

City of Kingston By-Law Number 2025–XX

Business Licensing By-Law

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3rd Reading date

Passed date

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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

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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:

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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*

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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 one 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:

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- (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.

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- 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