2001*, s. 151 (2)).

A single-tier municipality, in a by-law with respect to adult entertainment establishments, may:

- (a) define the area of the municipality in which adult entertainment establishments may or may not operate and limit the number of adult entertainment establishments in any defined area in which they are permitted; and

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- (b) prohibit any person carrying on or engaged in an adult entertainment establishment from permitting any person under the age of 18 years to enter or remain in the adult entertainment establishment or any part of it (*Municipal Act, 2001*, s. 154 (1)).

A municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity (*Municipal Act, 2001*, s. 444 (1)).

A municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention (*Municipal Act, 2001*, s. 445 (1)).

If a municipality has the authority under the *Municipal Act, 2001* or any other Act or under a by-law under the *Municipal Act, 2001* or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense and the municipality may recover the costs of doing such matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes (*Municipal Act, 2001*, ss. 446 (1) & (3)).

Council considers it necessary and desirable for the public to provide a system of licences respecting certain businesses or classes of businesses for the purposes of:

- (a) economic, social and environmental well-being of the municipality, including respecting climate change;
- (b) health, safety and well-being of persons and property, including consumer protection;
- (c) business licensing; and
- (d) prohibiting and regulating with respect to public nuisances, including matters that, in the opinion of *council*, are or could become or cause public nuisances.

Therefore, *council* enacts:

Business Licensing By-Law

1 INTERPRETATION

1.1 This by-law may be cited as the *Business Licensing By-Law*.

1.2 In this by-law:

“**administrative penalty**” means an administrative penalty that a *person* is required to pay pursuant to the *Administrative Penalty By-Law*;

“**Administrative Penalty By-Law**” means *City of Kingston By-Law Number 2020-69, the Administrative Penalty Process By-law*;

“**adult entertainer**” means:

- (a) an individual who, in the pursuance of a *business*, provides *adult services* in an *adult services establishment*; or
- (b) an individual who receives training in an *adult services establishment*, if the skill in which the individual being trained is a skill used to provide *adult services*;

“**adult goods**” means *goods* that are designed to appeal to erotic or sexual appetites or inclinations, and includes *adult sex films*;

“**adult goods establishment**” means any *premises* or any part of them where, in the pursuance of a *business*, *adult goods* are provided from;

“**adult goods establishment owner**” includes an owner, operator, proprietor, receiver or trustee of an *adult goods establishment*;

“**adult services**” means entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations, and includes showing, exhibiting, or offering to show or exhibit an *adult sex film*;

“**adult services establishment**” means any *premises* or any part of them where, in the pursuance of a *business*, *adult services* are provided from;

“**adult services establishment owner**” includes an owner, operator, proprietor, receiver or trustee of an *adult services establishment*;

“**adult sex film**” means a *film* that has, as its main object, the depiction of explicit sexual activity;

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“age of majority” means the age of 18 years;

“amusement device” means:

- (a) a machine, contrivance, structure, *vehicle* or device, or component attached or to be attached thereto, used to entertain individuals by moving them or causing them to be moved; or
- (b) a payment-based video game device, including an arcade game, computer, console, gaming system or other technology;

but does not include an electronic bingo device;

“amusement establishment” means any *premises* or any part of them where, in the pursuance of a *business*,

- (a) five or more *amusement devices* are provided;
- (b) one or more *films*, other than *adult sex films*, are exhibited or shown or offered to be exhibited or shown; or
- (c) five or more facilities or equipment for payment-based billiards or pool are provided;

and includes a cinema;

“appeals committee” means the appeals committee established by *City of Kingston By-Law Number 2023–204, the Committee By-law*, and includes any successor committee, tribunal or body designated by *council* to carry out the *appeals committee’s* responsibilities;

“applicant” means a *person* applying to have a *licence* granted or renewed;

“apprentice” has the meaning given to it in the *Building Opportunities in the Skilled Trades Act, 2021*;

“average prime rate” means the mean, rounded to the nearest whole percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest for determining interest rates on Canadian dollar commercial loans by that bank in Canada;

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“boarding, lodging or rooming house” means any *premises* or part of them in which it is intended that four or more individuals are to be lodged in return for remuneration or for the provision of services or for both, and in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants, but does not include a *short-term rental* if it is licensed under *City of Kingston By-Law Number 2021–10*, the *Short-term Rental Licensing By-law*, a hotel, a hospital, a long-term care home, a home for the young, or any other institution that is licensed, approved or supervised under any act enacted by the Legislature of Ontario;

“Building Opportunities in the Skilled Trades Act, 2021” means the *Building Opportunities in the Skilled Trades Act, 2021*, S.O. 2021, c. 28 – Bill 288;

“business” means any business wholly or partly carried on within the geographic area of the City of Kingston and includes:

- (a) trades and occupations;
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
- (c) the sale or hire of *goods* or services on an intermittent or one-time basis and the activities of a *transient trader*; and
- (d) the display of samples, patterns or specimens of *goods* for the purpose of sale or hire;

but does not include:

- (i) a manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail;
- (ii) the sale of *goods* by *wholesale*;
- (iii) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources; or
- (iv) the distribution of free samples of *goods*, without charge or obligation, when conducted solely for marketing or promotional purposes and not involving the sale, offer for sale, or display of *goods* for sale;

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“certificate of qualification” means a valid certificate of qualification issued to an individual under the *Building Opportunities in the Skilled Trades Act, 2021*;

“certified copy” means:

- (a) in relation to a document of a corporation, a copy of the document certified to be a true copy of the document by an officer thereof;
- (b) in relation to a document in the custody of the director appointed under either the *Business Corporations Act*, R.S.O. 1990, c. B.16, or the *Not-for-Profit Corporations Act, 2010*, S.O. 2010, c. 15, as the case may be, a copy of the document certified to be a true copy by such director and signed by such director or by a public servant employed under Part III of the *Public Service of Ontario Act, 2006*, S.O. 2006, c. 35, Sched. A, and designated by the regulations;
- (c) in relation to a *regulation*, a copy of the *regulation* certified to be a true copy of the *regulation* by the *director*; or
- (d) in relation to any other document, a copy of the document certified and attested to be a true copy by an individual appointed as notary public for Ontario under the *Notaries Act*, R.S.O. 1990, c. N.6;

“charity” means a not-for-profit corporation that is a registered charity as defined in the *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp);

“City” means The Corporation of the City of Kingston;

“clerk” means the individual appointed by the *City* as clerk or the *clerk’s* designate;

“commercial kitchen” means a *food service establishment* or any part of it where, in the pursuance of a *business*, the *premises* or any part of them are offered or provided to another *person* carrying on a *business* to prepare meals or meal portions for immediate consumption or sold or served in a form that will permit immediate consumption on the *premises* or elsewhere;

“Compulsory Automobile Insurance Act” means the *Compulsory Automobile Insurance Act*, R.S.O. 1990, c. C.25;

“council” means the council of the *City*;

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“**DBIA**” means the area designated by the *City* under subsection 204 (1) of the *Municipal Act, 2001* as the “downtown business improvement area”;

“**director**” means the director of the Licensing and Enforcement Services Department, the *director’s* designate, or, in the event of organizational changes, the director of the successor division or department responsible for the administration of this by-law;

“**esthetician**” means:

- (a) an individual who, in the pursuance of a *business*, provides *esthetician services* in an *esthetician services establishment*; or
- (b) an individual who receives training in an *esthetician services establishment*, if the skill in which the individual being trained is a skill used to *provide esthetician services*;

“**esthetician services**” means personal services where there is a risk of exposure to blood or body fluids and includes, but is not limited to, *esthetics*, hairdressing and barbering, tattooing, body piercing, nail services, electrolysis, laser hair removal, water and spa therapies, aromatherapy, body treatments, and reflexology, but does not include a health profession set out in Schedule 1 to the *Regulated Health Professions Act, 1991* who is engaged in the practice of their profession, or to a controlled act set out in subsection 27 (2) of the *Regulated Health Professions Act*;

“**esthetician services establishment**” includes any *premises* or any part of them where, in the pursuance of a *business*, *esthetician services* are provided from, but excludes *premises* from which *esthetician services* are provided by students enrolled in an accredited post-secondary *esthetician* program, where such *esthetician services* are offered as part of the students’ supervised training requirements and conducted on the *premises* of the post-secondary institution, and the *esthetician services* are not provided as a for-profit enterprise independent of the post-secondary institution;

“**esthetics**” means beautifying, cleaning, stimulating, hydrating, tanning or waxing the skin by the use of cosmetic preparations, including cleansers, airbrushing, antiseptics, makeup application, lotions, exfoliants, masques, essential oils, and hair removal waxes, and includes eyelash/eyebrow tinting and shaping;

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“Fees and Charges By-Law” means *City of Kingston By-Law Number 2005–10, the Fees and Charges By-law*;

“film” means a moving image, other than a video game, that may be generated for viewing from anything, including videotapes, video discs, film or electronic files, but does not include such moving images that:

- (a) are shown under the sponsorship of a public library or public art gallery;
- (b) are shown as part of a concert, a theatrical stage production or a live or pre-recorded cultural, sporting or athletic event; or
- (c) are designed for the purpose of advertising, demonstrating or instructing in the use of products or services;

“food” means food or drink for human consumption, and includes an ingredient of food or drink for human consumption;

“food premises” means *premises* where *food* or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, including meat and fish sales, but does not include a room actually used as a dwelling in a private residence, and includes a *commercial kitchen*, but does not include a *food stand* or a *refreshment vehicle*;

“food stand” means a portable non-motorized structure, cart, stand, kiosk or similar unit from which *food* is provided for sale or sold to members of the public, and includes a bicycle refreshment cart, an ice cream cart, a portable barbeque or grill cart, or any other similar temporary or mobile *food* setup, but does not include a *refreshment vehicle*;

“food vendor” means an individual who, in the pursuance of a *business*, owns or operates a *refreshment vehicle* or a *food stand*, and includes a *temporary food vendor*, but does not include:

- (a) vendors who operate as part of the municipal public markets and Indigenous market at Market Square in compliance with the applicable by-law or permit governing its operation, as applicable; or
- (b) caterers or catering services not engaged in *food* sales to the general public;

“gas station” means *premises* or any part of them where, in the pursuance of a

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business, gasoline or another petroleum product that is used as fuel is provided to the public and is put into fuel tanks of *motor vehicles*, floating motorized watercraft or into portable containers;

“gasoline” means any gas or liquid, other than methanol and natural gas, that may be used for the purpose of generating power by means of internal combustion in a *motor vehicle* or floating motorized watercraft;

“goods” includes wares and merchandise;

“guardian” means a *person* who has lawful custody of a child, and includes a parent;

“highway” means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and includes a portion of a highway;

“Highway Traffic Act” means the *Highway Traffic Act*, R.S.O. 1990, c. H.8;

“holiday” means a Saturday, a Sunday, a statutory holiday, and any other day on which the *City’s* administrative offices are closed;

“law” means all applicable Acts of Parliament, Acts enacted by the Legislature of Ontario, by-laws enacted by *council*, and includes this by-law, any *regulations* and any regulations, codes, directions, licences, orders, permits or rules made under any of them;

“licence” means a valid licence granted or renewed pursuant to this by-law;

“licensee” means any *person* that holds a *licence*;

“Licensing Division” means the Licensing, Parking Operations and Policy Division of the *City’s* Licensing and Enforcement Services Department or, in the event of organizational changes, the successor division or department responsible for the administration of this by-law;

“medical officer of health” means the medical officer of health appointed under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7 for the Southeast Health Unit, or any successor health unit;

“motor vehicle” means an automobile, truck or other vehicle propelled or driven otherwise than by muscular power, including a motorcycle, but does not include

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a motorized snow vehicle or a farm tractor or other self-propelled machinery primarily intended for farming or construction purposes;

“**motor vehicle repair**” means working on or repairing *motor vehicles*, but does not include cleaning a *motor vehicle*;

“**motor vehicle repair establishment**” means *premises* or any part of them where, in the pursuance of a *business*, *motor vehicle repair* is provided from;

“**Municipal Act, 2001**” means the *Municipal Act, 2001*, S.O. 2001, c.25;

“**pawnbroking establishment**” means any *premises* or any part of them where, in the pursuance of a *business*, *pawnbroking services* are provided from;

“**pawnbroking services**” means taking by way of pawn or pledge any article for the repayment of money lent thereon;

“**payday loan**” means an advancement of money in exchange for a post-dated cheque, a pre-authorized debit or a future payment of a similar nature but not for any guarantee, suretyship, overdraft protection or security on property and not through a margin loan, pawnbroking, a line of credit or a credit card;

“**Payday Loans Act**” means the *Payday Loans Act, 2008*, S.O. 2008, c. 9;

“**payday loans establishment**” means any *premises* or any part of them where, in the pursuance of a *business*, *payday loans services* are provided from;

“**payday loans services**” means lending where a lender makes a *payday loan* to a borrower;

“**penalty notice**” means a notice given pursuant to subsections 2.2 and 2.4 of the *Administrative Penalty By-Law*;

“**person**” includes an individual, a corporation, a partnership, and an association;

“**pet sales establishment**” means *premises* or any part of them where, in the pursuance of a *business*, animals are provided as pets from, but does not include *premises* where:

- (a) animals are provided as pets from registered breeders of purebred dogs or cats;

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- (b) animals are provided as pets by a *person* predominantly carrying on an agricultural, aquacultural, horticultural or silvicultural *business*; or
- (c) animals are provided as pets by a *person* predominantly carrying on the rescue or adoption of animals for the purpose of animal welfare;

“plumber” means an individual who, in the pursuance of a *business*, provides *plumber services*, but does not include:

- (a) an individual who provides *plumber services* exclusively as a full-time employee of a property owner or tenant and only within the premises owned or occupied by that property owner or tenant; or
- (b) an *apprentice* who provides *plumber services* pursuant to a registered training agreement that is not suspended;

“plumber services” includes:

- (a) laying out, assembling, installing, maintaining, planning, superintending or repairing any piping, fixtures or appurtenances for the supply of water for any domestic or industrial purpose or for the disposal of water that has been used for any domestic or industrial purpose within a structure or building;
- (b) connecting any appliance that uses water supplied to it or disposes of waste to piping;
- (c) installing piping for any process, including the conveyance of gas, or any tubing for a pneumatic or air-handling system;
- (d) making joints in piping; and
- (e) reading and interpreting design drawings, manufacturers’ literature or installation diagrams for piping and appliances connected to piping;

but does not include:

- (i) manufacturing equipment or assembling a unit prior to delivery to a building, structure or site;
- (ii) laying of metallic or non-metallic pipe into trenches to form sanitary or storm sewers, drains or water mains; or

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- (iii) repairing or maintaining installations in an operating industrial plant;

“plumber services establishment” means any *premises* or any part of them where, in the pursuance of a *business*, *plumber services* are provided from;

“plumbing services establishment owner” includes an owner, operator, proprietor, receiver or trustee of a *plumbing services establishment*;

“premises” means lands and structures, or either of them, and includes:

- (a) water;
- (b) ships and vessels;
- (c) trailers and portable structures designed or used for residence, business or shelter; and
- (d) trains, railway cars, *vehicles* and aircraft, except while in operation;

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

“provincial offences officer” has the meaning given to it in the *Provincial Offences Act*;

“refreshment vehicle” means a *vehicle*, whether mobile or immobile, or a semi-permanent unit from which *food* is provided for sale or sold to members of the public, and includes a *food truck*, a motorized ice cream *vehicle*, a towable *vehicle*, a trailer, or a repurposed structure, such as a shipping container, but does not include a *food stand*;

“Regulated Health Professions Act” means the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18;

“regulation” means a regulation made under this by-law;

“scrap metal” means a new or used item substantially made, or deriving its value, from non-ferrous metal, including aluminum, brass, bronze, copper, iron, lead, steel, stainless steel, tin or other metals or alloys, but does not include metal cans or containers that were used for *food*, beverages, paint or other household products, coins or jewelry;

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“**scrap metal dealing establishment**” means any *premises* or any part of them where, in pursuance of a *business*, *scrap metal* is purchased, traded or bartered;

“**short-term rental**” has the meaning given to it in *City of Kingston By-Law Number 2021–10*, the *Short-term Rental Licensing By-law*;

“**Smoke-Free Ontario Act, 2017**” means the *Smoke-Free Ontario Act, 2017*, c. 26, Sched. 3;

“**social enterprise**” means a *business* that:

- (a) primarily operates for the purpose of achieving social, cultural, or environmental objectives consistent with the strategic priorities of *council*;
- (b) generates revenue through the sale of *goods* or services; and
- (c) reinvests the majority of its profits into its social, cultural, or environmental mission;

“**special condition**” means a special condition imposed on a *business* in a class that has not been imposed on all of the *businesses* in that class;

“**specialty vape store**” has the meaning given to it in O. Reg. 268/18: *General*, made under the the *Smoke-Free Ontario Act, 2017*;

“**street performer**” means an individual who, in the pursuance of a *business*, performs live entertainment in theatre, dance, magic, music or circus on a *highway* or other *premises* of the *City*, but does not include a *street performer* who has been approved to participate in the annual Kingston Buskers Rendezvous and only for the duration of that event;

“**temporary food vendor**” means a *food vendor* who operates a *refreshment vehicle* or a *food stand* in the *City of Kingston* for 30 days or less in the aggregate in each calendar year;

“**tobacco product retail establishment**” means any *premises* or any part of them where, in the pursuance of a *business*, *tobacco products* or *tobacco product accessories*, or both, are sold or offered for sale;

“**tobacco product**” has the meaning given to it in the *Smoke-Free Ontario Act*,

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2017;

“tobacco product accessories” has the meaning given to it in the *Smoke-Free Ontario Act, 2017*;

“transient trader” means a *person* that, in the pursuance of a *business*:

- (a) provides *goods* or services in person on an intermittent or one-time basis;
- (b) provides *goods* or services in person from a place other than from the *person’s* place of *business*; or
- (c) negotiates or concludes a consumer agreement in person at a place other than at the *person’s* place of *business*;

but does not include:

- (i) a *food vendor*;
- (ii) trade in real estate as a brokerage, as a broker, as a salesperson by a *person* duly registered under the *Real Estate and Business Brokers Act, 2002*, S.O. 2002, c. 30, Sched. C;
- (iii) a sale or offering for sale of livestock by public auction held at an established place of *business* where livestock is assembled for the purpose;
- (iv) a *person* who sell *goods* that are grown or produced on their own agricultural operation within the City of Kingston, or a family member or employee of such *person* who has authority to sell the *goods* on such *person’s* behalf;
- (v) a *person* who conducts no more than two days of garage or yard sales per calendar year in the aggregate on the residential property that they own or occupy; or
- (vi) vendors who operate as part of the municipal public markets and Indigenous market at Market Square in compliance with the applicable by-law governing its operation, as applicable;
- (vii) *persons* who raise funds in door-to-door sales campaigns for registered charitable organizations; or

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(viii) a sheriff or court bailiff acting under a court procedure;

“**treasurer**” means the individual appointed by the *City* as treasurer or the *treasurer’s* designate;

“**vapour product**” has the meaning given to it in the *Smoke-Free Ontario Act, 2017*;

“**vapour product retail establishment**” means any *premises* or any part of them where, in the pursuance of a *business*, *vapour products* are sold or offered for sale and includes a *specialty vape store*;

“**vehicle**” includes a *motor vehicle*, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car; and

“**wholesale**”, in relation to the sale of *goods*, means for the purpose of resale where *goods* are sold to *persons* other than the end user or end consumer of such *goods*.

1.3 For the purposes of interpreting this by-law:

- (a) a reference to any legislation, regulation, or by-law or to a provision thereof includes a reference to any legislation, regulation or by-law enacted, made or passed in substitution thereof or amendment thereof;
- (b) any reference to legislation or by-laws includes all of the regulations made thereunder;
- (c) “include”, “includes” and “including” indicate that the subsequent list is not exhaustive;
- (d) to “carry on” includes to “engage in”;
- (e) to “provide” includes to sell, to furnish, to hire, to perform, to offer and to solicit, as the context requires, and “providing” and “provision” have corresponding meanings; and
- (f) to “promote” includes to use any commercial act or practice or to use any commercial communication, through any media or other means, that is intended to or is likely to:

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- (i) encourage the purchase or use of *goods*;
- (ii) encourage the use of a *business*; or
- (iii) create an awareness or an association with *goods* or a *business*;

1.4 This by-law will not be interpreted as exempting any *person* from the requirement to comply with any other *City* by-law or federal or provincial legislation. In the event of conflict between the provisions of this by-law and any other *City* by-law, the provision that establishes the higher standard of health, safety and well-being of *persons* and protection of *persons* will apply.

2 ADMINISTRATION

2.1 The *director* is responsible for the administration of this by-law.

2.2 The *director* may rectify minor administrative oversights in respect of a *licence* or *licence* application.

2.3 Where this by-law provides that the *director* may do an act, the *director* may, when doing the act, seek and consider information or documents from any *person*, and may consult with other *City* employees, legal counsel, or other advisors, all as the *director* considers necessary.

2.4 The *director* may, on the *director's* own initiative, refer any matter under this by-law to the *appeals committee* for a determination.

2.5 Where this by-law provides that the *director* may do an act, it may be done by an individual authorized by the *director* to do the act.

2.6 The *director* may, at the *director's* discretion, waive the fee or fees payable pursuant to clause 4.1(b) of this by-law where, in the opinion of the *director*, the *business* to be carried on is a *social enterprise*. The *director* may require any *person* seeking a waiver of such fee or fees to provide evidence satisfactory to the *director* that the *business* to be carried on is a *social enterprise*.

3 LICENCE REQUIREMENT

3.1 A *person* must not carry on a *business* in one of the classes of *business* prescribed in subsection 3.6 without holding a *licence*.

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- 3.2 A *person* must not carry on a *business* that meets the definition of more than one class of *business* prescribed in subsection 3.6 without holding a *licence* for each such class of *business*.
- 3.3 A *person* must not carry on a *business* prescribed in subsection 3.6 at more than one *premises* or any part of more than one *premises* without holding a *licence* for each such *premises*.
- 3.4 A *person* must not advertise, publish, or cause to be advertised or published, or make any representation, that the *person* carries on a *business* for which a *licence* is required under this by-law without holding a *licence*.
- 3.5 A *person* carrying on a class of *business* prescribed in subsection 3.6 without holding a *licence* must nonetheless comply with any requirement of a *licensee* carrying on that class of *business* under this by-law.
- 3.6 The following classes of *business* require a *licence* to carry on:
- (a) an *adult entertainer*;
 - (b) an *adult goods establishment*;
 - (c) an *adult services establishment*;
 - (d) an *amusement establishment*;
 - (e) a *boarding, lodging or rooming house*;
 - (f) an *esthetician services establishment*;
 - (g) a *food premises*;
 - (h) a *food vendor*;
 - (i) a *gas station*;
 - (j) a *motor vehicle repair establishment*;
 - (k) a *pawnbroking establishment*;
 - (l) a *payday loans establishment*;
 - (m) a *pet sales establishment*;

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- (n) a *plumber services establishment*;
- (o) a *scrap metal dealer*;
- (p) a *street performer*;
- (q) a *tobacco retail establishment*;
- (r) a *transient trader*; and
- (s) a *vapour product retail establishment*.

4 APPLYING TO OBTAIN OR RENEW A LICENCE

4.1 A person may apply to have a *licence* to carry on a *business* granted or renewed by giving to the *director* the following:

- (a) a completed application in the *prescribed* form;
- (b) the fee or fees prescribed in the *Fees and Charges By-Law*, subject to subsection 2.6 of this by-law;
- (c) if the *applicant* is an individual:
 - (i) proof satisfactory to the *director* that the *applicant* has attained the *age of majority*; and
 - (ii) a statutory declaration by the *applicant* certifying that the information contained in the application is accurate, true and complete as of the date of the statutory declaration;

provided that, an *applicant* carrying on the *business* of a *street performer* may submit, in lieu of the information set out in clauses (i) and (ii) above, a release, acknowledgment and declaration on the *director's prescribed* form, signed by the *applicant's guardian*;

- (d) if the *applicant* is a corporation:
 - (i) a certificate of status of the corporation, issued by the Ministry of Public and Business Service Delivery and Procurement not more than 90 days before the application is given to the *director*, which indicates that the corporation is active;

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- (ii) a *certified copy* of the certificate of incorporation of the corporation;
 - (iii) the name of every *person* who is a shareholder of the corporation as of the day the application is given to the *director* and each shareholder's business address and business telephone number;
 - (iv) the name of every director and officer of the corporation as of the day the application is given to the *director*; and
 - (v) the address of the *premises* at which the corporation carries on activities as of the day the application is given to the *director*;
- (e) if the *applicant* is a partnership:
- (i) the name and address of each member of the partnership as well as the name under which they carry on or intend to carry on the *business*; and
- (f) proof satisfactory to the *director* that the *applicant*:
- (i) is the occupier of the *premises* in respect of which the *licence* has been applied for;
 - (ii) has the express permission of the owner of the *premises* to carry on the *business* at the *premises* in respect of which the *licence* has been applied for; or
 - (iii) has a right or authority conferred by law to enter or remain in the *premises* and to carry on the *business* at the *premises* in respect of which the *licence* has been applied for;
- (g) such other information and documents prescribed by this by-law; and
- (h) such other information and documents as the *director* may prescribe or otherwise require.

4.2 Every *licensee* must renew their *licence* prior to the expiry of the *licence* by giving the information and documents required by the *director*, together with payment of the fee or fees prescribed in the *Fees and Charges By-Law*, subject to subsection 2.6 of this by-law. If a *licensee* fails to pay the prescribed fee or

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fees within the timeframe specified by the *director*, the *licensee* will be required to pay the applicable late payment fee specified in the *Fees and Charges By-Law*.

- 4.3 No *person* may submit false or deceptive information or documents or make a false or deceptive statement in an application given to the *director* or in any other document given to the *director* or the *City*.
- 4.4 Subject to and in accordance with section 27 of this by-law, in processing an application for a *licence*, the *City*, its employees, or any external authority having jurisdiction, may carry out inspections of the *premises* to ensure compliance with this by-law and other applicable *laws*.

5 LICENCE GRANT & RENEWAL

- 5.1 The *director* must grant or renew a *licence* to an *applicant* who meets the requirements of this by-law, except that the *director* may refuse to grant or renew a *licence* on the following grounds:
- (a) the conduct of any *person*, including the officers, directors, employees or agents of a corporation, affords the *director* reasonable cause to believe that the *applicant* will not carry on the *business* authorized by the *licence* in accordance with the *law* or with honesty and integrity;
 - (b) the *director* otherwise has reasonable cause to believe that the *applicant* will not carry on the *business* authorized by the *licence* in accordance with the *law*;
 - (c) the *premises*, equipment or facilities, or any part thereof, in which the *business* is carried on do not comply with the provisions of this by-law or any other *law*;
 - (d) the *applicant* has been convicted of a criminal offence for which, in the opinion of the *director*, it would not be in the interest of public safety to issue or maintain such a *licence*;
 - (e) the *director* has reasonable cause to believe that the *applicant* will carry on the *business* authorized by the *licence* in a way that will adversely affect the well-being or interests of the public or the *City*;
 - (f) the *director* has reasonable cause to believe that any information contained in the application is inaccurate, untrue or incomplete;

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- (g) the *applicant* is in default of fines imposed under the *Provincial Offences Act*;
 - (h) the *applicant* is in default of an *administrative penalty*; or
 - (i) if the *applicant* is an individual, the *director* has reasonable cause to believe that the *applicant* is less than the *age of majority*, unless otherwise permitted pursuant to this by-law.
- 5.2 If the *director* refuses to grant or renew a *licence*, the *director* must give the *applicant* notice of the refusal, which notice may be given to the *applicant* at the address or email address shown on the application.
- 5.3 The *director* may, when granting or renewing a *licence*, or at any time the *director* considers appropriate, impose such conditions, including *special conditions*, as the *director* considers appropriate as a requirement of obtaining, continuing to hold or renewing a *licence*.
- 5.4 If the *director* imposes conditions, including *special conditions*, on a *licence*, the *director* must give the *applicant* or *licensee* notice of the conditions, which notice may be given to the *applicant* at the address or email address shown on the application or to the *licensee* at the address or email address shown on the *licence*.
- 5.5 The *director* may, when granting or renewing a *licence*, or at any time the *director* considers appropriate, specify as a limitation of the *licence* the list of:
- (a) *goods* or classes of *goods*;
 - (b) *services* or classes of *services*; or
 - (c) *both*;
- in respect of which the *licensee* is licensed.
- 5.6 If the *director* specifies a limitation of a *licence*, the *director* must give the *applicant* or *licensee* notice of the limitation, which notice may be given to the *applicant* at the address or email address shown on the application or to the *licensee* at the address or email address shown on the *licence*.
- 5.7 The notice required by subsections 5.2, 5.4 and 5.6 must set out the reasons for the decision and must state that the *applicant* or *licensee* may, within 15 days of

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being notified of the decision, file a notice of appeal in the *prescribed* form on the *clerk* in accordance with *City of Kingston By-Law Number 2023–204, the Committee By-law*.

- 5.8 If the *director* grants or renews a *licence* to two or more individuals who carry on a *business* as a partnership, each individual will be jointly and severally responsible for observing and performing the *licensee's* obligations under the *licence* and this by-law.
- 5.9 If the *director* grants or renews a *licence* to an *applicant*, the *director* may deliver the *licence* to the *applicant* personally or by sending it by ordinary mail or email to the *applicant* at the address or email address shown on the application.
- 5.10 Unless otherwise provided in this by-law, a *licence* is valid from the date it is granted or renewed until December 31 of that year, unless suspended or revoked earlier.
- 5.11 Despite anything to the contrary in this by-law, the *director* must refer any application to grant a new *licence*, other than a renewal or a transfer, for the following classes of *businesses* to *council* for a decision, subject to and in accordance with this section 5:
- (a) an *adult services establishment*;
 - (b) an *adult goods establishment*; or
 - (c) a *payday loans establishment*.

6 LICENCE SUSPENSION & REVOCATION

- 6.1 The *director* may:
- (a) suspend or revoke a *licence* if the *director* has reasonable cause to believe that the *licensee* has not carried on the *business* authorized by the *licence* in accordance with the *law* or with honesty and integrity;
 - (b) suspend or revoke a *licence* on the grounds specified in subsection 5.1 of this by-law; or
 - (c) suspend a *licence* if the *director* is satisfied that the continuation of the *licensee's business* poses an immediate danger to the health or safety of any individual or to any property, subject to the following:

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- (i) before suspending the *licence*, the *director* must provide the *licensee* with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
 - (ii) the suspension must not exceed 14 days.
- 6.2 If the *director* suspends or revokes a *licence* under clauses 6.1 (a) or 6.1 (b), the *director* must give the *applicant* notice of the suspension or revocation of the *licence*, which notice may be given to the *licensee* at the address or email address shown on the *licence*.
- 6.3 The notice required by subsection 6.2 must set out the reasons for the decision and must state that the *licensee* may, within 15 days of being notified of the decision, file a notice of appeal in the *prescribed* form on the *clerk*, which notice may be given to the *licensee* at the address or email on the *licence*.
- 6.4 In a real or perceived emergency, or if the *director* is unavailable, the *manager* of the *Licensing Division* may exercise the powers of the *director* under clause 6.1(c), subject to the following:
 - (a) the *manager* of the *Licensing Division* must, as soon as practicable, notify the *director* and provide the *director* with the reasons for the suspension; and
 - (b) the *director* may confirm or rescind the suspension, either orally or in writing.
- 6.5 The *director* may, on such conditions as the *director* considers appropriate, without a hearing, suspend a *licence* authorizing a *business* to operate from a *highway* or other *premises* of the *City* or its local boards for a period not exceeding 28 days for the following reasons:
 - (a) the holding of a special event;
 - (b) the construction, maintenance, or repair of the *highway* or other *premises* of the *City*;
 - (c) the installation, maintenance or repair of a public utility or service; or
 - (d) pedestrian, *vehicular* or public safety or public health.

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7 GENERAL REQUIREMENTS

7.1 A licensee must:

- (a) prominently display the *licence* at or on the *premises* in respect of which the *licence* was granted or renewed;
- (b) if the *licence* was not granted or renewed in respect of *premises*, carry the *licence* with the licensee at all times while the licensee is carrying on the *business* authorized by the *licence*;
- (c) prominently display any list of:
 - (i) *goods* or classes of *goods*; and
 - (ii) *services* or classes of *services*;specified by the *director* as a limitation of the *licence*;
- (d) produce the licensee's *licence* for inspection when required to do so by the *director* or a *provincial offences officer*;
- (e) comply with any conditions, including *special conditions*, imposed by the *director* as a requirement of obtaining, continuing to hold or renewing a *licence*;
- (f) comply with any limitations specified by the *director* as a limitation of the *licence*;
- (g) put in effect and maintain insurance coverage for prescribed kinds of liability in the *prescribed* amounts;
- (h) operate and maintain every *premises*, equipment and any part of any of them, that is operated as part of the *business* such that they are in accordance with the law and are kept clean and in good repair;
- (i) carry on the *business* authorized by a *licence* in accordance with the *law*; and
- (j) apply for a new *licence* when ownership of the licensee's *business* or the location of the *business premises* has changed.

7.2 A licensee must, within five days after the event:

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- (a) notify the *director* in writing of any change in any information or document given to the *director* at the time of application to have a *licence* granted or renewed; and
- (b) give the *director* a statutory declaration by the *licensee* certifying that the change in information is accurate, true and complete as of the date of notification.

7.3 A *licensee* must not cause or permit the *business* authorized by the *licence* to:

- (a) pose a danger to the health, safety or well-being of any individual or to any property, including:
 - (i) by departing from recognized industry best standards or best practices; or
 - (ii) by knowingly making, causing or permitting to be made any misrepresentation as to the content, nature, quality or quantity of any *goods* or services; or
- (b) become or cause a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the vicinity of the *business* or cause or permit the *business*' consumers to become or cause a public nuisance, including:
 - (i) trespass to property;
 - (ii) interference with the use of *highways* and other public places;
 - (iii) an increase in garbage, noise or traffic or the creation of unusual traffic patterns;
 - (iv) an increase in harassment or intimidation; and
 - (v) the presence of graffiti.

7.4 A *licensee* must not:

- (a) cause or permit any individual to drive a *motor vehicle* used in the pursuance of the *licensee*'s *business* unless the *motor vehicle* is within a class of *motor vehicles* of which the individual holds a valid driver's licence issued to the person under the *Highway Traffic Act*;

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- (b) assign or transfer its *licence*;
- (c) advertise, promote, or carry on its *business* under any name other than that set out in its *licence*; or
- (d) if the *licensee* carries on *business* as a sole proprietor, use any description or device that would indicate that the *licensee's business* is being carried on by a corporation or other *person*.

8 ADULT ENTERTAINER

8.1 An individual may apply to have a *licence* to carry on the *business* of an *adult entertainer* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, the following:

- (a) a photograph of the *applicant's* likeness which meets any requirements that the *director* may *prescribe*;
- (b) a *certified copy* of the *applicant's* valid Ontario driver's licence, Ontario photo card, Canadian passport, Canadian citizenship card with a photograph of the individual to whom the card is issued, or other identification satisfactory to the *director*;
- (c) a statutory declaration of identity;
- (d) the name and address of any *adult services establishment* where the *applicant* carries on the *business* of an *adult entertainer*; and
- (e) a police record check of the *applicant*:
 - (i) conducted by a police record check provider within the meaning of the *Police Record Checks Reform Act, 2015*, S.O. 2015, c. 30; and
 - (ii) conducted within six months before the *applicant* applies to have a *licence* to carry on the *business* of an *adult entertainer* granted or renewed.

8.2 A *licensee*, while carrying on the *business* of an *adult entertainer*, must carry an identification card issued by the *director* to the *licensee* under this by-law and shall produce it for inspection when required to do so by the *director* or a *provincial offences officer*.

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- 8.3 A licensee carrying on the *business* of an *adult entertainer* must not:
- (a) provide *adult services* from an *adult services establishment* without being in public view or while screened from public view in any way;
 - (b) touch any other individual's genitals, anus, breasts or buttocks or otherwise sexually touch any other individual; or
 - (c) cause or permit the touching by another individual of the *licensee's* genitals, anus, breasts or buttocks or otherwise cause or permit the sexual touching by another individual of the *adult entertainer*.

9 ADULT GOODS ESTABLISHMENT

9.1 A person may apply to have a *licence* to carry on the *business* of an *adult goods establishment* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, if different than the *applicant*, the name of all of the *adult goods establishment owners*.

9.2 A licensee carrying on the *business* of an *adult goods establishment* must not cause or permit:

- (a) an individual who has not attained the *age of majority* to enter or remain in the *adult goods establishment*; or
- (b) the *adult goods establishment* to provide *adult goods* from *premises* or any part of them which are less than 300 linear metres away from:
 - (i) another *adult goods establishment*;
 - (ii) a school, as defined in the *Education Act*, R.S.O. 1990, c. E.2, or a daycare centre;
 - (iii) *premises* or any part of them designated by the *City* as a park; or
 - (iv) *premises* placed in a residential zone under the *City of Kingston Zoning By-Law Number 2022-62*; or

9.3 Clause 9.2 (b) will not apply to prevent a *licensee* from providing *adult goods* from *premises* if a licence was issued under the predecessor to this by-law to carry on the *business* of an *adult goods establishment* from such *premises* on

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the day of the passing of this by-law, so long as the *licensee* continues to carry on the *business* of an *adult goods establishment* from those *premises*.

9.4 A *licensee* carrying on the *business* of an *adult goods establishment* must not promote, in any manner, an *adult good*, its sale or anything that appeals to erotic or sexual appetites or inclinations if the promotion is visible from outside the *adult goods establishment*.

9.5 A *licensee* carrying on the *business* of an *adult goods establishment* must:

- (a) post on one or more signs in the *adult goods establishment*, in such a manner that the disclosure of the information is clear, comprehensible and prominent, that an individual who has not attained the *age of majority* may not enter or remain in the *adult goods establishment*; and
- (b) ensure that the *adult goods establishment* is supervised by an individual who has attained the *age of majority* at all times that the *adult goods establishment* is open to consumers.

10 ADULT SERVICES ESTABLISHMENT

10.1 A *person* may apply to have a *licence* to carry on the *business* of an *adult services establishment* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, the following:

- (a) if different than the *applicant*, the name of all of the *adult services establishment owners*;
- (b) a police record check of the *applicant* and, if the *adult services establishment owner* is a corporation, of all of the officers, directors and shareholders of the *adult services establishment owner*.
 - (i) conducted by a police record check provider within the meaning of the *Police Record Checks Reform Act, 2015*, S.O. 2015, c. 30; and
 - (ii) conducted within six months before the *applicant* applies to have a *licence* to carry on the *business* of an *adult services establishment* granted or renewed; and
- (c) the name of every individual who the *applicant* intends to carry on the *business* of an *adult entertainer* from the *adult services establishment*.

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- 10.2 A licensee carrying on the *business* of an *adult services establishment* must not cause or permit:
- (a) the *adult services establishment* to be open to consumers after two o'clock in the morning or before twelve o'clock noon;
 - (b) a *person* to hold, offer for sale, sell, supply or consume a controlled substance on the *premises* of the *adult services establishment* or in adjacent areas under the exclusive control of the *licensee*;
 - (c) a criminal offence or any violent or disorderly conduct to occur on the *premises* of the *adult services establishment* or in adjacent areas under the exclusive control of the *licensee*;
 - (d) an individual who has not attained the *age of majority* to enter or remain in the *adult services establishment premises*;
 - (e) an individual who:
 - (i) has not attained the *age of majority*; or
 - (ii) does not hold a *licence* to carry on the *business* of an *adult entertainer*;to carry on the *business* of an *adult entertainer* from the *adult services establishment*;
 - (f) an individual, while carrying on the *business* of an *adult entertainer* from the *adult services establishment*, to:
 - (i) provide *adult services* without being in public view or while being screened from public view in any way; or
 - (ii) touch any other individual's genitals, anus, breasts or buttocks or otherwise sexually touch any other individual;
 - (g) an individual to touch an *adult entertainer's* genitals, anus, breasts or buttocks or otherwise sexually touch an *adult entertainer* in the *adult services establishment*; and
 - (h) the *adult services establishment* to provide *adult services* from *premises* or any part of them which are less than 300 linear metres away from:

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- (i) another *adult services establishment*;
 - (ii) a school, as defined in the *Education Act*, R.S.O. 1990, c. E.2, or a daycare centre;
 - (iii) *premises* or any part of them designated by the *City* as a park;
or
 - (iv) *premises* located in a residential zone under the *City of Kingston Zoning By-Law Number 2022-62*;
- (i) the *adult services establishment* to charge a fee for *adult services* or a class of *adult services* higher than the fee which is posted in accordance with this by-law;
- (j) the erection or placing of any sign or other advertising device that includes words, pictures, symbols or implication, representations of an erotic nature or similar meaning or implication; or
- (k) the promotion, in any manner, of an *adult service*, its sale, an *adult entertainer* or anything that appeals to erotic or sexual appetites or inclinations if the promotion is visible from outside the *adult services establishment*.
- 10.3 Clause 10.2(h) will not apply to prevent a *licensee* from operating an *adult services establishment* from *premises* if a licence was issued under the predecessor to this by-law to carry on the *business* of an *adult services establishment* from such *premises* on the day of the passing of this by-law, so long as the *licensee* continues to carry on an *adult services establishment* from those *premises*.
- 10.4 A *licensee* carrying on the *business* of an *adult services establishment* must:
- (a) post the following information on one or more signs in the *adult services establishment*, in such a manner that the disclosure of the information is clear, comprehensible and prominent:
 - (i) a list of the *adult services* or the classes of *adult services* that are provided from the *adult services establishment* and the amount of the fee for the *adult services* or the class of *adult services*;

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- (ii) no *adult entertainer* shall provide *adult services* at the *adult entertainment establishment* without being in public view or while being screened from public view in any way;
 - (iii) no *adult entertainer* at the *adult entertainment establishment* shall touch any other individual's genitals, anus, breasts or buttocks or otherwise sexually touch any other individual;
 - (iv) no *adult entertainer* at the *adult entertainment establishment* shall cause or permit any other individual to touch the *adult entertainer's* genitals, anus, breasts or buttocks or otherwise cause or permit any other individual to sexually touch the *adult entertainer*; and
 - (v) an individual who has not attained the *age of majority* may not enter or remain in the *adult services establishment*;
- (b) ensure that the *adult services establishment* is supervised by an individual who has attained the *age of majority* at all times that the *adult services establishment* is open to consumers;
 - (c) within two business days of the event, give the *director* the name of every individual who begins to carry on the *business* of an *adult entertainer* from the *adult services establishment*; and
 - (d) within one business day of the event, give the *director* the name of every individual who ceases to carry on the *business* of an *adult entertainer* from the *adult services establishment*.

11 AMUSEMENT ESTABLISHMENT

- 11.1 A *licensee* carrying on the *business* of an *amusement establishment* shall ensure that the *amusement establishment* is supervised by an individual who has attained the *age of majority* at all times that it is open to consumers.
- 11.2 The *director* may sub-classify an *amusement establishment* as a billiards establishment, arcade or cinema, and may impose *special conditions* on each sub-classification, as the *director* considers appropriate, as a requirement of obtaining, continuing to hold or renewing a *licence* for each sub-classification, and may impose a different fee or fees pursuant to clause 4.1(b) for each sub-classification.

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12 BOARDING, LODGING OR ROOMING HOUSE

12.1 A person may apply to have a *licence* to carry on the *business* of a *boarding, lodging or rooming house* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, the following:

- (a) the *applicant's* emergency contact information;
- (b) the number of lodging rooms the *applicant* intends to provide for hire which do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants in the *premises*;
- (c) the number of individuals the *applicant* intends to lodge for hire in the *boarding, lodging or rooming house*;
- (d) the number of common bathrooms in the *premises*; and
- (e) the number of common *kitchen facilities* in the *premises*.

13 ESTHETICIAN SERVICES ESTABLISHMENT

13.1 A *licensee* carrying on the *business* of an *esthetician services establishment* must prepare and maintain an up-to-date list of the *esthetician services* or the classes of *esthetician services* that are provided from the *esthetician services establishment* and the amount of the fee for the *esthetician services* or the class of *esthetician services*, and the *licensee* must make such list readily available to any *person* upon request.

13.2 A *licensee* carrying on the *business* of an *esthetician services establishment* must not cause or permit:

- (a) the *esthetician services establishment* to charge a fee for *esthetician services* higher than the fee which is listed in accordance with this by-law; or
- (b) an individual who has not attained the *age of majority* to purchase or receive an *esthetician service* prescribed by the *director* unless the individual's *guardian* gives the *licensee* the prescribed evidence that the *guardian* approves the individual's receipt of the *esthetician service*.

13.3 A *licensee* carrying on the *business* of a *esthetician services establishment* must produce any records in the *licensee's* possession related to an inspection of the

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esthetician services establishment by or caused by the *medical officer of health* for inspection when required to do so by the *director* or a *provincial offences officer*.

14 FOOD PREMISES

- 14.1 A person may apply to have a *licence* to carry on the *business* of a *food premises* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, proof satisfactory to the *director* that the *applicant* gave notice to the *medical officer of health* of the *applicant's* intention to operate a *food premises*.
- 14.2 A *licensee* carrying on the *business* of a *food premises* must produce any records in the *licensee's* possession related to an inspection of the *food premises* by or caused by the *medical officer of health* for inspection when required to do so by the *director* or a *provincial offences officer*.
- 14.3 The *director* may sub-classify a *food premises* as a *commercial kitchen* or a meat and fish sales establishment, and may include *special conditions*, as the *director* considers appropriate, as a requirement of obtaining, continuing to hold or renewing a *licence* for each sub-classification, and may impose a different fee or fees pursuant to clause 4.1(b) for each sub-classification.

15 FOOD VENDOR

- 15.1 A person may apply to have a *licence* to carry on the *business* of a *food vendor* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, the following:
- (a) proof satisfactory to the *director* that the *applicant* gave notice to the *medical officer of health* of the *applicant's* intention to operate as a *food vendor*;
 - (b) in the case of a *refreshment vehicle*:
 - (i) a detailed drawing of the intended *refreshment vehicle*, including a detailed drawing of waste receptacles, *food* storage areas and the location of all equipment required by *law* to be in or on the *refreshment vehicle*, all to the satisfaction of the *director*;
 - (ii) if the *applicant* intends to operate the *refreshment vehicle* on a

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- highway* or any part of a *highway*, other than an active construction site where the *highway* is closed to traffic, proof satisfactory to the *director* that the *applicant* has obtained the approval of *council*, entered into a licence agreement with the *City* in the *prescribed* form and paid the fee or fees prescribed in the *Fees and Charges By-Law*;
- (iii) if the *applicant* intends to operate a *refreshment vehicle* on *premises* of the *City* other than a *highway*, proof satisfactory to the *director* that the *applicant* has been authorized, by permit, to do so;
 - (iv) a *certified copy* of a currently validated permit issued under subsection 7 (7) of the *Highway Traffic Act* for the *motor vehicle*;
 - (v) if the *refreshment vehicle* is in a class of *motor vehicles* required under the *Highway Traffic Act* to display an annual inspection sticker or to have another type of proof of inspection issued by a vehicle inspection centre, proof to the satisfaction of the *director* of such display of an annual inspection sticker or other type of proof of inspection issued by a vehicle inspection centre;
 - (vi) a *certified copy* of an insurance card for the *refreshment vehicle* in accordance with the requirements of the *Compulsory Automobile Insurance Act*; and
 - (vii) if the *refreshment vehicle* will draw a trailer, a *certified copy* of a currently validated permit issued under subsection 7 (7) of the *Highway Traffic Act* for the trailer;
- (c) the address of the place or places where the *applicant* intends to carry on the *business* of a *food vendor*;
 - (d) the times and dates during which the *applicant* intends to carry on the *business* of a *food vendor*;
 - (e) if one or more appliances, equipment, components, accessories or containers are or are intended to be installed on the *refreshment vehicle* or the *food stand* where propane is to be used for fuel purposes, proof satisfactory to the *director* that any appliance that is connected to a propane supply has been examined by the distributor under *O. Reg.*

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211/01: *Propane Storage and Handling*, made under the *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16;

- (f) proof satisfactory to the *director* that the *refreshment vehicle* or the *food stand* is in compliance with NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, as applicable; and
- (g) if the *applicant* intends to carry on the *business* of a *food vendor* on *premises* not owned by the *applicant*, proof satisfactory to the *director* that the owner of the *premises* has consented to the *applicant* carrying on the *business* of a *food vendor* on the owner's *premises*.

15.2 A licensee carrying on the *business* of a *food vendor* must:

- (a) post the *licensee's licence* number on the *refreshment vehicle* or the *food stand* in such a manner that it is clear, comprehensible and prominent; and
- (b) produce any records in the *licensee's* possession related to an inspection of the *refreshment vehicle* or *food stand* by or caused by the *medical officer of health* for inspection when required to do so by the *director* or a *designated person*.

15.3 A licensee carrying on the *business* of a *food vendor* must not:

- (c) carry on the *business* of a *food vendor* from more than one *refreshment vehicle* or *food stand* or any part of more than one *refreshment vehicle* or *food stand* without holding a *licence* for each such *refreshment vehicle* or *food stand*;
- (d) carry on the *business* of a *food vendor* from a *refreshment vehicle* having dimensions in excess of 6.7 meters in length and 2.6 meters in width;
- (e) carry on the *business* of a *food vendor* from a *food cart* that is drawn by a horse or other animal;
- (f) provide *food* to a consumer who is on the travelled portion of a *highway*;
- (g) carry on the *business* of a *food vendor* in the *DBIA*;

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- (h) stop a *refreshment vehicle* to provide to consumers ice cream, frozen desserts or other frozen confections unless the *refreshment vehicle* is equipped with a lamp producing intermittent flashes of amber light visible for a distance of 150 metres from all directions;
- (i) where a *licence* prohibits a *food vendor* from operating a *food cart* from a stationary position, stop a *food cart* in any location for longer than is reasonably necessary to complete the transaction;
- (j) use fuel or a source of energy other than natural gas, propane or electricity within or upon a *refreshment vehicle*; or
- (k) carry on business between the hours of eleven o'clock in the evening and seven o'clock in the morning.

15.4 A *licensee* carrying on the *business* of a *temporary food vendor* must, in addition to complying with the provisions of this section 17:

- (a) submit an application for a *licence* to carry on *business* as a *temporary food vendor* at least 10 days prior to the date upon which the *temporary food vendor* intends to commence carrying on the *business* of a *temporary food vendor*; and
- (b) submit a new application for a *licence* to carry on *business* as a *food vendor* if the *temporary food vendor* operates a *refreshment vehicle* or a *food stand* in the City of Kingston for more than 30 days in the aggregate in each calendar year.

15.5 The *director* may sub-classify a *food stand* based on whether *food* is prepared and cooked on-site from the *food stand*, and may impose *special conditions* on each sub-classification, as the *director* considers appropriate, as a requirement of obtaining, continuing to hold or renewing a *licence* for each sub-classification, and may impose a different fee or fees pursuant to clause 4.1(b) for each sub-classification.

16 GAS STATION

16.1 A *person* may apply to have a *licence* to carry on the *business* of a *gas station* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, the following:

- (a) proof satisfactory to the *director* that the *applicant* holds a valid

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certificate of approval issued under the *Environmental Protection Act*, R.S.O. 1990, c. E. 19; and

- (b) proof satisfactory to the *director* that the *applicant* holds a licence to operate a retail outlet issued under *O. Reg. 217/01*, made under the *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16.

17 MOTOR VEHICLE REPAIR ESTABLISHMENT

17.1 A person may apply to have a *licence* to carry on the *business* of a *motor vehicle repair establishment* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, the following:

- (a) proof satisfactory to the director that the *applicant* holds a *certificate of qualification* or a provisional *certificate of qualification* that is not suspended;

in one or more of the following trades:

1. auto body and collision damage repairer;
 2. auto body repairer;
 3. automotive electronic accessory technician;
 4. automotive glass technician; or
 5. automotive service technician; and
- (b) proof satisfactory to the *director* that the *applicant* has posted the following information on one or more signs in the *premises*, in such a manner that the disclosure of the information is clear, comprehensible and prominent:
 - (i) that the *applicant* is required to provide a written estimate unless:
 1. the *applicant* offers to give the consumer an estimate and the consumer declines the offer of an estimate;
 2. the consumer specifically authorizes a maximum amount that the consumer will pay the *applicant* to do the *motor vehicle repair*; and

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3. the cost charged for the *motor vehicle repair* does not exceed the maximum amount authorized by the consumer;
- (ii) whether there is a fee for an estimate and, if so:
1. the amount of the fee; and
 2. that if the *motor vehicle repair* is authorized and carried out, the fee for the estimate will not be charged unless the authorization is unreasonably delayed, and the *motor vehicle* is reassembled before the *motor vehicle repair* so that it can be moved in order to free repair space;
- (iii) a description of the method that will be used to compute labour charges, including:
1. the hourly rate that will be charged;
 2. whether a flat rate will be applied in respect of any of the *motor vehicle repair* and, if so, the flat rate and the *motor vehicle repair* to which it will be applied; and
 3. whether there will be a charge for diagnostic time and, if so, the manner of determining the amount that will be charged;
- (iv) whether the *applicant* or any of the individuals doing the *motor vehicle repair* on the *applicant's* behalf receive any commissions for parts sold and, if so, the manner of determining the commission and the parts to which it applies;
- (v) an itemized list of all *goods* and services, other than parts, shop supplies and labour, for which the consumer will be charged, such as storing the *motor vehicle*, picking up or delivering the *motor vehicle* or providing the consumer with another *motor vehicle* on a temporary basis, and the amount that will be charged for each such good or service;
- (vi) that each part removed in the course of the *motor vehicle repair* will be available to the consumer after the *motor vehicle repair* is

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completed, unless:

1. the *applicant* is advised, at the time the *motor vehicle repair* is authorized, that the consumer does not require the return of the part;
2. the part is replaced under a warranty that requires the return of the part to the manufacturer or distributor; or
3. the consumer is not charged for the replacement part or for *motor vehicle repair* to the part.

18 PAWNBROKING ESTABLISHMENT

18.1 A *person* may apply to have a *licence* to carry on the *business* of a *pawnbroking establishment* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, the following:

- (a) proof satisfactory to the *director* that the *applicant* has exhibited in large, legible characters on a sign over the front door of the *premises* the *applicant's* name and the word "Pawnbroker" or the words "Prêteur sur gages"; and
- (b) proof satisfactory to the *director* that the *applicant* has displayed conspicuously in the *premises* a notice in large, legible characters so as to be visible to individuals pawning articles or redeeming pledges, showing:
 - (i) rights of redemption of pledges;
 - (ii) rates of interest authorized by law to be taken by pawnbrokers for sums lent; and
 - (iii) maximum charges authorized by the *Pawnbrokers Act*, R.S.O. 1990, c. P.6.

18.2 A *licensee* carrying on the *business* of a *pawnbroking establishment*, and an employee or agent of a *licensee* carrying on the *business* of a *pawnbroking establishment*, must, upon being offered any article by way of pawn or pledge which the *licensee*, employee or agent has reasonable grounds to suspect has been stolen or fraudulently obtained, promptly report such to a police officer.

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19 PAYDAY LOANS ESTABLISHMENT

19.1 A person may apply to have a *licence* to carry on the *business* of a *payday loans establishment* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, the following:

- (a) proof satisfactory to the *director* that the *applicant*:
 - (i) is licensed as a lender under the *Payday Loans Act*, and has received notice in writing of the licence from the registrar appointed under the *Payday Loans Act*; or
 - (ii) is deemed to be licensed under either section 17 or 18 of the *Payday Loans Act*;
- (b) if the *applicant* is a corporation, the identity of:
 - (i) each *person* that beneficially owns or controls ten percent or more of the equity shares of the *applicant* issued and outstanding at the time of the application; and
 - (ii) *persons* that are associated with each other and that together beneficially own or control ten percent or more of the equity shares of the *applicant* issued and outstanding at the time of the application.

19.2 A licensee carrying on the *business* of a *payday loans establishment* must:

- (a) post the following information on one or more signs in the *payday loans establishment*, in such a manner that the disclosure of the information is clear, comprehensible and prominent:
 - (i) the names and contact information of any *charity* that provides credit counselling services, that the *director* may *prescribe*; and
 - (ii) the *average prime rate* that was in effect on October 15 of the previous year.

20 PET SALES ESTABLISHMENT

20.1 A person may apply to have a *licence* to carry on the *business* of a *pet sales establishment* granted or renewed by giving to the director, in addition to the

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things required by subsection 4.1, a list of the animals or the classes of animals which the *applicant* intends to provide as pets in the *pet sales establishment*.

20.2 A licensee carrying on the *business* of a *pet sales establishment* must:

- (a) ensure that every cage, tank or pen used in the *pet sales establishment* for the housing of animals is constructed and maintained so that:
 - (i) except in the case of fish and snakes, every animal in the cage, tank or pen may comfortably extend its legs to their fullest extent, stand, sit, turn around and lie down in a fully extended position;
 - (ii) in the case of fish and snakes, every animal in the cage, tank or pen has adequate room for its health, welfare and comfort;
 - (iii) it is not likely to harm any animal therein;
 - (iv) every animal therein may be readily observed unless the natural habits of the animal require otherwise;
 - (v) any animal therein cannot readily escape therefrom;
 - (vi) it minimizes as nearly as practicable the transfer of pathogenic agents; and
 - (vii) it may be readily sanitized;
- (b) ensure that every cage, tank or pen used in the *pet sales establishment* for the housing of animals is maintained so that:
 - (i) litter or bedding material is changed as often as necessary to keep it dry, clean and free of noxious fumes; and
 - (ii) it is cleaned as often as is necessary for the health and comfort of every animal therein;
- (c) ensure that:
 - (i) every animal that is housed in a cage or pen used in the *pet sales establishment* is removed from its cage or pen and changed to a freshly sanitized cage or pen as often as is necessary for its health and comfort;

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- (ii) every animal that is provided as a pet in the *pet sales establishment* is supplied with food of a type and in amounts nutritionally adequate for the species and that is palatable and free from contamination; and
 - (iii) every animal that is provided as a pet in the *pet sales establishment* is supplied with adequate amounts of potable water; and
 - (d) take or cause to be taken all steps practicable to treat and prevent the spread of any disease found in any animal and to prevent distress to any animal that is provided as a pet in the *pet sales establishment*.
- 20.3 A licensee carrying on the *business* of a *pet sales establishment* must not sell as a pet or offer for sale as a pet in the *pet sales establishment*:
- (a) any animal who shows signs of disease or distress; or
 - (b) any dog, cat or rabbit, except as permitted under *City of Kingston By-law Number 2021-166, the Animal Control By-law*.

21 PLUMBER SERVICES ESTABLISHMENT

- 21.1 A person may apply to have a *licence* to carry on the *business* of a *plumber services establishment* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, the following:
- (a) if different than the *applicant*, the name of all of the *plumber services establishment owners*;
 - (b) proof satisfactory to the *director* that the *applicant* holds, or that the *applicant* employs or otherwise engages an individual who holds, a *certificate of qualification*;
 - (c) if the *applicant* intends to use one or more *motor vehicles* to carry on the *business* of a *plumber services establishment* the *director* may, at the *director's* discretion, request a copy of the following,
 - (i) a *certified copy* of a currently validated permit issued under subsection 7 (7) of the *Highway Traffic Act* for all such *motor vehicles*;

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- (ii) if any such *motor vehicle* will draw a trailer, a *certified copy* of a currently validated permit issued under subsection 7 (7) of the *Highway Traffic* for all such trailers;
- (iii) if any such *motor vehicle* is in a class of *motor vehicles* required under the *Highway Traffic Act* to display an annual inspection sticker or to have another type of proof of inspection issued by a vehicle inspection centre, proof to the satisfaction of the *director* of such display of an annual inspection sticker or other type of proof of inspection issued by a vehicle inspection centre for all such *motor vehicles*; and
- (iv) a *certified copy* of an insurance card for all such *motor vehicles* in accordance with the requirements of the *Compulsory Automobile Insurance Act*.

21.2 A licensee carrying on the *business of a plumbing services establishment* must:

- (a) post the *licensee's licence* number and the address for the *premises* from which the *plumbing services establishment* is carried on, on all of the *licensee's* documents, forms and advertising with respect to the *plumbing services establishment* in a manner that is clear, comprehensible and prominent; and
- (b) if the *licensee* intends to use one or more *motor vehicles* to carry on the *business of a plumber services establishment*, post the *licensee's licence* number on the *motor vehicle* in such a manner that it is clear, comprehensible and prominent.

22 SCRAP METAL DEALER ESTABLISHMENT

22.1 A person may apply to have a *licence* to carry on the *business of a scrap metal dealer establishment* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, proof satisfactory to the *director* that the *applicant* has displayed conspicuously in the *premises* a notice in large, legible characters so as to be visible to individuals selling, trading or bartering *scrap metal* giving notice that the information required to be collected under subsection 22.3 will be kept by the *licensee* and may be provided to a police officer or other law enforcement agency.

22.2 No *licensee* carrying on the *business of a scrap metal dealer establishment* will

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buy or receive *scrap metal* from an individual who fails to provide proof of identity in the form of a valid Ontario driver's licence, Ontario photo card, Canadian passport, or Canadian citizenship card with a photograph of the individual to whom the card is issued, showing:

- (a) the individual's full name and address; and
- (b) that the individual has attained the *age of majority*.

22.3 A licensee carrying on the *business* of a *scrap metal dealer establishment* must, at the time of a transaction:

- (a) take reasonable measures to ensure that the proof of identity required to be provided under subsection 22.2:
 - (i) has not been altered or defaced to misrepresent the age or identity of the individual;
 - (ii) was issued by the issuing agency to the individual; and
 - (iii) is not otherwise forged or fraudulently made;
- (b) obtain and record the following information:
 - (i) the individual's first name and surname;
 - (ii) the individual's current address;
 - (iii) the date and time of the transaction;
 - (iv) a brief description of the *scrap metal*; and
 - (v) the weight of the *scrap metal*;
- (c) verbally give notice to the individual entering into the transaction that the information required to be collected under clause (b) will be kept by the *licensee* and may be provided to a police officer or other law enforcement agency.

22.4 A licensee carrying on the *business* of a *scrap metal dealer establishment* must:

- (a) display conspicuously in the *premises* a notice in large, legible characters so as to be visible to individuals selling, trading or bartering

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scrap metal giving notice that the information required to be collected and recorded under clause 22.3(b) will be kept by the *licensee* and may be provided to a police officer or other law enforcement agency;

- (b) keep the information required to be collected and recorded under clause 22.3(b) for a period of one year;
- (c) if the *licensee* has reasonable grounds to believe that an individual has attempted to sell, trade or barter *scrap metal* that has been stolen, promptly report the matter to a police officer; and
- (d) if the *licensee* has reasonable grounds to believe that it has bought or received stolen *scrap metal*, promptly report the matter to a police officer.

23 STREET PERFORMER

23.1 An individual may apply to have a *licence* to carry on the *business* of a *street performer* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, a written description of the live entertainment or the class of live entertainment that the *applicant* intends to perform, to the satisfaction of the *director*.

23.2 The *director* may determine the times, dates and places of validity of a *licence* to carry on the *business* of a *street performer*, which will be restricted to the sidewalk portion of a *highway* in a commercially zoned area, excluding the sidewalk immediately adjacent to the Grand Theatre.

23.3 Without limiting the generality of subsection 23.2, no *street performer* will perform or remain in the same location, or within 50 metres of that location, for more than 90 consecutive minutes.

24 TOBACCO RETAIL ESTABLISHMENT

24.1 A *person* may apply to have a *licence* to carry on the *business* of a *tobacco retail establishment* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, the following:

- (a) proof satisfactory to the *director* that the *applicant* holds a retail dealer's permit issued under the *Tobacco Tax Act*, R.S.O. 1990, c. T.10; and
- (b) if the *applicant* intends to provide raw leaf tobacco from the *tobacco*

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retail establishment, proof satisfactory to the *director* that the *applicant* holds a valid registration certificate as a raw leaf tobacco producer under the *Tobacco Tax Act*, R.S.O. 1990, c. T.10.

25 TRANSIENT TRADER

25.1 A *person* must not carry on the *business* of a *transient trader* without holding a *licence* for each intermittent or one-time period during which the *person* intends to do so and for each *premises* from where the *person* intends to do so.

25.2 A *person* may apply to have a *licence* to carry on the *business* of a *transient trader* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, the following:

- (a) if the *applicant* intends to sell or hire, or to display for the purpose of selling or hiring, retail *goods* or services in person on an intermittent or one-time basis:
 - (i) the address of the *premises* from where the *applicant* intends to do so;
 - (ii) the times and dates of the period during which the *applicant* intends to do so; and
 - (iii) proof satisfactory to the *director* that the *applicant* has the express permission of the owner of the *premises* to do so where and when the *applicant* intends to do so;
 - (iv) if required by the *director*, a licence agreement, in the *prescribed* form, between the *City* and the *applicant*, governing the *applicant's* use of any *City premises*;
 - (v) if required by the *director*, a list of goods and services that are to be sold or promoted;
- (b) if the *applicant* intends to sell or offer for sale *food*, proof satisfactory to the *director* that the *applicant* gave notice to the *medical officer of health* of the *applicant's* intention to operate a *food establishment*; and
- (c) a police record check of the *applicant*:
 - (i) conducted by a police record check provider within the meaning

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of the *Police Record Checks Reform Act, 2015*, S.O. 2015, c. 30; and

- (ii) conducted within six months before the *applicant* applies to have a *licence* to carry on the *business* of a *transient trader* granted or renewed.

25.3 A *licensee* carrying on the *business* of a *transient trader* must:

- (a) make available, upon request, the name and address of the *licensee's* place of *business*, if any, or, if none, the telephone number and email address for the *licensee's business*; and
- (b) keep written records of all sales or hires of retail *goods* or services and the conclusion of all consumer agreements made in the course of the *business* of a *transient trader* in accordance with the standards that the *director* may *prescribe*.

25.4 The *director* may determine the times, dates and places of validity of a *licence* to carry on the *business* of a *transient trader* and may approve licence agreements governing the *applicant's* use of any *City premises*.

25.5 Without limiting the generality of subsection 28.4, a *licensee* carrying on the *business* of a *transient trader* must not operate as a *transient trader* within the geographic boundaries of the DBIA unless authorized by the *director*.

25.6 The *director* may sub-classify a *transient trader* as an auctioneer, a hawker or peddler, a specific day and location seller, or a street seller, and may include *special conditions*, as the *director* considers appropriate, as a requirement of obtaining, continuing to hold or renewing a *licence* for each sub-classification, and may impose a different fee or fees pursuant to clause 4.1(b) for each sub-classification.

26 VAPOUR PRODUCT RETAIL ESTABLISHMENT

26.1 A *person* may apply to have a *licence* to carry on the *business* of a *specialty vape store* granted or renewed by giving to the *director*, in addition to the things required by subsection 4.1, proof satisfactory to the *director* that the *applicant* gave notice to the *medical officer of health* of the *applicant's* intention to operate a *specialty vape store*.

26.2 A *licensee* carrying on the *business* of a *vapour product retail establishment*

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must ensure that any indoor displays and promotions of *vapour products* are not visible from the exterior of the *vapour product retail establishment premises*.

27 ENFORCEMENT

- 27.1 This by-law may be enforced by a *provincial offences officer* or other authorized employee or agent of the *City*.
- 27.2 No *person* shall obstruct or hinder or attempt to obstruct or hinder the *director*, a *provincial offences officer* or other authorized employee or agent of the *City* in the exercise of a power or the performance of a duty under this by-law.
- 27.3 The *director* and every *provincial offences officer* may, in accordance with the provisions of the *Municipal Act, 2001*, enter on *premises* to conduct an inspection to determine whether the provisions of this by-law are being complied with.
- 27.4 For the purposes of an inspection, the *director* or a *provincial offences officer* may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any *person* concerning a matter related to the inspection; and
 - (d) alone or in conjunction with an individual possessing special or expert knowledge, make examinations or take tests or photographs necessary for the purposes of the inspection.
- 27.5 If the *director* is satisfied that a contravention of this by-law has occurred, the *director* may make an order requiring the *person* who contravened this by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to:
- (a) discontinue the contravening activity;
 - (b) do work to correct the contravention; or

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(c) both.

27.6 An order under subsection 27.5 must set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
- (b) the work to be done, if any; and
- (c) the date by which there must be compliance with the order.

27.7 In default of the work directed or required by an order under subsection 27.5 being done by the *person* referred to in the order, the *director* may have the work done at the *person's* expense and the *director* may recover the costs of doing such work from the *person* by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

28 OFFENCES & ADMINISTRATIVE PENALTIES

28.1 Every *person* who:

- (a) contravenes any provision of this by-law;
- (b) contravenes any limitation or condition, including a *special condition*, of a *licence* that the *person* holds;
- (c) hinders, obstructs or interferes with the *director* or a *provincial offences officer* in the exercise of the *director's* or the *provincial offences officer's* powers or duties; or
- (d) hinders, obstructs or interferes with a *person* authorized by the *director* to do an act in the exercise of that *person's* authority to do the act;

is guilty of an offence as provided for in the *Provincial Offences Act*.

28.2 Every officer or director of a corporation who knowingly concurs in the contravention of any provision of this by-law is guilty of an offence as provided for in the *Provincial Offences Act*.

28.3 Every *person* who fails to comply with any provision of this by-law shall, upon issuance of a *penalty notice*, be required to pay an *administrative penalty*, and the *Administrative Penalty By-Law* applies to each *administrative penalty*

Business Licensing By-Law

imposed pursuant to this by-law.

- 28.4 If a *person* is required to pay an *administrative penalty* under subsection 28.3 in respect of a contravention of this by-law, the *person* will not be charged with an offence in respect of the same contravention.
- 28.5 Every *person* who is convicted of an offence under this by-law is liable to a minimum fine of \$500 and to a maximum fine of \$100,000 pursuant to subsections 429 (1) and (3) of the *Municipal Act, 2001*.
- 28.6 A *person* who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000, and the total of all daily fines for the offence is not limited to \$100,000 as provided for in section 429 of the *Municipal Act, 2001*.
- 28.7 When a *person* has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction may, in addition to any other penalty imposed on the *person* convicted, make an order:
- (a) prohibiting the continuation or repetition of the offence by the *person* convicted; and
 - (b) requiring the *person* convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 28.8 The *City* may collect unpaid fines for a contravention of this by-law in accordance with the following:
- (a) the *treasurer* may give notice that if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time for payment under section 66 or 66.0.1 of the *Provincial Offences Act*, the *treasurer* may give the *person* against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which must be not less than 21 days after the date of the notice; and
 - (b) if the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.

Business Licensing By-Law

29 APPEALS

- 29.1 An *applicant* or *licensee* may appeal any of the following decisions of the *director* to the *appeals committee*:
- (a) a decision to refuse an application for the grant or renewal of a *licence*;
 - (b) a decision to suspend or revoke a *licence*, except for a decision to suspend a *licence* made pursuant to clause 6.1 (c) or section 6.5;
 - (c) a decision to specify as a limitation of a *licence* the list of:
 - (i) services or the classes of services; or
 - (ii) the *goods* or the classes of *goods*;in respect of which a *licensee* is licensed;
 - (d) a decision to impose one or more conditions as a requirement of obtaining, continuing to hold or renewing a *licence*; or
 - (e) a decision respecting the times, dates or places of validity of a *licence*.
- 29.2 A *person* who is the subject of an order made by the *director* under subsection 27.5 may appeal the order to the *appeals committee*.
- 29.3 To appeal to the *appeals committee*, a *person* must file with the *clerk* a notice of appeal, in the *prescribed* form, along with the fee or fees *prescribed* in the *Fees and Charges By-Law* within 15 days from the day the *applicant* or *licensee* was given notice of the *director's* decision or the order that is being appealed from.
- 29.4 The *appeals committee* may, upon application by a *person* referred to in subsections 29.1 or 29.2, extend the time for appealing a decision or an order if it is satisfied that there are apparent grounds for granting the appeal and that there are reasonable grounds for applying for the extension and may give directions that it considers proper consequent upon the extension.
- 29.5 An appeal to the *appeals committee* does not stay a decision unless the *appeals committee* orders otherwise in writing upon being satisfied that a stay will not cause harm or a risk of harm to the:
- (a) economic, social or environmental well-being of the municipality; or

Business Licensing By-Law

(b) health, safety or well-being of a *person* or property.

29.6 The parties to an appeal are:

(a) the *person* referred to in subsections 29.1 or 29.2; and

(b) the *director*.

29.7 Subject to subsection 29.8, after receiving a notice of appeal and the fee or fees prescribed in the *Fees and Charges By-Law*, the *clerk* must promptly appoint a time and place for a hearing by the *appeals committee*.

29.8 The *clerk* must give each of the parties at least seven days' notice of the time and place of the hearing.

29.9 Appeals will be conducted in accordance with the *Appeals Committee By-Law*.

29.10 On an appeal, the *appeals committee* may rescind, confirm or alter the *director's* decision or the order, and may substitute its own opinion for that of the *director*, and may direct the *director* to take any action that the *appeals committee* considers that the *director* ought to take in accordance with this by-law.

29.11 Decisions made by the *appeals committee* are final.

30 GENERAL

30.1 Any form, notice or other document is sufficiently given or filed if it is:

(a) given or filed personally;

(b) sent by registered mail;

(c) sent by email; or

(d) sent by another manner if the sender can prove receipt of the form, notice, or other information or document.

30.2 Time limits that would otherwise expire on a *holiday* are extended to include the next day that is not a *holiday*.

30.3 The *director* may make available publicly on the *City's* website or by any other means that the *director* determines:

Business Licensing By-Law

- (a) information about the *business* activities of any class of *licensees*, including their *business* name, *business* address, phone number and email address;
- (b) licensing information about a *licensee*, including the *licensee's licence* number, the date that the *licence* expires, specified limitations of the *licence*, conditions, including *special conditions*, imposed on the *licence* and the current status of the *licence*;
- (c) information about *persons* whose *licence* has been suspended or revoked; and
- (d) any other information that the *director* may *prescribe*.

30.4 The *director* may make *regulations prescribing*:

- (a) the form of all *licences*;
- (b) any other forms and providing for their use;
- (c) the information and documents required to be given to the *director* by a *person* applying to have a *licence* granted or renewed;
- (d) the kinds of liability and the amounts for the insurance coverage for a *business* or for a class of *businesses* that clause 7.1(g) requires a *licensee* to take out and maintain;
- (e) the requirements of the photograph of the *applicant's* likeness that clause 8.1 (a) requires an *applicant* to give to the *director*;
- (f) the names and contact information of any *charity* that provides credit counselling services that clause 19.2(a)(i) requires a *licensee* to post;
- (g) the standards for the written records of all sales or purchases of *scrap metal* made in the course of the *business* of a *scrap metal dealing establishment* that clause 22.3(b) requires a *licensee* to keep;
- (h) the standards for the written records of all sales or hires of retail *goods* made in the course of the *business* of a *transient trader* that clause 25.3(b) requires a *licensee* to keep; and
- (i) the information that the *director* may make available publicly on the *City's* website or by any other means that the *director* determines.

Business Licensing By-Law

- 30.5 The *director* must file a *certified copy* of every *regulation*, including the date on which it was made, with the *clerk*.
- 30.6 The *clerk* must make a *regulation* filed by the *director* available for public inspection and must publish a *regulation* filed by the *director* on the *City's* website.
- 30.7 A *regulation* comes into force on the day on which it is filed and a *regulation* that is not filed has no effect.
- 30.8 A *regulation* is not effective against a *person* before the earlier of the following times:
- (a) when the *person* has actual notice of it; or
 - (b) the last instant of the day on which it is published on the *City's* website.
- 30.9 Terms used in *regulations* or forms have the same meaning as in this by-law.
- 30.10 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law or a *regulation* to be invalid, or to be of no force and effect, it is the intention of *council* in enacting this by-law that each and every provision of this by-law or a *regulation* authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
- 30.11 On the date that this by-law comes into force and takes effect, a *person* who held a valid licence under the predecessor to this by-law immediately before the date that this by-law comes into force and takes effect is deemed to hold a *licence* under this by-law.
- 30.12 This by-law will come into force and take effect on January 1, 2026.
- 30.13 As of the date that this by-law comes into force and takes effect, the following *City* by-laws are repealed in their entirety:
- (a) *City of Kingston By-Law Number 2006-213, A By-Law to License, Regulate and Govern Certain Businesses;*
 - (b) *City of Kingston By-Law Number 2003-4, A By-Law to License, Regulate and Govern Certain Trades and Occupations; and*
 - (c) *City of Kingston By-Law Number 93-250, A By-Law to Authorize the Lease of City Streets for the Purpose of Operating Motorized*

Business Licensing By-Law

Refreshment Vehicles, and to Authorize the Adoption of Guidelines for Dealing with Applications, and to Authorize Motorized Refreshment Vehicle Regulations.

- 30.14 All prosecutions and other enforcement processes commenced under *By-Law Number 2006-213*, including, without limitation, any orders issued pursuant to *By-Law Number 2006-213*, which have not been completed on the day this by-law comes into force and takes effect, shall be completed under *By-Law Number 2006-213* as if it had not been repealed.

1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Licensing and By-Law Enforcement	Unit	2025	2026	2027
Business Licenses				
Automotive repair Renamed Motor Vehicle Repair Establishment	Each	\$90.00	\$135.00	\$183.00
Bill poster	Each	\$172.00	N/A	
Billiards - first table Renamed Amusement Establishment - Billiards	Each	\$89.00	\$135.00	\$183.00
Billiards - additional table	Each	\$44.00	N/A	
Food Premises - Commercial Kitchen	Each		\$360.00	
Food premises - low risk	0 - 99 seats	\$132.00	N/A	
Food premises - low risk	100 seats and over	\$217.00	N/A	
Food premises - medium risk	0 - 99 seats	\$261.00	\$267.00	
Food premises - medium risk	100 seats and over	\$344.00	\$360.00	
Food premises - high risk	0 - 99 seats	\$434.00	N/A	
Food premises - high risk	100 seats and over	\$518.00	N/A	
Gasoline Sales Renamed Gas Station	Station	\$87.00	\$135.00	\$183.00
Hawkers & Peddlars - non-resident	Each	\$176.00	N/A	
Hawkers & Peddlars - resident Renamed Transient Trader - Hawker & Peddler	Each	\$88.00	\$135.00	\$183.00
Meat / Fish Sales Renamed Food Premises - Meat and Fish Sales	Each	\$88.00	\$178.00	\$275.00
Salon Renamed Esthetician Services Establishment	Each	\$88.00	\$135.00	\$183.00
Scrap Metal Dealer Establishment	Each		\$360.00	
Specific day sales - Class A-1: sale by a local hobby group or club (1-5 days) Renamed Transient Trader - Specific Day Sales - Class A-1	Each event	\$46.00	\$69.00	\$92.00
Specific day sales - Class A-2: flower sale by a local flower vendor (1-5 days)	Location or vendor	\$45.00	N/A	
Specific day sales - Class A-3: flower sale by another person (1-5 days)	Location or vendor	\$1,017.00	N/A	
Specific day sales - Class A-4: special sale and/or purchase by a resident (1-5 days) Renamed Transient Trader - Specific Day Sales - Class A-2	Vendor	\$848.00	\$278.00	
Specific day sales - Class A-5: special sale and/or purchase by a non-resident (1-5 days)	Each event	\$2,541.00	N/A	
Specific day sales - Class B-1: sale and/or purchase by a resident (6 days to 6 months) Renamed Transient Trader - Specific Day Sales - Class B-1	First month	\$172.00	\$378.00	
Specific day sales - Class B-1: sale and/or purchase by a resident (6 days to 6 months) Renamed Transient Trader - Specific Day Sales - Class B-1	Each additional month	\$45.00	\$46.00	
Specific day sales - Class B-2: sale and/or purchase by a non-resident (6 days to 6 months)	First month	\$1,695.00	N/A	
Specific day sales - Class B-2: sale and/or purchase by a non-resident (6 days to 6 months)	Each additional month	\$508.00	N/A	
Vapour Product Retail Establishment	Each		\$349.00	
Combined - Tobacco/Vapour Product Retail Establishment	Each		\$524.00	
Plumbing Contractors and Masters		2025	2026	2027
Contractor - resident Renamed Plumber Services Establishment	Each	\$334.00	\$344.00	
Contractor - non-resident	Each	\$412.00	N/A	
Master Plumber - resident	Each	\$166.00	N/A	
Master Plumber - non-resident	Each	\$202.00	N/A	
Administrative Fees		2025	2026	2027
Business Licenses Late payment fee	Each		\$75.00	

By-Law Number 2025-XX

A By-Law to Amend By-Law Number 2020-69 “A By-Law to Establish a Process for Administrative Penalties, as amended.”

Passed:

Therefore Be It Resolved That the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. By-law Number 2020-69 of the Corporation of the City of Kingston entitled “A By-Law to Establish a Process for Administrative Penalties”, as amended, is hereby further amended as follows:

1.1. Schedule A: Designated By-Laws is hereby amended by adding the following:

13. City of Kingston By-Law Number 2025-xxx, Business Licensing By-Law”

1.2. Schedule A: Designated By-Laws is hereby amended as follows:

Table referencing penalties related to By-Law Number 2006-213 “A By-Law to License, Regulate and Govern Certain Businesses” is hereby deleted in its entirety and replaced with the following table title thereto:

By-Law Number 2025-xxx, “Business Licensing By-Law”		
By-Law Section	Short Form Wording	Penalty Amount
3.1	Carrying on a business without a licence	\$150.00
27.2	Obstruct/hinder or attempt to obstruct/hinder Director, Officer, employee or agent	\$500.00

2. This By-Law shall come into force and take effect on January 1st, 2026.

Given all Three Readings and Passed: Meeting date, 2025

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Exhibit G - Fee Review, Municipal Comparisons
AP-25-001

Fee/Costing Category	Kingston 2025 Fees	Barrie	Belleville	Brampton	Brantford	Guelph	Hamilton	Kitchener	London	Mississauga	Oakville	Oshawa
Gas Stations - Per Station	\$88.00	\$276.49	\$50	\$243	N/A	N/A	Garage C: \$428.58 (no zoning) Renew: \$310	New \$258.96 Renew \$143.52 Late \$189.28	\$237	260.07 *class A	N/A	New \$300 Renew \$250
Group Home Registration	\$173.00		N/A	N/A	N/A	\$64.92	N/A	New \$326 Renew \$81	N/A	N/A	\$108.00	\$100
Lodging House	\$172.00	\$265.86	\$150	\$709	New \$651 Renew \$556	New certification \$640 Existing certification \$160	\$1,342.24 Renew: 1,211.27	New \$750 Renew \$525 Late \$655	\$573.00	\$657.55	\$555.00	App fee \$100 New \$250 Renew \$250 Late renew \$300
Meat / Fish Sales	\$88.00	N/A	\$75 *refreshment place	Same as food premise	N/A	N/A	\$447.08 (Butcher) Renew: \$328.50	N/A	N/A	\$219.09 (eatery)	N/A	\$250 (for food shop with temperature control)
Pawnbroker	\$172.00	\$265.86	N/A	\$245	New \$483 Renew \$201	Inspection Fee: \$255.94; Application Fee \$218.48; Renewal Fee \$151.90	\$635.58 (no zoning) Renew: \$517	N/A	Initial \$304 Renewal \$254	New \$260.07 Renew \$252.15	\$219	New \$500 Renew \$325
Pay Day Loans- Initial Licensing Fee	\$338.00	N/A	\$500	\$1,200	\$507	Application fee \$241 Inspection fee \$400	\$1,034.76 (no zoning)	New \$660.40	\$441.00	N/A	N/A	\$200
Pay Day Loans - Annual Renewal Fee	\$172.00		\$150		\$308			Renew \$430.65 Late \$515.84	N/A	N/A	N/A	N/A
Pet Shop	\$172.00	\$265.86	N/A	\$239	N/A	N/A	\$772.48 (no zoning) \$307	New \$149.76 Renew \$86.32 Late \$114.40	\$209.00	New \$287.39 Renew \$247.78	\$464.00	N/A
Motorized Refreshment Vehicle - Class A	\$389.00	\$276.49	\$200.00 \$100 each additional vehicle	Plates - \$353 Driver - \$116 - \$466	New \$625 Renew \$226 *food truck or trailer	Inspection Fee: \$224.73; Application Fee \$218.48; Renewal Fee \$310.04 *food vehicle/stand/cart/trailer	\$646.26 Renew: \$567.50 Motorized & non motorized food service vehicle used as a non-travelling, site specific food premise including but not limited to a catering truck, chip truck or refreshment trailer	New \$213.20 Renew \$154.96 Late \$200.72 *class C	\$563 Class 3	\$192.59 Renew \$187.13 Owner License \$450.48 Renew \$310.61	\$305.00	New \$330 Renew \$310 More than 16 days *Class B
Motorized Refreshment Vehicle - Class B	\$389.00	N/A	\$200.00 \$100 each additional vehicle	Plates - \$285 Driver - \$116 - \$466	N/A	Inspection Fee: \$224.73; Application Fee \$218.48; Renewal Fee \$310.04	\$646.26 Renew: \$567.50 *motorized & non motorized food service vehicle that is used as a travelling food premises including but not limited to a catering truck, chip truck, ice cream truck, refreshment trailer or hot dog cart.	New \$189.28 Renew \$143.52 Late \$189.28	\$199 Class 1	\$192.59 Renew \$187.13 Owner License \$450.48 Renew \$310.61	\$228.00	N/A
Non-Motorized Refreshment Vehicle - Class C	\$176.00	N/A	\$200 \$100 each additional vehicle	Plates - \$285 Driver - \$116 - \$466	New \$458 Renew \$209 *food cart	Inspection Fee: \$224.73; Application Fee \$218.48; Renewal Fee \$310.04	\$554.40 Renew: \$475.64 *a non-motorized food service vehicle that is used as a travelling food premises from which pre-packaged frozen products exclusively are offered for sale including but not limited to an ice-cream cycle, yogurt cart or juice carts	New \$257.92 Renew \$200.72 Late \$241.28 *Class A	\$199 Class 2	\$191.50 Renew \$182.76 Owner License \$220.18 Renew \$201.57 *refreshment cart	\$225.00	New \$300 Renew \$275 *Class A
Non-Motorized Refreshment Vehicle - Class D	\$89.00	N/A	\$150 \$50 each additional vehicle	Plates - \$353 Driver - \$116 - \$466	Special event food cart \$50 Special event food truck \$100	Inspection Fee: \$224.73; Application Fee \$218.48; Renewal Fee \$310.04	N/A	N/A	N/A	\$191.50 Renew \$182.76 Owner License \$196.14 Renew \$182.76 *refreshment cart & cycle non motorized off site	**Operator License \$210	New \$330 Renew \$310 *Class B
Non-Motorized Refreshment Vehicle - Class E	\$202.00	N/A	\$500	\$134	N/A	Inspection Fee: \$98.84; Application Fee \$52.02 *food vehicle/stand/cart/trailer	\$309.26 - 4 day event	N/A	N/A	N/A	N/A	New \$125 up to 15 days *Class C
Salons	\$88.00	\$276.49	\$25.00	\$217.00	\$225-\$450	Inspection - \$300.68; Application Fee \$218.48; Renewal \$311.08	\$478.75 (no zoning) Renew: \$360.17	New \$247.52 Renew \$143.52 Late \$189.28	\$209.00	New \$247.78 Renew \$223.46	\$264.00	N/A
Specific Day Sales - Class A-1 (each event)	\$46.00	\$276.49	\$50 *under hawker/peddler class D	\$134 per vendor per event unless already licensed than fee is waived	\$50 - \$638	Merchandise Vehicle/Stand/Trailer/Cart (Short-Term) Inspection Fee: \$94.68; Application Fee \$52.02	\$709.58 (no zoning) Renew: \$591 *Precious Metals and Jewellery Dealers means business purchasing jewellery or precious metals for the purpose of smelting the jewellery or precious metals; including operating for a short period or temporary basis.	257.92 *special event	7+ days - \$622 1-3 months - \$499	N/A	\$161.45 - \$470.07 *Special sale	\$30 (up to 15 days in 1 year, temporary food vendor) \$75 (special event organizer license)
Specific Day Sales - Class A-2 (location or vendor)	\$45.00	N/A	N/A	N/A	N/A	Merchandise Vehicle/Stand/Trailer/Cart (Short-Term) Inspection Fee: \$94.68; Application Fee \$52.02	N/A	N/A	N/A	N/A	N/A	N/A
Specific Day Sales - Class A-3 (location or vendor)	\$1,017.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Specific Day Sales - Class A-4 (per vendor)	\$848.00	N/A	\$200 *under hawker/peddler class C	N/A	N/A	Merchandise Vehicle/Stand/Trailer/Cart (Short-Term) Inspection Fee: \$94.68; Application Fee \$52.02	N/A	N/A	N/A	\$61.74 (external event) \$38.52 (city affiliated event) Over 5 days \$35 per vendor per week	N/A	N/A

Exhibit G - Fee Review, Municipal Comparisons
AP-25-001

Fee/Costing Category	Kingston 2025 Fees	Barrie	Belleville	Brampton	Brantford	Guelph	Hamilton	Kitchener	London	Mississauga	Oakville	Oshawa
Specific Day Sales - Class A-5 (each event)	\$2,541.00	N/A	\$500 *under hawker/peddler class A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Specific Day Sales - Class B-1 - First month	\$172.00	N/A	N/A	N/A	N/A	Annual Merchandise Vehicle/Stand/Trailer/Cart: Inspection Fee: \$219.52; Application Fee: \$218.48; Renewal Fee \$319.40	N/A	N/A	N/A	N/A	N/A	N/A
Specific Day Sales - Class B-1 - Additional month	\$45.00	N/A	N/A	N/A	N/A	Annual Merchandise Vehicle/Stand/Trailer/Cart: Inspection Fee: \$219.52; Application Fee: \$218.48; Renewal Fee \$319.40	N/A	N/A	N/A	N/A	N/A	N/A
Specific Day Sales - Class B-2 - First month	\$1,695.00	N/A	\$500.00/per day *under hawker/peddler class B	N/A	N/A	Annual Merchandise Vehicle/Stand/Trailer/Cart: Inspection Fee: \$219.52; Application Fee: \$218.48; Renewal Fee \$319.40	N/A	N/A	N/A	N/A	N/A	N/A
Specific Day Sales - Class B-2 - Additional month	\$508.00	N/A	N/A	N/A	N/A	Annual Merchandise Vehicle/Stand/Trailer/Cart: Inspection Fee: \$219.52; Application Fee: \$218.48; Renewal Fee \$319.40	N/A	N/A	N/A	N/A	N/A	N/A
Specific Location Sale: Class 1	N/A	N/A	N/A	N/A	N/A	N/A	\$250 *Park Permit available to Class B & C food trucks only	New \$143.52 Renew \$143.52 Late \$189.28 *Street vendor	N/A	N/A		N/A
Specific Location Sale: Class 2 per day	\$52.00	N/A	N/A	N/A	N/A	N/A	N/A	\$114.4 Up to 3 days *Temporary vendor	N/A	N/A	N/A	N/A
Specific Location Sale: Class 3 per year	\$8,400.00	N/A	Food Trucks Seasonal \$3,400 Weekly \$375 Vendor Seasonal \$1,980 Weekly \$200 *Specific to pop-ups on the bay event	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Street Performer	\$45.00	N/A	N/A	N/A	N/A	N/A	N/A	\$62.40 *busker	N/A	N/A	N/A	N/A
Theatre Per Theatre	\$344.00	N/A	N/A	\$280 (place of public assembly Class C)	N/A	Under the classification of Amusement Establishment: Inspection Fee: \$352.70; Application Fee: \$218.48; Renewal Fee \$236.17	N/A	New \$315.12 Renew \$213.20 Late \$265.20	N/A	N/A	N/A	N/A
Tobacco Sales	\$339.00	N/A	N/A	\$321	N/A	N/A	\$829.08 (does not include e-cigarettes and no zoning) Renew: \$750.32 (no e-cigarettes)	N/A	\$306.00	New \$348.03 Renew \$252.15	\$219.00	New \$500 Renew \$300
Master Plumber - Resident	\$166.00	N/A	N/A	\$212	New \$323 Renew \$223	N/A	\$295.88 Renew: \$217.12	New \$143.52 Renew \$86.32 Late \$132.08 *contractor	\$175.00	New \$247.78 Renew \$213.63	\$227 *plumbing contractor	N/A
Master Plumber - Non Resident	\$202.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Plumbing Contractor - Resident	\$334.00	N/A	N/A	N/A	New \$448 Renew \$344	N/A	\$429.88 Renew: \$351.12	N/A	N/A	New \$247.78 Renew \$213.63	N/A	N/A
Plumbing Contractor - Non Resident	\$412.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
New Classifications												
Commercial Kitchen	N/A	N/A	\$75 *refreshment place	Included in food premise no separate fee	N/A	Inspection Fee \$311.08; Application Fee \$224.73; Renewal Fee \$252.82 *catering	Same as caterer fee \$580.71	Class A - New \$355.68 Renew \$228.80 Late \$275.60	N/A	N/A	N/A	Food Shop New \$250 Renew \$200
Commercial Kitchen Vendor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$140.40 Class B	N/A	N/A	N/A	*Class A N/A
Salvage Yards	N/A	\$276.49	\$500 *Secondhand dealer	\$475	New \$527 Renew \$433	Application Fee \$219.52; Renewal Fee \$218.48	\$924.34 (no zoning) Renew:\$805.76	N/A	\$354	New \$219.09 Renew \$213.63	\$273.00	New \$500 Renew \$450
e-Cigarette/Vape Product Sales	N/A	N/A	N/A	Combined with tobacco	N/A	N/A	\$902.53 (without zoning includes e-cigarettes) Renew: \$823.77 (includes e-cigarettes)	N/A	Combined with Tobacco	No separate fee not licensed considered tobacco	Combined with tobacco	Combined with tobacco no separate fee

Fee/Costing Category	Kingston 2025 Fees	Ottawa	Peterborough	Waterloo
Business Licenses				
Adult Entertainment Establishment	\$1,696.00	Owner: \$7,830 annually Operator: \$1,530 annually	\$1,649	N/A
Adult Entertainment Store	\$509.00	\$813 if principal business \$133 if incidental to principal business	N/A	\$186.92
Adult Entertainment Attendants	\$173.00	N/A	N/A	N/A
Amusement Arcade	\$173.00	\$268 annually	N/A	N/A
Automotive Repair	\$90.00	\$286 annually	\$109.62	Class A - \$196.27 Class B \$357.17
Auctioneer	\$173.00	\$231 daily \$568 annually*	\$89.32	New \$159.75
Billiards (First Table)	\$89.00	\$268 (5+ tables)	N/A	N/A
Billiards (Each Additional Table)	\$44.00	N/A	N/A	N/A
Food Premises - Low Risk 0 - 99 Seats	\$132.00	\$226.00	\$211.12	Class A - \$196.27 Class B \$357.17 (New)
Food Premises - Low Risk over 100 Seats	\$217.00	N/A	N/A	N/A
Food Premises - Medium Risk 0 - 99 Seats	\$261.00	N/A	N/A	N/A
Food Premises - Medium Risk over 100 Seats	\$344.00	N/A	N/A	N/A
Food Premises - High Risk 0 - 99 Seats	\$434.00	N/A	N/A	N/A
Food Premises - High Risk over 100 Seats	\$518.00	N/A	N/A	N/A
Hawkers & Peddlars (Resident)	\$88.00	\$252 - \$637 type and duration of itinerant licence	Daily \$130.94 Annual \$890.15	\$159.75
Hawkers & Peddlars (Non-Resident)	\$176.00	N/A	N/A	N/A

Fee/Costing Category	Kingston 2025 Fees	Ottawa	Peterborough	Waterloo
Gas Stations - Per Station	\$88.00	\$269.00	\$108.00	Class A \$196.27 Class B \$357.17
Group Home Registration	\$173.00	N/A	\$1,082	\$374.82 - \$757.30 depending on unit type
Lodging House	\$172.00	\$274 - \$668 Fees vary based on the number of rooming uni	\$194.88 - \$473 Fees vary based on number of rooming units	\$374.82-\$757.30 depending on unit type
Meat / Fish Sales	\$88.00	N/A	\$211.12 *Butcher	N/A
Pawnbroker	\$172.00	\$241	N/A	\$196.27 *non-food retail
Pay Day Loans- Initial Licensing Fee	\$338.00	Owner/Operator: \$660 annually Financial Information Poster each: \$20	N/A	\$196.27
Pay Day Loans - Annual Renewal Fee	\$172.00	N/A	N/A	N/A
Pet Shop	\$172.00	\$187 annually	N/A	\$196.27
Motorized Refreshment Vehicle - Class A	\$389.00	Cart: \$252 - \$704 Urban Vehicle: \$252 - \$3,739 Rural Vehicle \$194 - \$600 Canteen: \$268 - \$853 Stand: \$248 - \$923 Fees vary according to the type of licence	N/A	\$357.17
Motorized Refreshment Vehicle - Class B	\$389.00	N/A	\$211.12 *Mobile canteen	N/A
Non-Motorized Refreshment Vehicle - Class C	\$176.00	\$252 - \$704	N/A	Food Truck (one day) \$78.74;
Non-Motorized Refreshment Vehicle - Class D	\$89.00	N/A	N/A	N/A
Non-Motorized Refreshment Vehicle - Class E	\$202.00	N/A	N/A	N/A
Salons	\$88.00	N/A	\$208.00	\$196.27
Specific Day Sales - Class A-1 (each event)	\$46.00	\$252 - \$637	\$130.94 - \$890.15	Temp Vendor (per event) Less than 30 days \$78.74 More than 30 days \$93.57 Vendor Market \$159.75
Specific Day Sales - Class A-2 (location or vendor)	\$45.00	N/A	N/A	N/A
Specific Day Sales - Class A-3 (location or vendor)	\$1,017.00	N/A	N/A	N/A
Specific Day Sales - Class A-4 (per vendor)	\$848.00	N/A	N/A	N/A

Fee/Costing Category	Kingston 2025 Fees	Ottawa	Peterborough	Waterloo
Specific Day Sales - Class A-5 (each event)	\$2,541.00	N/A	N/A	N/A
Specific Day Sales - Class B-1 - First month	\$172.00	N/A	N/A	N/A
Specific Day Sales - Class B-1 - Additional month	\$45.00	N/A	N/A	N/A
Specific Day Sales - Class B-2 - First month	\$1,695.00	N/A	N/A	N/A
Specific Day Sales - Class B-2 - Additional month	\$508.00	N/A	N/A	N/A
Specific Location Sale: Class 1	N/A	N/A	N/A	N/A
Specific Location Sale: Class 2 per day	\$52.00	N/A	N/A	N/A
Specific Location Sale: Class 3 per year	\$8,400.00	N/A	N/A	N/A
Street Performer	\$45.00	N/A	N/A	N/A
Theatre Per Theatre	\$344.00	N/A	N/A	N/A
Tobacco Sales	\$339.00	\$1,013 annually	N/A	N/A
Master Plumber - Resident	\$166.00	N/A	N/A	N/A
Master Plumber - Non Resident	\$202.00	N/A	N/A	N/A
Plumbing Contractor - Resident	\$334.00	N/A	\$109.62	\$159.75
Plumbing Contractor - Non Resident	\$412.00	N/A	N/A	N/A
New Classifications				
Commercial Kitchen	N/A	N/A	N/A	N/A
Commercial Kitchen Vendor	N/A	N/A	N/A	N/A
Salvage Yards	N/A	\$248 annually	\$447.62	\$196.27
e-Cigarette/Vape Product Sales	N/A	\$990 annually for vape \$1,152 for vape & tobacco	N/A	N/A

Municipal Comparisons and Proposed Fee Changes

Category	Current Fee	Municipal Comparators (2025)	Proposed Fee (2026)	Proposed Fee (2027)
Automotive Repair (Renamed Motor Vehicle Repair establishment)	\$87	Barrie: \$276.49 Belleville: \$50 Brampton: \$243 Hamilton: \$717.34 (without zoning) Kitchener: \$258.96 London: \$233 Mississauga: \$260.07 - \$292.85 Oakville: \$368 Oshawa: \$300 Ottawa: \$286 Peterborough: \$109.62 Waterloo: \$196.27 - \$357.17	\$135	\$183
Billiards (Renamed Amusement Establishment)	\$89 +\$44 per table	Barrie: \$276.49 Brampton: \$272 (min of 2) Hamilton: \$1,064.24 (without zoning 1 or more tables) Kitchener: \$205.92 (amusement arcade) Mississauga: \$367.98 Oakville: \$217 Oshawa: \$300 (public hall) Ottawa: \$268 (5 or more tables)	\$135	\$183
Food Services Premise (Renamed Food Premises)	Low Risk 0-99 seats: \$128 Low Risk 100+ seats: \$211 Medium Risk 0-99: \$253 Medium Risk 100+: \$334 High Risk 0-99: \$421 High Risk 100+: \$503	Barrie: \$276.49 Belleville: \$75 Brampton: \$209 Brantford: \$524 - \$663 Guelph: \$366.22 Hamilton: \$392.22 - \$930.47 Kitchener: \$315.12 - \$355.68 London: \$237 Mississauga: \$219.09 Oakville: \$417 Oshawa: \$250 - \$275 Ottawa: \$226 Peterborough: \$211.12 Waterloo: \$196.27 - \$357.17	0-99 seats: \$267 100+ seats: \$360 *Average plus 3% increase	Plus 3%
Commercial Kitchen	New	Belleville: \$75 Guelph: \$311.08 (catering) Hamilton: \$580.71 (caterer) Kitchener: \$140.40 - \$355.68 Oshawa: \$250 (food shop)	\$360	

Category	Current Fee	Municipal Comparators (2025)	Proposed Fee (2026)	Proposed Fee (2027)
Gasoline Sales (Renamed Gas Stations)	\$85	Barrie: \$276.49 Belleville: \$50 Brampton: \$243 Hamilton: \$428.58 (without zoning) Kitchener: \$258.96 London: \$237 Mississauga: \$260.07 Oshawa: \$300 Ottawa: \$269 Peterborough: \$108 Waterloo: \$196.27 - \$357.17	\$135	\$183
Hawkers & Peddlers Resident (Renamed Transient Trader)	Resident: \$85 Non-Resident: \$171	Barrie: \$245.80 Belleville: \$50 - \$500 Brampton: \$116 Brantford: \$50 - \$638 Hamilton: \$912.76 Kitchener: \$276.49 London: \$202 Mississauga: \$219.09 Oshawa: \$30 Ottawa: \$252 - \$637 Peterborough: \$130.94 (per day) - \$890.15 (annual) Waterloo: \$159.75	\$135	\$183
Meat and Fish (Included in Food Premises)	\$88	Belleville: \$75 (refreshment place) Brampton: \$209 (same as food premise) Hamilton: \$447.08 Mississauga: \$219.09 (eatery) Oshawa: \$250 (food shop with temperature control) Peterborough: \$211.12	\$178	\$275
Plumbing Contractor (Renamed Plumber Services Establishment)	Master Resident \$166 Master Non-Resident \$202 Contractor Resident \$334	Brampton: \$212 Brantford: \$323 Hamilton: \$295.88 Kitchener: \$86.32 London: \$175 Mississauga: \$247.78 N/A Brantford: \$448 Hamilton: \$429.88 Mississauga: \$247.78 Oakville: \$227 Peterborough: \$109.62	\$344	Plus 3%

Category	Current Fee	Municipal Comparators (2025)	Proposed Fee (2026)	Proposed Fee (2027)
	Contractor Non-Resident \$412	Waterloo: \$159.75 N/A		
Salons (Renamed Esthetician Services Establishment)	\$85	Barrie: \$276.49 Belleville: \$25 Brampton: \$217 Brantford: \$225 - \$450 Guelph: \$300.68 Hamilton: \$478.75 (without zoning) Kitchener: \$247.52 London: \$209 Mississauga: \$247.78 Oakville: \$264 Peterborough: \$208 Waterloo: \$196.27	\$135	\$183
Salvage Yards	N/A	Barrie: \$276.49 Belleville: \$500 (secondhand dealer) Brampton: \$475 Brantford: \$527 Guelph: \$219.52 Hamilton: \$924.34 London: \$354 Mississauga: \$219.09 Oakville: \$273 Oshawa: \$500 Ottawa: \$248 Peterborough: \$447.62	\$360	Plus 3%
Specific Day Sales	Specific day sales – Class A-1: sale by local hobby group/club (1-5 days) \$46 Specific day sales - Class A-2: flower sale by a local flower vendor (1-5 days) \$45.00 Specific day sales - Class A-3: flower sale by another	Barrie: \$276.49 (outdoor vendor) Belleville: \$50 - \$500 Brampton: \$134 (general special event license) Brantford: \$50 - \$638 (up to a max of 6 days – does not include special event) Guelph: \$98.84 (merchandise stand/vehicle/trailer/cart short term) \$219.52 (merchandise stand/vehicle/trailer/cart annual) \$98.84 (food vehicle/stand/trailer/cart short-term) \$224.73 (food vehicle/stand/trailer/cart annual)	A1 – sale by local hobby group/club 1 – 5 days: \$69 A2 – sale/purchase 1 – 5 days: \$278 B1 – sale/purchase 6 days – 6 months (first month): \$378 B1 – sale/purchase 6 days – 6 months (each additional month): \$46	A1 - \$92 Others – Plus 3%

Category	Current Fee	Municipal Comparators (2025)	Proposed Fee (2026)	Proposed Fee (2027)
	<p>person (1-5 days) \$1,017.00</p> <p>Specific day sales - Class A-4: special sale and/or purchase (1-5 days) \$848.00</p> <p>Specific day sales - Class A-5: special sale and/or purchase by a non- resident (1-5 days) \$2541.00</p> <p>Specific day sales - Class B-1: sale and/or purchase (6 days to 6 months) Specific day sales – First Month \$172.00</p> <p>Class B-1: sale and/or purchase by a resident (6 days to 6 months) - each additional month \$45.00</p> <p>Specific day sales - Class B-2: sale and/or purchase by a non-resident (6 days to 6 months) Specific day sales – first month - \$1695.00 Class B-2: sale and/or purchase by a non-resident (6 days to 6 months) \$508.00</p>	<p>Hamilton: \$709.58 (precious metals & jewelry dealer), \$47 per vendor for special events</p> <p>Kitchener: \$114.40 (up to 3 days)/ \$257.92 (special event)</p> <p>London: \$622 (7 days +)/ \$499 (1 – 3 months)</p> <p>Mississauga: \$61.74 (up to 5 days per event)</p> <p>Oakville: \$161.45 (community group food vendor)/ \$219 - \$238 (special event food vendor)/ \$365.73 (special event private group)/ \$470.07 (special event non-resident)</p> <p>Oshawa: \$30 (up to 15 days in 1 year, food) \$75 (special event organizer license)</p> <p>Ottawa: \$252 - \$637</p> <p>Peterborough: \$130.94 (per day)/ \$890.15 (per year for ongoing vendors)</p> <p>Waterloo: \$78.74 (under 30 days)/ \$93.57 (30 day+)/\$159.75 (vendor market)</p>		

Category	Current Fee	Municipal Comparators (2025)	Proposed Fee (2026)	Proposed Fee (2027)
Vapour Product Retail Establishment	N/A	Brampton: \$321 (combined fee – 1 license required) Hamilton: \$902.53 (without zoning includes e-cigarettes) London: \$306 (combined fee, not licensed separately) Mississauga: \$348.03(combined fee, not licensed separately) Oakville: \$219 (combined fee, not licensed separately) Oshawa: \$500 (combined fee, not licensed separately) Ottawa: \$990 (Tobacco + Vape = \$1,152, Tobacco only = \$1,013)	\$329.00 (Vape Only) \$524.00 (Vape and Tobacco)	Plus 3%

By-Law Business Review

Reporting Out 2024

Why we engaged

The City is undertaking a comprehensive review of the By-Law Number 2006-213, "A By-Law to License, Regulate and Govern Certain Businesses". Also known as the "Business Licensing By-Law," staff are proposing minor housekeeping changes to most of the regulated businesses.

There are also some new businesses being added in consideration of health and safety, nuisance control and consumer protection. The amendment proposes to add Vapour Product Retail and Scrap Metal Dealer and expanding food services by adding Commercial Kitchens.

How we engaged

Public engagement took place at the Inform and Consult Levels of the IAP2 Spectrum of Public Participation. A survey and an "Ideas" tool were used on a Get Involved Kingston project page. Feedback collected will be used to gather community sentiment on the proposed changes and guide future policy decisions related to regulating businesses in the municipality and inform communications with the business community.

The survey was open for feedback for three weeks, from Sept. 9 until Sept. 30 on Get Involved Kingston. An option to submit feedback via email, mail or phone was also available. The Get Involved Kingston page was promoted to community members in a variety of ways including:

- Kingston This Week print ad
- Included in Get Involved Kingston newsletter
- Social media posts across LinkedIn, Facebook, Instagram and X
- Boosted social media ad on Facebook and Instagram
- Direct emails to 600+ business licence and permit holders in the community

Who we heard from

- 105 engaged participants completed the survey
 - Locations of respondents:
 - 27 Southwest Kingston (K7M)
 - 25 Central-East Kingston (K7K)
 - 22 Central-South Kingston (K7L)
 - 16 Northwest Kingston (K7P)

- 9 Rural Kingston (K0H)
- 6 Other (K0K, K7N, K8P)

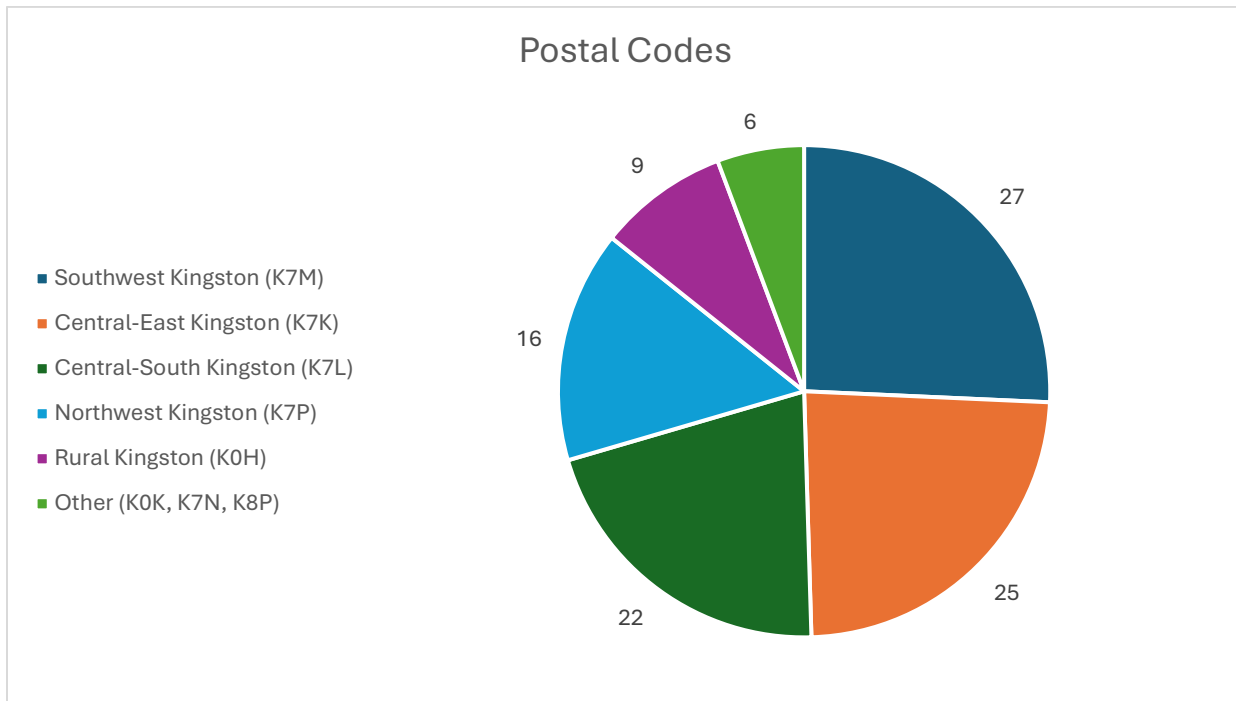


Figure 1: Respondents' postal codes.

- 789 aware participants visited the project page to learn more about the Business By-law review
- 16 participants engaged with the City for the first time via Get Involved Kingston

What we heard

The following is a summary of survey responses and themes identified by staff. A full breakdown of survey responses and verbatim text comments can be seen in Exhibit A.

Summary of Survey Responses

Confidence in business licensing

Most respondents stated that they agree (37 per cent) or strongly agree (35 per cent) that they “feel confident knowing a business is licensed and regulated.” Only 11 per cent of respondents said they disagree with this statement.

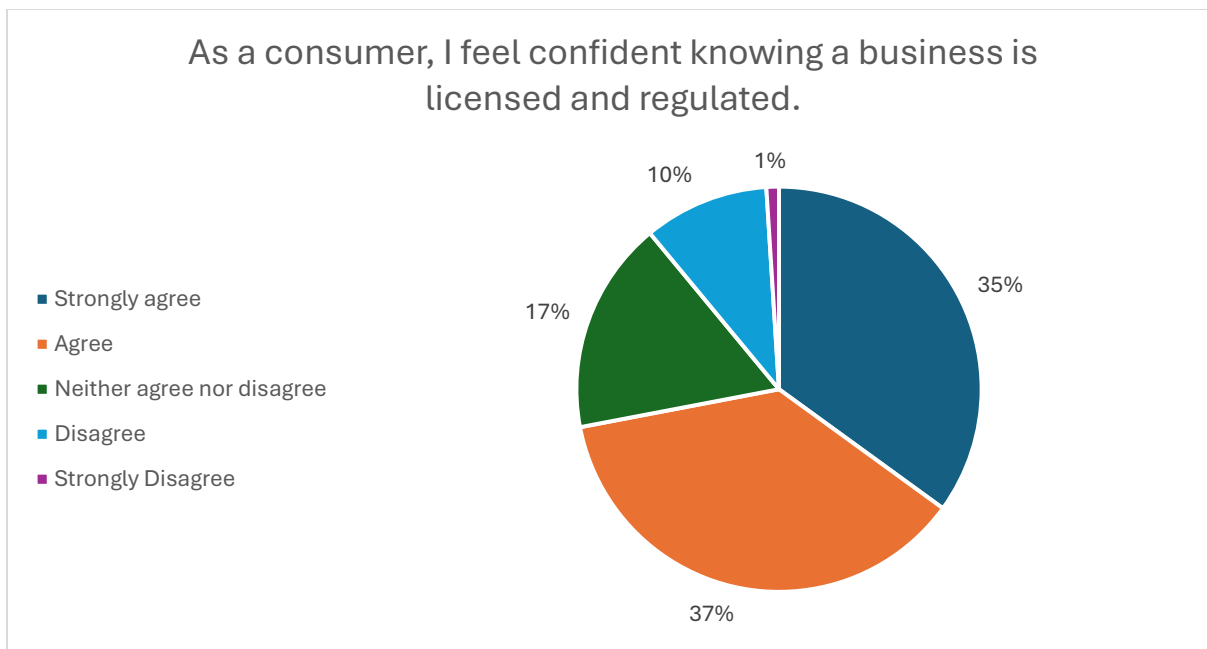


Figure 2: Answers to Question 1 (“As a consumer, I feel confident knowing a business is licensed and regulated”).

Opinion on regulation of new businesses

A majority of respondents feel positively about the regulation of new business categories. 61 per cent of respondents feel positively about regulating Scrap Metal Dealers, 79 per cent feel positively about regulating Vapour Product Retail Establishments and 77 per cent feel positively about regulating Commercial Kitchens.

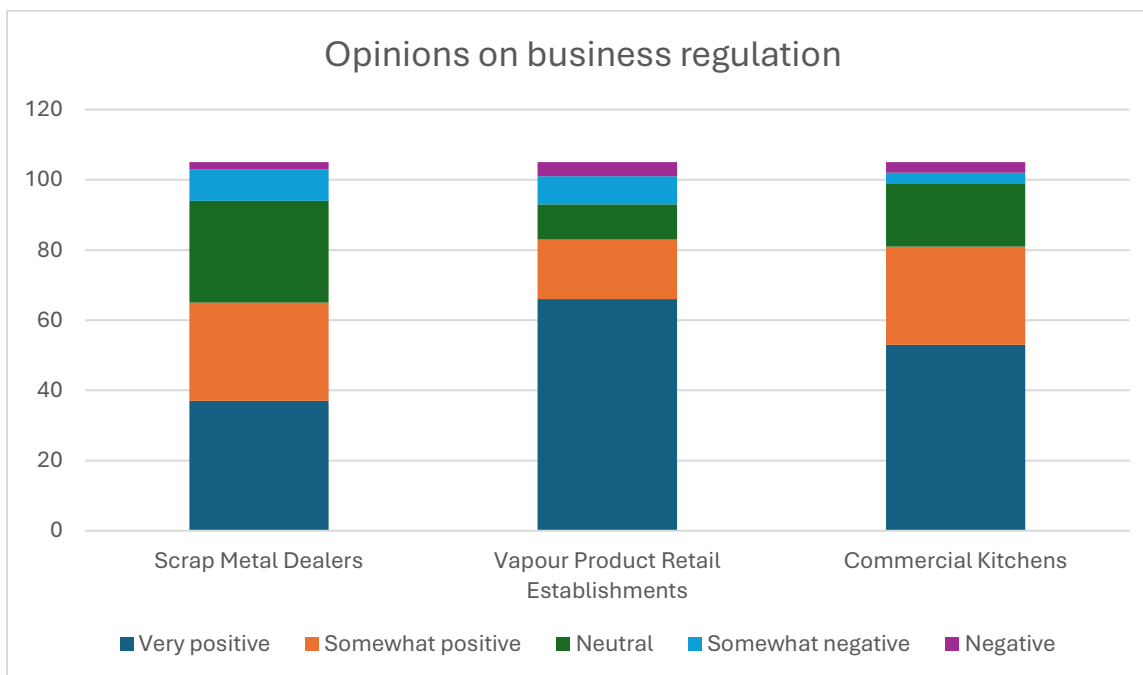


Figure 3: Responses to Question 2, asking for participants' opinions on regulating Scrap Metal Dealers, Vapour Product Retail Establishments and Commercial Kitchens.

Respondent demographics and understanding of business regulations

32 per cent of respondents stated that they owned a business and 68 per cent of respondents do not. Of those who responded that they owned a business, they listed the following types of businesses:

- 53 per cent “other” (responses include childcare services, rental services, equipment sales, professional services, entertainment companies and more)
- 14 per cent retail
- 10 per cent salon
- 10 per cent food service premises
- 8 per cent lodging house
- 5 per cent tobacco sales

When asked how informed they were on business regulations, most respondents agreed that they were aware of applicable regulations (91 per cent “agree”), City departments to contact (79 per cent “agree”), and requirements for applying or renewing a business licence (71 per cent “agree”).

Ideas Tool: Text Comments

Three comments were made using the “Ideas” tool. The responses focused not on what types of businesses respondents felt should be regulated, but general comments about regulation and licensing of street performers (2 comments) and sidewalk patios (1 comment). Verbatim text comments can be seen below in Exhibit A.

Next steps

The results from this public engagement will be considered in a report that will be brought to City Council in Q1 2025.

If you require information in an alternate format of this engagement report, please call 613-546-0000. We will work with you to understand your specific information and accessibility needs and to provide for them within a reasonable timeframe.

EXHIBIT A

Question 1: As a consumer, I feel confident knowing a business is licensed and regulated.

- 37 respondents selected “Strongly agree”
- 39 respondents selected “Agree”
- 18 respondents selected “Neither agree nor disagree”

- 10 respondents selected “Disagree”
- 1 respondent selected “Strongly disagree”

Question 2: Please let us know your opinion on regulation the following businesses.

- What is your opinion on the impact of regulating Scrap Metal Dealers in Kingston?
 - 37 respondents selected “Very positive”
 - 28 respondents selected “Somewhat positive”
 - 29 respondents selected “Neutral”
 - 9 respondents selected “Somewhat negative”
 - 2 respondents selected “Very negative”
- What is your opinion on the impact of regulating Vapour Product Retail Establishments in Kingston?
 - 66 respondents selected “Very positive”
 - 17 respondents selected “Somewhat positive”
 - 10 respondents selected “Neutral”
 - 8 respondents selected “Somewhat negative”
 - 4 respondents selected “Very negative”
- What is your opinion on the impact of regulating Commercial Kitchens in Kingston?
 - 53 respondents selected “Very positive”
 - 28 respondents selected “Somewhat positive”
 - 18 respondents selected “Neutral”
 - 3 respondents selected “Somewhat negative”
 - 3 respondents selected “Very negative”

Question 3: Do you own a business in Kingston?

- 34 respondents selected “Yes”
- 71 respondents selected “No”

Question 4: What type of business do you own? Please select all the apply.

- 4 respondents selected “Food Service Premises”
- 3 respondents selected “Lodging House”
- 5 respondents selected “Retail”
- 4 respondents selected “Salon”
- 2 respondents selected “Tobacco Sales”
- 0 respondents selected “Adult Entertainment Establishments”
- 0 respondents selected “Adult Entertainment Attendant”

- 0 respondents selected “Adult Goods Establishment”
- 0 respondents selected “Amusement Arcade”
- 0 respondents selected “Auctioneer”
- 0 respondents selected “Automotive Repair”
- 0 respondents selected “Billiard Tables”
- 0 respondents selected “Gasoline Sales”
- 0 respondents selected “Hawker/Peddler”
- 0 respondents selected “Meat and Fish Sales”
- 0 respondents selected “Pawnbroker”
- 0 respondents selected “Payday Loan Establishment”
- 0 respondents selected “Pet Store”
- 0 respondents selected “Plumbing Services”
- 0 respondents selected “Refreshment Vehicle”
- 0 respondents selected “Temporary Sales (Specific Day Sales)”
- 0 respondents selected “Street Performer”
- 0 respondents selected “Theatre”
- 20 respondents selected “Other”
 - Childcare
 - Consulting Company
 - NA
 - Multi residential
 - Fire Suppression and Detection
 - This survey should be open to non business owners
 - Tattoo Studio (considered a salon)
 - Energy generation
 - Holiday lighting
 - Photographer
 - Creative agency
 - Insurance sales
 - Entertainment and leisure
 - Distribution
 - Medical Equipment sales, service and rental
 - Event planning
 - Janitorial Cleaning service
 - Healthcare
 - Online board game rental

Question 5: The next few questions will help us understand how informed you are about business regulations in Kingston. Please rate your agreement, or disagreement, with the following statements.

- I am aware of all applicable regulations and requirements relating to my business operations.
 - 21 respondents selected “Definitely agree”
 - 10 respondents selected “Somewhat agree”
 - 2 respondents selected “Neither agree nor disagree”
 - 1 respondents selected “Somewhat Disagree”
 - 0 respondents selected “Definitely disagree”
- I know which City departments to contact for information about business licensing.
 - 15 respondents selected “Definitely agree”
 - 12 respondents selected “Somewhat agree”
 - 5 respondents selected “Neither agree nor disagree”
 - 2 respondents selected “Somewhat disagree”
 - 0 respondents selected “Definitely disagree”
- I know what is required of me to apply to or renew my municipal license.
 - 16 respondents selected “Definitely agree”
 - 8 respondents selected “Somewhat agree”
 - 6 respondents selected “Neither agree nor disagree”
 - 3 respondents selected “Somewhat disagree”
 - 1 respondents selected “Definitely disagree”

Ideas Tool: Are there any other types of businesses or trades that you feel should be regulated?

- Kingston downtown is generally a depressing place to be. No joy or life except for very busy not satisfying promenades for tourist. Need to make it much easier for musicians to play downtown, Anything that adds joy and a touch of class would be wonderful on a daily basis. It is to difficult for musicians to obtain a license to play downtown.
- Sidewalk patios for food service premises create risks for pedestrians when customer line-ups force pedestrians into street traffic. A prime example at the SE corner of Clarence and Ontario has forced pedestrians, including the elderly with walkers, off the sidewalk where Ontario St vehicles turn onto Clarence St towards the water, while other vehicles are exiting Clarence St. The situation is most dangerous between 11:30 and 2:00 pm, 4:00 and 9:00 pm, and on weekends. The solution is to either expand the sidewalk area or restrict the area of sidewalk can be used for reception desks, restaurant tables, and customer line-ups.

- Street performers do not respect the rules restricting the use of electronic amplification and the hours during which they may perform. In Market Square and Confederation Park, many buskers use electronic keyboards and amplifiers to attract tourists, even beyond the regulated hours under the noise bylaw for the downtown (11 pm). Many play for 6-8 hours at a stretch, with a repertoire that lasts less than an hour. This means that other users of the park who wish to relax there, patrons of outdoor patios of local restaurants and local residents are subjected to a monotonous repetition of excessive noise from late March through to early November. Noise bylaw enforcement would be an asset for local merchants, tourist industries and downtown residents.