

**The Corporation of the**

**Town of Arnprior**

**By-law Number 6769-17**

A by-law of the Corporation of the Town of Arnprior to repeal and replace the by-law which provides for Licencing and thereby regulating and governing certain trades, callings, and businesses in the Town.

**Whereas** Part IV of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (hereinafter referred to as the Municipal Act) gives a municipality powers to provide for a system of licencing; and

**Whereas** Part XIV of the Municipal Act provides for certain powers in relation to the enforcement of municipal by-laws; and

**Whereas** Council of the Corporation of the Town of Arnprior deems it necessary for the municipality to regulate specific businesses in the Town of Arnprior through a licencing system; and

**Whereas** notice was provided to the public, in accordance with the Town's Notice By-law to consider the adoption of this redeveloped Licencing By-law.

**Now Therefore Be It Resolved That** the Council of the Town of Arnprior enacts as follows:

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## 1.0 Definitions

**“Applicant”** means a person applying for a licence under this by-law.

**“Application”** means an application for a licence.

**“Arnprior Market”** means a vendor market, located in the Town of Arnprior and administered by the Town.

**“Article”** means an individual object, item, or particular, that is either for sale or hire.

**“Better Business Bureau (BBB)”** a non-profit bureau, supported by business, whose function is to receive and investigate customer complaints of dishonest business practices. This bureau will be used by the Town of Arnprior, if a rating exists for a particular business, as part of the reference check process prior to issuing a licence.

**“Booth”** means the area designated for a vendor to set-up and display their product(s). The specifications of the booth will differ between events.

**“Building By-law”** means the Town of Arnprior Building By-law, as amended, or any successor thereof.

**“Building Code Act”** means the Ontario Building Code Act, 1992, S.O. 1992, c. 23 and all regulations thereto, as amended from time to time, or any successor thereof.

**“Business”** means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality and includes:

- a) trades and occupations,
- 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,
- d) the display of samples, patterns or specimens of goods for the purpose of sale or hire.

**“Business Licence Appeals Committee”** means the Committee appointed by Council, to act as the appeals body, for the applicant appeals process. This Committee shall be made up of one member of each of the following Council Advisory Committees: the Community Development Advisory Committee, Corporate Services Advisory Committee, Operations Advisory Committee. Meetings of the Business Licence Appeals Committee will be chaired by the CAO, who will not vote.

**“Charitable/ Charity Organization”** means a charitable organization, public foundation, or private foundation that was created and resides in Canada. The organization/foundation must use their resources for charitable activities and have charitable purposes that fall into one or more of the following categories:

- The relief of poverty
- The advancement of education
- The advancement of religion
- Other purposes that benefit the community.

**"Chief Administrative Officer"** means the person appointed as the Chief Administrative Officer of the Town within the meaning of the *Municipal Act* and also referred to herein as CAO.

**"Chief Building Official"** means the person appointed as the Chief Building Official of the Town of Arnprior within the meaning of the *Building Code Act*, S.O. 1992, c. 23 as amended.

**"Clerk"** means the person appointed as the municipal Clerk within the meaning of the *Municipal Act*, and shall be referred to as the Clerk, or Town Clerk. In this by-law the Clerk (and/or their designate) is the "Issuer of Licences."

**"Clothing Donation Bin/Drop Box"** means any receptacle used, or intended to be used, in whole or in part, for the purpose of collecting clothing donated by the public.

**"Corporation"** means the Corporation of the Town of Arnprior.

**"Council" or "Town Council"** means the Council of the Corporation of the Town of Arnprior.

**"Daily Vendor"** means a person or business who will be renting a space and selling items at the municipally run Arnprior Market on a single occasion or irregularly.

**"Deputy Clerk"** means the person(s) appointed as the Deputy Clerk within the meaning of the *Municipal Act*, and who has the same powers and authority of the Clerk.

**"Donation Bin/ Drop Box"** means a receptacle located outdoors, within the geographic area that is under the Town of Arnprior's jurisdiction, and placed, installed, displayed, operated, used, altered, or maintained for the purpose of collecting donated items from the public, including but not limited to appliances, clothing, household items, metal, paper, recyclables and toys, but does not include a receptacle under the jurisdiction of the Town of Arnprior. For clarity, Clothing Donation Bins are the only type of donation bin allowed in the Town of Arnprior.

**"Downtown Core"** in this by-law means the Downtown Core Area in the Town of Arnprior, consisting of Daniel Street North, from Madawaska Street to McGonigal Street, McGonigal Street, from Daniel Street North to Hugh Street, Hugh Street, from McGonigal Street Elgin Street West, Elgin Street West, from Madawaska Street to Daniel Street North, Madawaska Street, from Eglin Street West to Daniel Street North, and John Street North, from Madawaska Street to McGonigal Street, as depicted on the map attached as Appendix A.

**"Event Coordinator"** means a person or organization who is responsible for the event from which vendors are participating in.

**"Fire Chief"** means the Fire Chief of the Town of Arnprior or his or her designate.

**"Fire Protection and Prevention Act"** means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, and all regulations thereto, as amended from time to time, or any successor thereof.

**“Goods”** is defined as any article of trade, ware or merchandise and includes, but is not limited to, books, magazines, pictures, slides, film, phonograph records or discs, prerecorded magnetic tapes, video discs and tapes, visual computer displays, reading, viewing or listening matter, lotions, oils, ointments, clothing, jewelry, and food.

**“Hawker/Peddler”** means any person, or any retailer that has an employee or agent who goes from place to place, on foot or in a vehicle for the purpose of:

- selling goods and/or services;
- entering into contracts for the sale of goods and/or services which are either to be delivered on site or at a later date;
- promoting the sale of goods and/or services by encouraging individuals to come to a person’s regular place of business.
- any person or company who assembles groups of vendors to participate in a sale in a particular place.

The term Hawker/Peddler shall have an identical meaning as that of “Transient Trader”.

**“Health Protection and Promotion Act”** means the Health Protection and Promotion Act R.S.O, 1990, c.H.7, and all regulations thereto as amended from time to time, or any successor thereof.

**“Ice Cream Stand/Bicycle”** means a structure or bicycle, which is designed to be capable of being used and used for the purpose of the sale or other dispensing of ice cream and related frozen products (i.e. popsicles, slushy, etc.) intended for consumption by the general public.

**“Identification”** means a current, valid government-issued:

- Drivers Licence
- Government Issued Photo Card
- Canadian Passport
- Canadian Citizenship Card
- Government Issued Birth Certificate

**“Inspection”** includes physical visit to a premises, where applicable, or a document review or search.

**“Issuer of Licences”** means the Clerk or Deputy Clerk (and/or their designate) of the Corporation of the Town of Arnprior or any other person so designated by the Council of the Corporation to the position of “Issuer of Licences”.

**“Land”** means any estate, easement, right or interest in, to, over or affecting land.

**“Licence”** means a licence issued by the Issuer of Licences pursuant to this by-law and the appendices and schedules attached hereto.

**“Licence Decal”** means a decal issued to an owner/operator of a Clothing Donation Bin/Drop Box, which shall be displayed on the licenced donation bin/drop box.

**“Licensee”** means a person who has been issued a licence pursuant to this by-law and the appendices and schedules attached hereto and “licenced” shall have a corresponding meaning.

**“Market Coordinator”** means the person appointed by the Town of Arnprior’s Chief Administrative Officer responsible for organizing, coordinating and running the Arnprior Market.

**“Market Vendor”** means a person or business who will be renting a space and selling items at the municipally run Arnprior Market.

**“Medical Officer of Health”** means the Medical Officer of Health for the County of Renfrew or his or her designate.

**“Mobile Canteen”** means a Refreshment Vehicle which food and drink are dispensed for consumption by persons at their place of employment, throughout the Town and not to the general public.

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

**“Municipal By-law Enforcement Officer”** means a by-law enforcement officer, contracted and/or carried out by the municipality, of the Corporation of the Town of Arnprior, and the person authorized by the Town to enforce this by-law and/or to carry out inspections in relation to this by-law.

**“Municipal Sidewalk”** means that portion of a highway between the curb lines and the property line of the lot abutting the highway and which is intended for the use of pedestrians, which is under the jurisdiction of the Town of Arnprior.

**“Not-For-Profit Organization”** means an association, club, or society that is not a charity and that is organized and operated exclusively for social welfare, civic improvement, pleasure, recreation, or any other purpose except profit.

**“Operator”** means a person who, alone or with others, operates, manages, supervises, runs, oversees, and/or controls a business.

**“Old Gold and Other Precious Metals Dealer”** means a business dealing in Old Gold or other Precious Metals or other similar articles, including but not limited to buying, selling, or trading such items.

**“Outdoor Sidewalk Patio Café”** means an outdoor area used on a seasonal basis in association with an eating establishment where eating accommodation is provided and where meals and/or refreshments are served to the public for consumption on the premises and which is located on a municipal sidewalk.

**“Owner”** means all persons shown by the records of the municipality, to be the owner of the lands on which business is operating, including any buildings on the lands, or the authorized agent in lawful control of the lands on which the business is operating.

**“Pawnbroker”** means a person who carries on the business of taking by way of pawn or pledge, any article for the repayment of money lent thereon, as defined in the Pawnbrokers Act.

**“Pawnbrokers Act”** means the Pawnbrokers Act, R.S.O. 1990, c. P.6, as amended.

**“Person”** means not only an individual, but also a partnership, corporation, corporate body and any association and the heirs, executors, administrators, successors and assigns or other legal representatives thereof to whom the context may apply.

**“Premises”** means any land, including a building, structure, or installation and also includes any vehicle, vessel, or conveyance used in the operation of the Business.

**“Product”** means the item or items a vendor will be displaying and selling at their booth.

**“Property Standards By-law”** means the Town of Arnprior Property Standards By-law, as amended, or any successor thereof.

**“Refreshment Stand”** means a structure, which is not able or intended to be relocated readily (not on wheels), and is designed as to be capable of being used and is used for the purpose of the sale or other dispensing of food, and/or drinks, intended for consumption by the general public.

**“Refreshment Vehicle”** means a vehicle, which can be relocated readily (motorized or on wheels), and which is designed as to be capable of being used and is used for the purpose of the sale or other dispensing of food, and/or drinks, intended for consumption by the general public.

**“Seasonal Vendor”** means a person or business who will be renting a space and selling items at the municipally run Arnprior Market.

**“Services”** means an act and/or work that is done for others as an occupation or business.

**“Sidewalk”** means an improved surface which is intended for the use of pedestrians, which is privately owned and operated.

**“Sign By-law”** means the Town of Arnprior Sign and Merchandise Display By-law, as amended, or any successor thereof.

**“Site Plan”** means a drawing to scale, in a form acceptable to the Issuer of Licences and the Town Planner and/or Chief Building Official, setting out the design of the premises, identifying all necessary spaces and areas of the land(s), buildings, structures, installations, etc. which the owner or licensee has an interest.

**“Special Event”** means an exhibition, craft sale, concert, festival, or other organized event where Special Event Vendors will be renting/purchasing spaces and selling goods wares, and/or merchandise or offering for sale services to the general public, within the Town of Arnprior on municipal property.

**“Special Event Coordinator”** means any person who organizes a Special Event involving multiple Special Event Vendors at one location, on municipal property. In the case of a Special Event the Special Event Coordinator will be the Applicant/Licensee.

**“Special Event Vendor”** means a person or business who will be renting a space and/or selling items at an event run/held on municipal property within the Town of Arnprior for which vendor spaces are made available.

**“Town”** means the Town of Arnprior.

**“Town Planner”** means the Planner of the Town of Arnprior.

**“Transient Trader”** has an identical meaning as that of “Hawker/Peddler”, as defined herein.

**“User Fees and Charges By-law”** means the Town of Arnprior User Fees and Charges By-law, as amended, or any successor thereof.

**“Zoning By-law”** means the Town of Arnprior Zoning By-law, as amended, or any successor thereof.

## **2.0 Licence Requirement**

- a) No person shall carry on any Business or Special Event in the Town of Arnprior, as outlined below in Section 2(b), without a Licence issued by the Corporation of the Town of Arnprior.
- b) A Licence shall be obtained by the owner or operator from the Corporation for any of the following businesses:
  - i. Clothing Donation Drop Box & Other Donation Drop Boxes (Appendix C - Schedule I)
  - ii. Old Gold and/or Other Precious Metal Dealer (Appendix C - Schedule II)
  - iii. Pawnbroker (Appendix C - Schedule III)
  - iv. Hawker/Peddler (Appendix C - Schedule IV)
  - v. Mobile Canteen & Refreshment Stand & Refreshment Vehicle (Appendix C - Schedule V)
  - vi. Market Vendor (Appendix C - Schedule VI)
  - vii. Special Events (Appendix C - Schedule VII)
  - viii. Outdoor Sidewalk Patio Café (Appendix C - Schedule VIII)
- c) For the purposes of this by-law, a person is deemed to be carrying on a Business if engaged in the Business directly or if employing a person, directly or indirectly to carry on or engage in the Business.
- d) Unless otherwise specified in this by-law, each Business, required to be licenced under Section 2(b), must be licenced separately.
- e) Where more than one Business, requiring a licence, is operated at one Premise, all applicable Licences are required for each business on the premise, and all applicable fees must be paid in full, unless otherwise provided by this by-law.
- f) This by-law shall not apply to any activities carried on by the Town of Arnprior.
- g) Licences are issued by the Corporation and accepted by the licensee strictly in accordance with the rules and regulations of this by-law, its appendices, schedules and its amendments made from time to time.

### 3.0 Obtaining a Licence

- a) Any person seeking to obtain a new licence shall submit to the Issuer of Licences the applicable 'Business Licence Application Form', for the specified type of licence being acquired.
  - i. The Issuer of Licences, under the direction of the CAO is authorized to create and/or modify the applicable "Business Licence Application Forms" for each specified licence, ensuring the application form content is consistent with this by-law.
- b) On the application of a licence or the renewal thereof, respecting any of the businesses set out in this by-law (Section 2(b)), all applicants shall (if applicable as per the respecting schedule, of Appendix C, of this by-law pertaining to the type of licence):
  - i. complete the appropriate 'Business Licence Application Form', for the specified licence being acquired
  - ii. provide a copy of approved government issued identification
  - iii. proof of Business Registration from the Province of Ontario
    - As per Canada Revenue Agency/ Provincial, rules and regulations for requiring a business registration in the province of Ontario.
  - iv. The applicant/licensee shall, at their expense obtain and keep in force during the term of the Licence, Commercial General Liability Insurance satisfactory to the Town of Arnprior insurer and underwritten by an insurer licensed to conduct business in the Province of Ontario. The policy shall provide coverage for Bodily Injury, Property Damage and Personal Injury and the Town shall be a named insured in the policy.
  - v. provide a site plan, which is approved by the Town Planner and/ or Chief Building Official
  - vi. provide a Health Unit Certificate of Approval
  - vii. provide a TSSA Certified Propane Fitter Inspection Certificate
  - viii. provide a letter of permission from the property owner
  - ix. provide three municipal references
  - x. provide a criminal background check for each employee
  - xi. have historic compliance with all by-laws and applicable legislation prior to renewal
  - xii. have a clean Better Business Bureau Record, with a minimum grade of B+ (87%), where a rating of the business is available
  - xiii. pay the corresponding licence fee, as outlined in the Town of Arnprior User Fees and Charges By-law, as amended.
- c) All licences shall be issued in accordance with the provisions of this by-law and the corresponding schedules, of Appendix C, for various licence types.
- d) It is the responsibility of the Special Event Coordinator, for Special Events held on municipal property within the Town of Arnprior, to ensure that all Special Event Vendors at their event have, all applicable and required documentation/ approvals, for the duration of the event.

- e) The Issuer of Licences shall be responsible for ensuring the necessary information and investigations are provided to the satisfaction of the Issuer of Licences and completed, prior to issuing a licence.
- f) The Issuer of Licences shall not accept any application for a Business Licence, if any of the Applicants are under the age of 18 years, except in the case of an Ice Cream Stand/Bicycle, where the applicant must be a minimum of fifteen (15) years of age, and if the applicant is under the age of 18, a parent is required to sign the application form, and thus become one of the Licensee's.
- g) If an agent is applying on behalf of an Applicant a signed letter from the Applicant who designated the agent, with a copy of ID to verify the signature, is required.
- h) No licence shall be issued unless and until full payment, pursuant to the User Fees and Charges By-law, as amended, has been received by the Town of Arnprior, and any and all fines or outstanding payments to the Town of Arnprior have been paid in full.
- i) Every licence issued, shall be valid for one calendar year (January 1<sup>st</sup> – December 31<sup>st</sup>), unless it is a temporary/ seasonal licence, where the licence would be valid for one (1) week or one (1) season, as outlined in the special conditions section of the schedules (attached hereto), of Appendix C, for each individual licence (i.e. Old Gold & Other Precious Metal Dealer; Market Vendor, Special Event Vendor, Outdoor Sidewalk Patio Café).
- j) Any Licence that is not renewed by the expiry date, with a new licence, under this By-law will expire and is no longer valid.
- k) The Issuer of Licences may, as a courtesy, notify the Applicant in writing of the status of their expired Business Licence after the date of expiry, giving the applicant ten (10) calendar days to renew the licence, without penalty.
- l) Every Business Licence shall cease to be valid if the Business ceases to operate.

#### **4.0 Issue & Bearing of Licences**

- a) The Issuer of Licences is authorized to issue and renew Licences in accordance with this By-law.
- b) All Licences issued shall be signed by the Issuer of Licences or his/her designate.
- c) All Licences issued will be issued to the Applicant and bear the name of the Applicant, and their Business or Special Event (where applicable).
- d) The Issuer of Licences may revise the Licence where the licence contains an error.

- e) Where, at any time, there is a change in, or relating to, any of the information or documents required to be filed with the Town, under this by-law, the Applicant or Licensee, shall report the change in writing to the Issuer of Licences no later than ten (10) calendar days, following the change.
- f) Any changes to the site plan, shall require written approval from the Town of Arnprior, in consultation with the Town Planner and/or Chief Building Official, and a copy of the new approved site plan shall be kept on file by the Issuer of Licences.
- g) No licence shall be issued to a business, to operate on a municipal property, unless otherwise specified in this bylaw and/or the appendices and schedules attached hereto (i.e. Market Vendor, Special Events, Outdoor Sidewalk Patio Café).
- h) In the case of Special Events, the Special Event Coordinator shall ensure that no Special Event Vendor is permitted to operate at the Special Event unless such vendor has been identified on the application made to the Issuer of Licences.

**Transferability, Change of Ownership, Change of Location:**

- i. Every Licence issued under this by-law shall be personal to the licensee(s) indicated on the Licence, and to the location as indicated on the Licence. Licences shall be transferrable from person to person and/or location to location, if approved by the Issuer of Licences.
- ii. Unless otherwise approved by the Issuer of Licences, a Licence shall be deemed to be void immediately upon change of ownership or location of the business, or upon discontinuity of the business.
- iii. Subletting of a Licenced Business/ Market Vendor is not permitted under any circumstance.

**Display of Licence:**

- i. Every Licensee shall ensure that the Licence/ Licence Decal issued by the Town of Arnprior, is posted on/within the premises of the business, which the Licence applies and is operated, in a conspicuous place, clearly visible to persons entering the premises, at all times during the hours of operation of the business.
- ii. Notwithstanding Section 4(h)(i), every Licensee shall ensure that, where the Licence does not apply to a specified premises, that the Licence is in the Licensee's possession at all times while engaged in the business for which the Licence was issued.
- iii. Such person(s) referred to in Section 4(h)(ii) above, and all other persons in possession of a Town issued Licence, shall produce such Licence immediately to the Issuer of Licences or a Municipal By-law Enforcement Officer, upon request.

- iv. No person, other than the Licensee, shall carry or possess a Licence issued by the Town of Arnprior, while engaging in the business for which the Licence was issued.
- v. If at any time, the bearer of a Town issued Licence is not the Licensee, the Issuer of Licences or the Municipal By-law Enforcement Officer may seize the Licence in question, and hold the Licence for safekeeping until it can be returned to the Licensee, and the Licensee is deemed to not be acting in poor faith/ against the regulations listed in this by-law.
- vi. Every Licensee shall ensure that the Licence is not posted or displayed, or held out as valid, when the Licence has expired or has been revoked or suspended pursuant to this by-law.
- vii. Every Licensee shall ensure that the business to which the Licence applies is not advertised or promoted or carried on under any name other than the name endorsed upon the Licence issued to the Licensee.
- viii. Every Special Event Coordinator to which a Special Event Licence has been issued, shall maintain up-to-date documents which accurately record a complete list of Special Event Vendors, their designated location on the event premises, and type of vendor and items being sold, as well as all required documentation, as outlined in Schedule VII. This record should be kept at the event and be able to be produced to the Issuer of Licences and/or their designate or other Enforcement Officer (such as Fire Chief, Chief Building Official, Health Unit Officer, etc.).

#### **Alterations of Licence Prohibited**

- i. No person shall alter or deface a Licence issued by the Town of Arnprior in any way.
- ii. Every Licensee shall ensure that the Licence is not altered or defaced in any way.

#### **5.0 Compliance With Other Laws Required**

- a) The issuance of a Licence under this by-law does not permit or condone the violation of any by-law, statute, order, or regulation in effect in the Town of Arnprior, County of Renfrew, Ontario, or Canada and it shall be the responsibility of the Licensee to ensure that such applicable legislation is complied with at all times. Failure to comply with the Regulations of this by-law could result in the license being revoked or suspended.
- b) Licences issued under the authority of this by-law are in accordance with the fees set out in the User Fees and Charges By-law, as amended.

## **6.0 Other Provisions – Building Code/ Building Permit Approval/ Exemption Requests**

- a) All necessary/ applicable building permits must have been applied for, approved and issued by the Chief Building Official, in accordance with the Ontario Building Code Act and Town Building By-law, as amended.
- b) In regards to Special Events, the Special Event Coordinator is responsible for notifying the Clerk's Office of the Town of Arnprior of any intent to obtain a noise by-law exemption and is responsible to obtain that exemption, if applicable. The Special Event Coordinator is also responsible to ensure all other approval authorities have been notified of the event and all necessary permits and approvals have been obtained.

## **7.0 Investigations**

- a) The Issuer of Licences may subject to the provisions of this by-law, upon receipt of an application, make or cause to be made any necessary investigation required by law, by-law, or by the Corporation, relative to such Licence Application.
- b) If the licensee fails to comply with the investigation, existing by-law, or any part of the application process, the Issuer of Licences shall refuse to issue, revoke, suspend, or refuse to renew the Licence applied for, and shall give notice of their refusal within ten (10) calendar days of completing the necessary investigations which resulted in the decision, and such refusal to renew shall be deemed to be a refusal to issue the Licence applied for.
- c) If the investigations required for licencing do not disclose any reason to believe the carrying on of the said business may result in a breach of the law or this by-law, the Issuer of Licences shall within ten (10) calendar days of receipt of the completed application and completion of all necessary investigations, issue the applicable Licence to the applicant.

## **8.0 Inspections**

- a) Subject to the provisions of this by-law, and the Municipal Act, a Municipal Enforcement Officer, accompanied by any person as deemed appropriate such as but not limited to the Fire Chief or Chief Building Official, may at any reasonable time enter onto or into any premises for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - i. Any provision of this by-law;
  - ii. A direction or order of a Municipal By-law Enforcement Officer or of the municipality made under this by-law or made under an Act in relation to the subject matter of this by-law;
  - iii. A condition of a Licence issued under this by-law;
  - iv. An order made under Section 431 of the Municipal Act, 2001, in relation to the subject matter of this by-law.

- b)** For the purposes of an inspection under Section 7(a), a Municipal By-law Enforcement Officer may:
- i.** Inspect documents or things relevant to the inspection;
  - ii.** Require information from any person concerning a matter related to the inspection;
  - iii.** Alone or in conjunction with a person possessing special or expert knowledge (i.e. OPP), make examinations or take tests, samples, or photographs necessary for the purpose of the inspection.
- c)** It shall be a condition of every Licence issued under this by-law that the Licensee shall allow a Municipal By-law Enforcement Officer, and any person under his or her direction, to carry out such inspections as are authorized pursuant to this by-law.
- d)** As Section 436 of the Municipal Act, authorizes a municipality to enter on land for the purpose of carrying out an inspection to determine compliance; A Municipal Enforcement Officer may, at any reasonable time enter and inspect land to determine if this By-law has been complied with.
- e)** No person shall obstruct or attempt to obstruct any person, including a Municipal Enforcement Officer, having authority for the enforcement or administration of this by-law.
- i.** For the purposes of this clause “obstruct” means to hinder, mislead, provide false information or make a false statement, or to prevent or attempt to prevent the execution of a power or duty, and without limiting the foregoing, includes:
    - Providing false or misleading information;
    - Failing to identify oneself in accordance with this by-law;
    - Preventing, barring, or delaying or attempting to prevent, bar, or delay entry or inspection by a Municipal By-law Enforcement Officer, or any person under his or her direction, or who have jurisdiction of entry to a premises by way of an Act or Regulation, including by not limited to the removal of documents or things relevant to the inspection, or the taking of any tests, samples, or photographs necessary for the purposes of the inspection;
    - Preventing, barring, or delaying or attempting to prevent, bar, or delay a Municipal By-law Enforcement Officer, or any person under his or her direction, or who have jurisdiction of entry to a premises by way of an Act or Regulation, from carrying out his or her duties or exercising his or her powers under this by-law;
    - Failing to provide, upon request, any information, documents or things relevant to an inspection, including without limitation, any documents specifically required to be kept or provided by the by-law;
    - Failing to surrender a Licence, upon request by a Municipal By-law Enforcement Officer.

## 9.0 Orders & Remedial Actions

- a) If a Municipal By-law Enforcement Officer is satisfied that a contravention of this by-law has occurred, the Municipal By-law Enforcement Officer may make an order requiring the person who contravened the by-law to discontinue the contravening activity.
- b) If a Municipal By-law Enforcement Officer is satisfied that a contravention of this by-law has occurred, the Municipal By-law Enforcement Officer may make an order requiring the person who contravened the by-law to do work to correct the contravention.
- c) An order shall set out:
  - i. Reasonable particulars of the contravention, which are adequate in identifying the contravention and the location of the land on which the contravention occurred;
  - ii. Any work to be done (if applicable);
  - iii. The date the contravention occurred; and
  - iv. The date by which there must be compliance with the order.
- d) No person shall fail to comply, in whole or in part, with an order issued.

## 10.0 Refusal To Issue Or Renew A Licence

- a) The Issuer of Licences may refuse to issue or renew a Licence:
  - i. if all orders required have not been complied with;
  - ii. if all necessary inspections/ investigations required under this by-law have not passed approval;
  - iii. where the conduct of the Applicant or Licensee, including the conduct of any officer, director, employee or agent of an Applicant or Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;
  - iv. where the issuance of the Licence, or renewal of the Business Licence, would be contrary to the health, safety or wellbeing of people in the Town of Arnprior;
  - v. where the Applicant or Licensee has past convictions under this by-law, or any other by-law, statute or regulation relating to the business;
  - vi. where the Applicant or Licensee is carrying on an activity in relation to the business that is, or will be, in contravention of this by-law or any other by-law, statute or regulation;
  - vii. where it is determined that the business does not comply with applicable legislation such as but not limited to the Building Code, and Building Code Act, Building By-law, Zoning By-law, Fire Protection and Prevention Act, Health Protection and Promotion Act, and the Property Standards By-law;
  - viii. where there is a Court order, or any federal or provincial order ceasing the activity of the business;
  - ix. where a business has ceased to operate; or
  - x. upon such other grounds as are set out in this By-law.

- b) The Issuer of Licences shall give notice of their refusal within ten (10) calendar days of completing the necessary investigations which resulted in the decision, and such refusal to issue or renew shall be deemed to be a refusal to issue the Licence applied for.

## **11.0 Revoking or Suspending a Business Licence**

- a) The Issuer of Licences may suspend or revoke a Licence, for failing to comply with any of the following:
  - i. where the conduct of the Licensee, including the conduct of any officer, director, employee or agent of a Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;
  - ii. where the continuation of the Licence would be contrary to the health, safety or wellbeing of people in the Town of Arnprior;
  - iii. where the Licensee is convicted of an offence or has convictions under any provision of this by-law, or any other by-law, statute or regulation relating to the business;
  - iv. where the Licensee is carrying on an activity in relation to the business that is in contravention of this by-law, or any other by-law, statute or regulation;
  - v. where it is determined that the business does not comply with applicable by-laws/ legislation such as but not limited to the Building Code, and Building Code Act, Building By-law, Zoning By-law, Fire Protection and Prevention Act, Health Protection and Promotion Act, and the Property Standards By-law;
  - vi. where the Licence was issued in error based on incorrect or incomplete information provided by the Applicant;
  - vii. where the Licensee would be disentitled to a Licence for any other reason set out in this by-law.
- b) A Licence issued under this by-law shall remain in effect until a decision to revoke or suspend the Licence has been made by the Issuer of Licences, and if appealed by the applicant, the Business Licence Appeals Committee.
- c) When the Issuer of Licences', and if appealed by the applicant the Business Licence Appeals Committee's, final decision is to revoke or suspend a Licence, no portion of the Licence fee is refundable.
- d) In the case of an appeal by the applicant, the Issuer of Licences shall give notice to the Applicant or Licensee, of the Business Licence Appeals Committee's decision to revoke or suspend the Licence in question, within ten (10) calendar days of the Business Licence Appeals Committee's decision.

- e) When a Licence has been revoked or suspended, the holder of the Licence shall return the Licence to the Issuer of Licences within two (2) calendar days of the service of the written notice of the decision of Business Licence Appeals Committee (as per Section 12(d)) excluding Saturdays, Sundays and Statutory Holidays observed in the Province of Ontario.

## 12.0 Appeal Process

- a) Where the Issuer of Licences refuses to issue or renew a Licence, or recommends the suspension or revocation of a Licence:
  - i. the Issuer of Licences shall send written notice advising the Applicant or Licensee of the refusal, or of the recommendation to suspend or revoke the Licence;
  - ii. the written notice of the Issuer of Licences shall be sent to the Applicant or Licensee at the address of the Applicant or Licensee provided on the Application, or where a change of information has been provided by the Applicant or Licensee regarding address, at the address reflecting that change of information;
  - iii. the written notice shall:
    - set out the grounds for the refusal or recommendation;
    - give reasonable particulars of the grounds;
    - be signed by the Issuer of Licences; and
    - indicate the final date and time by which the Applicant or Licensee may appeal the decision, to refuse to issue or renew the Licence, or request a hearing before the Business Licence Appeals Committee regarding the recommendation for suspension, revocation, or refusal and the method for doing so, as set out in this Section of the Licencing By-law.
- b) The Applicant or Licensee may appeal the decision to refuse, suspend, revoke, or not renew, a Licence through the means of an application for a hearing before the Business Licence Appeals Committee of the Corporation of the Town of Arnprior, regarding the recommendation of the Issuer of Licences, and pay a fee as outlined in the Town's User Fees and Charges By-law, as amended.
- c) An application for an appeal must be received by the Issuer of Licences, from the Applicant(s) or Licensee(s), no later than ten (10) calendar days from the date the notice of refusal, suspension, or revocation was sent.
- d) If no written request for an appeal is received from the Applicant(s) or Licensee(s) before the deadline, as set out in Section 12(c) above, regarding the decision to refuse, suspend, revoke, or not renew a Licence:
  - i. No extension of the time to request an appeal will be granted;
  - ii. In the case of a refusal, suspension, or revocation the decision of the Issuer of Licences will be final
- e) **Hearing of Appeals:**
  - i. An Applicant or Licensee who has applied for a review of the Issuer of Licences decision, will be given an opportunity to make

written representations to or to appear before the Business Licence Appeals Committee of the Corporation of the Town of Arnprior when it reviews the matter.

- ii. The Business Licence Appeals Committee will review the matter and may affirm the decision of the Issuer of Licences or direct the Issuer of Licences to issue, renew, or reinstate the licence.
- iii. The following procedure shall be followed for hearings relating to the refusal, suspension, revocation, and decision to not renew any Licence under this by-law:
  - The appeal hearing shall take place at a scheduled meeting of the Business Licence Appeals Committee of the Corporation of the Town of Arnprior;
  - The Issuer of Licences shall circulate copies of all reports from the Issuer of Licences and any officers, inspectors, investigators, employees of the corporation or other municipal, provincial, or federal agencies, police officers or Medical Officers of Health, who may be involved in the matter, to the Applicant, Licensee or any other Person to whom notice of the hearing has been given; ten (10) calendar days of notice will be provided to the public, of the hearing.
  - The Applicant or Licensee, either personally or through an agent or lawyer, shall be afforded an opportunity to present such material and evidence relevant to the issue before the Business Licence Appeals Committee of the Corporation of the Town of Arnprior, and may ask questions of any person presenting evidence, relating to the evidence presented, or of any author of a report to the Business Licence Appeals Committee relevant to the said issue;
  - The Business Licence Appeals Committee of the Corporation of the Town of Arnprior may afford any other person who appears to have an interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue at hand;
  - Any person presenting evidence relevant to the hearing must be present to answer questions in relation to that evidence.
  - The Business Licence Appeals Committee shall, after hearing the evidence and submissions made at the hearing, make a decision by way of a motion:
    - That the licence be granted, refused, suspended, or revoked with or without conditions, relevant to the subject of the hearing, or as agreed to by the Applicant.
    - In the case of a recommendation to suspend a Licence, that the suspension of a Licence be for such length of time as deemed appropriate by Business Licence Appeals Committee in their motion.
    - The recommendation, by way of motion shall set out the recommendation(s) and state the grounds or basis for the Issuer of Licences, and ultimately the Business Licence Appeals Committee's final decision.

- iv. If the Applicant or Licensee who has been sent notice of the hearing does not appear at the appointed time and place of the hearing, the Business Licence Appeals Committee of the Corporation of the Town of Arnprior, may proceed with the hearing in the absence of the Applicant or Licensee and if so, the Applicant or Licensee shall not be entitled to any further proceeding or any further notice of the proceedings; but shall be sent a copy of the recommendation made by the Business Licence Appeals Committee of the Corporation of the Town of Arnprior.
- v. The Business Licence Appeals Committee of the Corporation of the Town of Arnprior's decision to grant, refuse, suspend or revoke a Licence shall be final.
- vi. Notwithstanding any other provision of this By-law, Council may, if satisfied that the continuation of a business poses an immediate danger to the health or safety of any person or to any property, for the time and on such conditions as it considers appropriate, without a hearing, suspend a Licence for a period of time deemed necessary to rectify the issue, causing the danger to health and safety, and or revoke the licence if the issue is not able to be rectified within fourteen (14) calendar days.

### **13.0 Offences**

- a) Every Person who contravenes any provision of this By-law, including any appendix and/or schedule attached hereto, is guilty of an offence as provided for in subsection 429 of the Municipal Act, 2001, and upon conviction, is liable to a fine as provided for in the Provincial Offences Act.
- b) A person who is convicted of an offence under this by-law is liable to a minimum fine of \$250.00 and a maximum fine of \$100,000.00 as provided for in subsection 429 (3)1 of the Municipal Act, 2001. Each day a contravention continues may be deemed to be a separate offence.
- c) 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 \$250.00 and a maximum fine of \$10,000.00 and the total of all daily fines for the office is not limited to \$100,000.00 as provided for in subsection 429(3) 2 of the Municipal Act, 2001.
- d) When a person has been convicted of an offence under this by-law, the Superior Court of Justice or any court of competent jurisdiction thereafter, may, in addition to any penalty imposed on the person convicted, issue an order:
  - i. prohibiting the continuation or repetition of the offence by the person convicted; and
  - ii. requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## **14.0 Interpretation**

- a) Each section of this by-law and every part of each section is an independent section or part of a section, and the holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect the validity of any other sections or parts thereof.
- b) Headings are for reference purposes only and shall not affect in any way the meaning or interpretation of the provisions of this by-law.
- c) Where any expression of time is mentioned in this by-law, or utilized with regard to this by-law, the time referred to shall be the time observed locally.
- d) This by-law includes the Appendices and Schedules annexed hereto and the Appendices and Schedules are hereby declared to form part of this by-law.

## **15.0 Conflict Between By-Laws**

- a) In the event that there is a conflict or discrepancy between this and any other by-law with regard to licencing, this by-law shall prevail.

## **16.0 Short Title**

- a) This by-law may be referred to as the "Licencing By-law".

## **17.0 Enactment**

That by-law 6695-17, as amended, is hereby repealed and replaced by this by-law upon enactment which shall come into full force and take effect upon the date of its passing.

**Enacted and Passed** this 27<sup>th</sup> day of November, 2017.

Originally signed by,

David Reid, Mayor

Maureen Spratt, Clerk

# Appendix A - Downtown Core Map



## **Appendix B - Business Licence Appeals Committee Terms of Reference**

### **Mandate**

The mandate of the Business Licence Appeals Committee is to hear appeals as permitted by this Licencing By-law of the Corporation of the Town of Arnprior.

### **Goals/Objectives:**

The Business Licence Appeals Committee's objective is to confirm, modify, or rescind the decisions made by the Issuer of Licences as it relates to this Licencing By-law.

Decisions of the Business Licence Appeals Committee are final.

### **Enabling Legislation:**

This Licencing Bylaw and the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22

### **Committee Composition:**

The Business Licence Appeals Committee shall consist of three (3) members of the public, one Citizen Member from each of the Town of Arnprior Advisory Committees, for the term of Council and the CAO who shall chair the hearing but shall not vote.

### **Administration**

The Town of Arnprior Procedure By-law and Council Code of Conduct, along with Roberts Rules of Order shall be followed by the Business Licence Appeals Committee when conducting hearings and making decisions.

## Appendix C – Business Licence Requirements

### Schedule 'I' - Clothing Donation Bin/Drop Box & Other Donation Bin/Drop Boxes

#### 1. Applicable To

Clothing Donation Bins, which include any receptacle used, or intended to be used, in whole or in part, for the purpose of collecting clothing donated by the public.

#### 2. Exemptions

- a) No other type of donation bin/ drop box, including but not limited to, those defined in this by-law, are allowed to be operated in the Town of Arnprior.
- b) This clause excludes donation/dispensing bins (i.e. E-Waste, Metal, etc.) under the jurisdiction of the Town of Arnprior.

#### 3. Licence Fee

As per the Town of Arnprior User Fees and Charges By-law, as amended.

#### 4. Mandatory Licencing Application Requirements

- a) Complete a Clothing Donation Bin/Drop Box Business Licence Application Form
- b) Provide a copy of approved government issued identification
- c) Provide proof of Charity Registration from the Province of Ontario
- d) Provide Proof of General Liability Insurance (see Section 3(b)(iv) of the By-law)
- e) Provide a site plan, which is approved by the Town Planner and/or Chief Building Official of the Donation Box(es) location(s) and size(s)
- f) Provide a letter of permission from the property owner
- g) Have historic compliance with all by-laws and applicable legislation prior to renewal, and not have had their donation bin/ drop box towed away in any previous year, by the municipality.

#### 5. Special Conditions – Clothing Donation Bins/Drop Boxes

##### a) General Special Conditions:

- i. Shall not be permitted within the Town of Arnprior without a licence to do so and an approved site plan.
- ii. Shall not be permitted on Residential Properties in the Town of Arnprior, with no more than two (2) Clothing Donation Bins/Drop Boxes being permitted on any one non-residential, Planner approved, property in the Town of Arnprior.
- iii. Shall not be permitted on Town Property, unless it is a bin authorized and operated specifically by the Corporation of the Town of Arnprior.
- iv. A “Registered Charity/ Charitable Organization” or Registered “Not-For-Profit Business”, are the only owners allowed to operate a Clothing Donation Bin/Drop Box in the Town of Arnprior.
- v. No “For-Profit” Businesses shall be allowed to operate/ be licenced to operate a Clothing Donation Bin/Drop Box in the Town of Arnprior

##### b) Physical Conditions of Clothing Donation Bins/Drop Boxes:

- i. Shall conform to the Town of Arnprior Property Standards and Clean Yards By-laws, as amended.
- ii. Every donation bin/drop box shall be clean, rust free, in good repair, and free of vandalism and graffiti.
- iii. All clothing donation bins/drop boxes shall not be spilling over/out, and must be collected on a regular basis, prior to the bin/drop box overflowing.
- iv. All areas immediately adjacent to every donation bin/drop box shall be clean and free of litter, refuse and debris at all times.

## Schedule 'I' - Clothing Donation Bin/Drop Box & Other Donation Bin/Drop Boxes

- v. All donation bins/drop boxes shall have a self-closing deposit door/hatch, and, if it has any other point of entry, each other point of entry shall be locked at all times when the bin/drop box is unattended.
- vi. All donation bins/drop boxes located on a property shall not be un-stocked/un-utilized for a period longer than Thirty (30) consecutive calendar days.
- vii. Every donation bin/drop box shall have the appropriate information affixed to the bin/drop box at all times as per this Schedule, 5(c) below.

### **c) Information to be Affixed to Every Clothing Donation Bin/Drop Box:**

- i. Name, address, and valid telephone number of the owner of the Clothing Donation Bin/Drop Box;
- ii. Registered Charity Number or Not-For-Profit Business Number;
- iii. The words "Charitable Organization" or "Not-For-Profit Organization";
- iv. A Valid Licence Decal, issued by the Town of Arnprior, in a conspicuous place, clearly visible to the public.
- v. All information required to be affixed to every Clothing Donation Bin/Drop Box shall be in a font not less than 150 in Font Size, and in a contrasting colour to the bin/drop box.

### **d) Location of Clothing Donation Bins/Drop Boxes:**

- i. Shall remain in the location designated on the approved site plan;
- ii. Shall be placed in a location which does not create a visual obstruction for vehicular or pedestrian traffic;
- iii. Shall not be on a municipal sidewalk;
- iv. Shall not be on a private sidewalk having a width of 2 meters or less;
- v. Shall not be within 3 meters of a driveway/ entrance/exit;
- vi. Shall not be within any curb radius;
- vii. Shall not be partially or wholly in front of an accessibility ramp;
- viii. Shall not be placed in a manner as to make entrance/exit from adjacent parked vehicles difficult;
- ix. Shall not be on top of or blocking a sewer, hydro, or other utility access cover or valve;
- x. Shall not be within 3 meters of a fire hydrant.
- xi. The Town of Arnprior may require the movement or re-location of any Clothing donation bin/drop box, if the movement or re-location is necessary for:
  - Pedestrian, vehicular, or public safety;
  - Construction, maintenance, or repair of a highway, roadway, public utility or public service;
  - A Special Event;
  - In no event shall the Town of Arnprior be liable, or in any way responsible, for any loss, damage or cost incurred by an operator, due to the movement or re-location of any Clothing donation bin/drop box.

### **e) Tow Away Clause:**

- i. If a Clothing donation bin/drop box is found to be in contravention of this by-law and its stipulations, and the Town of Arnprior has not been able to get the owner/operator to rectify the issue(s)/ contraventions in a reasonable timeframe of two (2) weeks, the bin/drop box may be towed by the Town of Arnprior to a location specified by the Town of Arnprior, for the owner/operator to pick-up, at their expense.

## Schedule 'II' - Old Gold and/or Other Precious Metal Dealer

### 1. Applicable To

All temporary, seasonal, or annual Old Gold and/or Other Precious Metal Dealers, meaning in the business of dealing in Old Gold and/or Other Precious Metals or other similar articles, including but not limited to, buying, selling, or trading such items.

### 2. Exemptions

None

### 3. Licence Fee:

As per the Town of Arnprior User Fees and Charges By-law, as amended.

### 4. Mandatory Licencing Application Requirements:

- a) Complete an Old Gold and/or Other Precious Metal Dealer Business Licence Application Form
- b) Provide a copy of approved government issued identification
- c) Provide proof of Business Registration from the Province of Ontario (if applicable/available)
- d) Provide Proof of General Liability Insurance (see Section 3(b)(iv) of the By-law)
- e) Provide a site plan/ intended location (non-residential), which is approved by the Town Planner and/or Chief Building Official of the location where the Dealing will be taking place
- f) Provide a letter of permission from the property owner
- g) Provide a Criminal Record Background Check for each employee/ individual who will be involved in the dealing
- h) Have historic compliance with all by-laws and applicable legislation prior to renewal

### 5. Special Conditions - Old Gold and/or Other Precious Metal Dealer

Old Gold and/or Other Precious Metal Dealers:

- a) Shall not be permitted within the Town of Arnprior without a licence to do so and an approved location.
- b) Shall not be permitted on Residential Properties in the Town of Arnprior.
- c) Must obtain government issued identification with photograph and name of person selling, exchanging, or disposing of Old Gold or Other Precious Metals.
- d) Shall not accept items from any person who is known to be or appears to be under the age of eighteen (18) or under the influence of alcohol, drugs, or vulnerable for any other reason.
- e) A register of each item obtained must be maintained by the dealer, and made available to the Ontario Provincial Police (OPP), and/or the Town of Arnprior at their request. The register entries shall be made at the time of acquisition, or immediately thereafter, and shall include the date and time of the purchase or exchange, the full description of the article(s), the price paid therefor, and the name and address and description of the person from whom the purchase or exchange was made.
- f) All Old Gold and/or Other Precious Metals obtained through the course of business, must be kept in a safety deposit box on location or at an alternate location in the Municipality, approved by the Issuer of Licences for a minimum of seven (7) days.
- g) The Old Gold and/or Other Precious Metals Dealer must notify the Issuer of Licences each time an event is to be held if the Business is not operational on a daily basis.

## Schedule 'III' - Pawnbroker

### 1. Applicable To

Every person who carries on the business of a pawnbroker, as defined in this by-law/ the Pawnbrokers Act (i.e. carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon).

### 2. Exemptions

None

### 3. Licence Fee

As per the Town of Arnprior User Fees and Charges By-law, as amended.

### 4. Mandatory Licencing Application Requirements

- a) Complete a Pawnbroker Business Licence Application Form
- b) Provide a copy of approved government issued identification
- c) Provide proof of Business Registration from the Province of Ontario (if applicable/ available)
- d) Provide Proof of General Liability Insurance (see Section 3(b)(iv) of the By-law)
- e) Provide a site plan/ intended location (non-residential), which is approved by the Town Planner and/or Chief Building Official of the location where the Pawnbroker is performing their business.
- f) Provide a letter of permission from the property owner
- g) Provide a Criminal Record Background Check for each employee/ individual who will be involved in the business operations of the Pawnbroker
- h) Have historic compliance with all by-laws and applicable legislation prior to renewal
- i) Be in compliance with the Pawnbrokers Act, as amended, prior to issuance/ renewal

### 5. Special Conditions - Pawnbroker

- a) In addition to the general regulations outlined in this by-law, the following special conditions apply to every Pawnbroker in the Town of Arnprior:
  - i. Security in the amount of \$2,000.00, as set out in the Pawnbrokers Act, shall be provided to the Town of Arnprior at the time of initial licencing.
  - ii. The operation of the business shall conform with the provisions as set out in the Pawnbrokers Act, as amended.
  - iii. No Pawnbroker Licensee shall purchase or acquire, from any person, any article or object on which the serial number has been obliterated or mutilated, without first having given the OPP, 24 hours' prior notice of such intended purchases or acquisitions.
  - iv. Every Pawnbroker Licensee who has reasonable cause to suspect that an article offered to the Pawnbroker has been stolen or otherwise unlawfully obtained, shall forthwith report the matter to the OPP.

## Schedule 'IV' - Hawker/Peddler

### 1. Applicable To

Every Hawker/Peddler, which includes any person who goes from place to place on foot or in a vehicle for the purpose of:

- selling goods and/or services;
- entering into contracts for the sale of goods and/or services which are either to be delivered on site or at a later date;
- promoting the sale of goods and/or services by encouraging individuals to come to a person's regular place of business

### 2. Exemptions

a) The requirement to obtain a "Hawker/Peddler" Licence does not apply to:

- i. a Produce Stand;
- ii. a Market Vendor (see Schedule VI) or Special Event Vendor (see Schedule VII)
- iii. persons who sell Christmas Trees on a seasonal basis;
- iv. persons who raise funds in door to door sales campaigns for registered charitable organizations.

### 3. Licence Fee

As per the Town of Arnprior User Fees and Charges By-law, as amended.

### 4. Mandatory Licencing Application Requirements

- a) Complete a Hawker/Peddler Business Licence Application Form
- b) Provide a copy of approved government issued identification
- c) Provide proof of Business Registration from the Province of Ontario (if applicable/ available)
- d) Provide Proof of General Liability Insurance (see Section 3(b)(iv) of the By-law)
- e) Provide Three (3) Municipal References, from Municipalities where they have performed the operation of Hawking & Peddling, and have positive reviews of these references when checked by the Issuer of Licences
- f) Provide a Criminal Record Background Check for each employee/ individual who will be involved in the Hawking/Peddling
- g) Have historic compliance with all by-laws and applicable legislation prior to renewal
- h) Where available/ applicable, have a clean Better Business Bureau Record, with a minimum grade of B+ (87%), where a rating of the business is available from the Better Business Bureau, when checked by the Issuer of Licences

### 5. Special Conditions – Hawker/Peddler

- a) In addition to the general regulations outlined in this by-law, the following special conditions apply to every hawker/peddler operating in the Town of Arnprior:
  - i. The application shall specify the types of goods and/or services to be sold or promoted.
  - ii. No person shall operate as a hawker/peddler in the Downtown Core of the Town of Arnprior.
  - iii. The Licensee shall at all times while carrying on their business has their Town Issued Licence with them, and shall upon demand provide proof of the licence to the Issuer of Licences and/or Municipal Enforcement Officer at their request.
  - iv. No Hawker/Peddler shall go from place to place carrying on their business on any Sunday, Statutory or Civic Holiday in the Town of Arnprior.

## Schedule 'V' - Mobile Canteen & Refreshment Stand/Vehicle & Ice Cream Stand/Bicycle

### 1. Applicable To

Mobile Canteens, Refreshment Stands and Refreshment Vehicles, Ice Cream Stands/ Bicycles, as defined in this by-law.

### 2. Exemptions

a) The requirement to obtain a "Mobile Canteen, Refreshment Stand/Vehicle, Ice Cream Stand/Bicycle" Licence does not apply to:

- i. a Produce Stand;
- ii. a Market Vendor (see Schedule VI) or Special Event Vendor (see Schedule VII)

### 3. Licence Fee

As per the Town of Arnprior User Fees and Charges By-law, as amended.

### 4. Mandatory Licencing Application Requirements

- a) Complete a Mobile Canteen & Refreshment Stand/Vehicle & Ice Cream Stand/Bicycle Business Licence Application Form
- b) provide a copy of approved government issued identification
- c) proof of Business Registration from the Province of Ontario (if applicable/available)
- d) provide proof of General Liability Insurance (see Section 3(b)(iv) of the By-law)
- e) provide a site plan, which is approved by the Town Planner and/ or Chief Building Official
- f) provide a Health Unit Certificate of Approval
- g) provide a TSSA Certified Propane Fitter Inspection Certificate, where propane is being used in the business operations
- h) provide a letter of permission from the property owner
- i) Ice Cream Bicycle applicants must provide a Criminal Background Check for all employees
- j) have historic compliance with all by-laws and applicable legislation prior to renewal

### 5. Special Conditions – Mobile Canteen & Refreshment Stand/Vehicle & Ice Cream Stand/Bicycle

#### a) General Special Conditions:

- i. A separate licence shall be required for each Mobile Canteen, Refreshment Vehicle, Refreshment Stand, and Ice Cream Stand/Bicycle.
- ii. For clarity a Mobile Canteen is a vehicle which food and drink are dispensed for consumption by persons at their place of employment, throughout the Town and, thus a Mobile Canteen is not able to dispense food and drink to the general public.
- iii. Each Licensee of a mobile vehicle, including mobile canteen, being utilized for the business being licenced, shall provide documentation (vehicle ownership and any necessary safety inspections required by the Ministry of Transportation), proving the ability to be moved and operated in a safe manner going from location to location.
- iv. Any mobile canteen and/or refreshment vehicle and/or stand, ice cream stand/bicycle which uses propane fuelled appliances, require a TSSA Certified Inspection, which needs to be in compliance with the necessary regulation, and a certificate of approval in this manner shall then be submitted to the Issuer of Licence, prior to a licence being issued.
- v. Every Licensee shall be at least eighteen years of age, excluding licensees of Ice Cream Stands/Bicycles, who are able to be a minimum of fifteen (15) years of age. If under the age of 18, a parent is required to sign the application form.
- vi. The Health Unit must have approved the mobile canteen, refreshment vehicle and/or stand, Ice Cream Stand/Bicycle prior to a licence being issued.

- b) Physical Conditions of Mobile Canteen, Refreshment Vehicle, Refreshment Stand & Ice Cream Stand/Bicycle:**
- i. Shall conform to the Town of Arnprior Property Standards and Clean Yards By-laws, as amended.
  - ii. Every Mobile Canteen, Refreshment Vehicle and/or Refreshment Stand, Ice Cream Stand/Bicycle shall be clean, rust free, in good repair, and free of vandalism and graffiti.
  - iii. All areas immediately adjacent to every Mobile Canteen, Refreshment Vehicle and/or Refreshment Stand, Ice Cream Stand/Bicycle shall be clean and free of litter, refuse and debris at all times.
- c) Location of Mobile Canteen, Refreshment Vehicle, Refreshment Stand, and/or Ice Cream Stand/Bicycle:**
- i. Shall not be permitted within the Town of Arnprior without a licence to do so and an approved site plan.
  - ii. Shall not be permitted on Residential Properties in the Town of Arnprior.
  - iii. Shall not be permitted on Town Property.
  - iv. Shall remain in the location designated on the approved site plan;
  - v. Shall be placed in a location which does not create a visual obstruction for vehicular or pedestrian traffic;
  - vi. Shall not be on a municipal sidewalk;
  - xii. Shall not be on a private sidewalk having a width of 2 meters or less;
  - vii. Shall not be within 3 meters of a driveway/ entrance/exit;
  - viii. Shall not be within any curb radius;
  - ix. Shall not be partially or wholly in front of an accessibility ramp;
  - x. Shall not be placed in a manner as to make entrance/exit from adjacent parked vehicles difficult;
  - xi. Shall not be on top of or blocking a sewer, hydro, or other utility access cover or valve;
  - xii. Shall not be within 3 meters of a fire hydrant.
- d) Regulatory Agencies**
- i. Mobile Canteen, Refreshment Stand, and Refreshment Vehicle Businesses are responsible for obtaining all permits required in the production and sale of their goods.
  - ii. Compliance with both Provincial and Federal Sales Tax is the responsibility of the Mobile Canteen, Refreshment Stand, and Refreshment Vehicle Businesses.
  - iii. All Mobile Canteen, Refreshment Stand, and Refreshment Vehicle Businesses must abide by, and all products must comply with, federal and local regulations governing health, packaging, labeling, etc. and adhere to the highest standards in safe food production and handling.
  - iv. Any pre-made food must be approved by the Renfrew County & District Health Unit before they are able to be sold. For more information about obtaining approval please contact: 1-800-465-5000.

## Schedule 'VI' - Market Vendor

### 1. Applicable To

Every person or business who participates by reserving a space and selling items at the municipally run Arnprior Market.

### 2. Exemptions

None

### 3. Licence Fee

As per the Town of Arnprior User Fees and Charges By-law, as amended.

### 4. Mandatory Licencing Application Requirements

- a) Complete a Market Vendor Licence Application Form
- b) Provide a copy of approved government issued identification
- c) Provide proof of General Liability Insurance, and name the Town as an additional insured (see Section 3(b)(iv) of the By-law)
- d) Provide a Health Unit Certificate of Approval (if applicable)
- e) Have historic compliance with all by-laws and applicable legislation prior to renewal
- f) Pay the corresponding licence fee, as outlined in the Town of Arnprior User Fees and Charges By-law, as amended.

### 5. Special Conditions – Market Vendor

#### a) Booth Location and Size

- i. Seasonal Vendors will have the opportunity to request their space for the season at the time of applying for their license on a first come, first serve basis.
- ii. Daily Vendors must apply for their licenses at the latest by noon local time on the Friday prior to the market
- iii. Daily Vendors will be assigned a booth location determined by the Market Vendor Coordinator.
- iv. Booth sizes will be 10'x10', whereas Vendors are required to keep all products and signage within their booth limits. Additional spaces must be purchased if more room is required.
- v. Tents must be 10' x 10' and tent poles, spikes or any other device or product cannot penetrate asphalt or any other Town or privately owned lands and must touch the curbside to create a single, unified line.

#### b) Market Setup and Take Down

- i. Market Vendors may set-up anytime between 7:00 am and 8:45. All vehicles must be removed from the Market Area no later than 8:45 am.
- ii. Vendors' vehicles must be parked in area specified by the Market Coordinator.
- iii. Vendors must be present at least 15 minutes before opening and must be completely set up by 9:00 am. Exceptions will need to be approved in advance by the Market Coordinator.
- iv. Vendors are not permitted to begin set-up earlier than 8:00 am or to breakdown before the market closes at 2:00 pm.
- v. Vendor breakdown and clean-up must be completed by 3:00 pm to allow for the roadway to be re-opened to traffic.
- vi. Vendors are responsible for providing all display and set-up materials (displays, tables, chairs, tent weights etc.) and setting up and tearing down any displays. Vendors must remove all of their garbage from the Market and dispose of it off site.
- vii. Booths should have an attractive and professional appearance, enhanced by good presentation and cleanliness. Vendors will be asked that unsightly, inappropriate or unsafe materials be removed.

## Schedule 'VI' - Market Vendor

### c) General Market Provisions

- i. The Arnprior Market will run weekly on Sunday's, 9 am – 2 pm from the long weekend in May to the last weekend in September, on John Street.
- ii. All vendor licences must be applied for in advance and paid for by cash, cheque or debit.
- iii. Selling or subletting of space is not permitted.
- iv. A polite and respectful attitude towards other vendors, the public and the market is to be maintained at all times.
- v. No hawking, calling attention to produce, or selling products in an aggressive manor.
- vi. Behavior which is threatening, abusive or harassing shall constitute a violation of the market policies and is grounds for immediate dismissal from the Market and revocation of the licence at the sole discretion of the Market Coordinator.
- vii. Vendors will be asked to donate a prize to a draw basket (only once per season). The public will receive a ballot from every vendor purchased from. Draws will be done at the end of the last market of the month excluding May.
- viii. A complimentary "Community Booth" will be reserved for one Charitable/Non-Profit/Community Organization each week and the schedule will be coordinated by the Market Coordinator. The use of the table for political campaigning or religious proselytizing is deemed inappropriate. All Arnprior Market rules and regulations will apply. The person applying for the community table on behalf of their organization will be held responsible for the booth and insuring it is staffed. The Town will provide a table and a tent upon request.
- ix. A complimentary "Youth Booth" will be reserved for one Youth, under the age of 18, each week to sell items and the schedule will be coordinated by the Market Coordinator. All Arnprior Market rules and regulations will apply. The guardian applying for the Youth Booth on behalf of the youth will be held responsible for the booth and must accompany the youth if they are under 13 years old. The Town will provide a table and a tent upon request.
- x. Vendors will provide at least 48 hours' notice to the Market Coordinator if unable to attend a specific market date and give full permission to the Town to rent out their space for that date only. Vendors that miss two market days without proper notice will forfeit their booth and their licence will be cancelled with no refund.
- xi. Seasonal vendors must attend 75% of the scheduled market dates. Vendors that miss more than 25% of the days will forfeit their booth and their licence will be cancelled with no refund. The Market Coordinator reserves the right to approve additional missed dates in extenuating circumstances.

### d) Products for Sale

- i. It is the intent of the Market to offer a diversified selection of commodities. All products to be offered for sale must be listed on your licences application form and approved to ensure they are of a high quality and provide for a broad selection of products to enhance the success of the market.
- ii. The Market Coordinator reserves the right to refuse acceptance of any applicant or product that is not in keeping with the rules, regulation or standards of the Arnprior Market both prior to or during the Market.
- iii. Vendors selling products must provide cash and carry items at their booth.
- iv. Vendors are not permitted to sell garage or junk sale type items and products.
- v. All items for sale must not be offensive in nature (as determined by the Market Coordinator), and shall have prices prominently and clearly displayed. Vendors are responsible for collection and reporting of applicable taxes.
- vi. Vendors are responsible for clearly advertising city of origin for all consumable items.

## Schedule 'VI' - Market Vendor

- vii. Vendors are not permitted to re-package resale produce and false or misleading information on any label, package or master container of produce, in any advertisement for produce or in a retail display sign is prohibited.

### e) Regulatory Agencies

- i. Vendors are responsible for obtaining all permits required in the production and sale of their goods.
- ii. Compliance with both Provincial and Federal Sales Tax is the responsibility of the Vendor.
- iii. All Vendors must abide by and all products must comply with federal and local regulations governing health, packaging, labeling, etc. and adhere to the highest standards in safe food production and handling.
- iv. Any pre-made food must be approved by the Renfrew County & District Health Unit before they are able to be sold at the Arnprior Market. For more information about obtaining approval please contact: 1-800-465-5000.

## Schedule 'VII' - Special Events

### 1. Applicable To

Any person who organizes a Special Event involving multiple Special Event Vendors at one location selling goods, wares, and/or merchandise or offering for sale services, on a temporary basis to the general public on municipal property, within the Town of Arnprior.

### 2. Exemptions

Exempt Special Events held on non-municipal/private properties from this by-law and licencing fees, however these Special Event Coordinators are encouraged to consult with the Town and other authorities to ensure all necessary permits and approvals have been obtained for their event.

Exemptions from licencing requirements will not be permitted for events on municipal property, as defined in this by-law, however licencing fee exemptions will be available for:

- Special Events raising funds for a charitable organization, where 100% of all profits by Special Event Vendors/exhibitors are going to the said charity or religious group; and
- Special Events held by the Municipality as the Municipality is the Special Event Coordinator.

### 3. Licence Fee

As per the Town of Arnprior User Fees and Charges By-law, as amended, on a per event basis.

### 4. Mandatory Licencing Application Requirements

- a) Complete a Special Events Licence Application Form
- b) Provide a copy of approved government issued identification
- c) Provide proof of General Liability Insurance (see Section 3(b)(iv) of the By-law)
- d) Provide a Health Unit Certificate of Approval (if applicable)
- e) Provide a TSSA Certified Propane Fitter Inspection Certificate, where propane is being used in the business operations
- f) Provide a letter of permission from the property owner
- g) Have historic compliance with all by-laws and applicable legislation prior to renewal
- h) Pay the corresponding licence fee, as outlined in the Town of Arnprior User Fees and Charges By-law, as amended.

### 5. Special Conditions – Special Event Coordinators/Vendors

In addition to the general regulations outlined in this by-law, the following special conditions apply to every Special Event Coordinator:

- a) This licence fee is payable to the Town of Arnprior, by the Special Event Coordinator, and applies to all Special Events run on municipal property in the Town of Arnprior.
- b) Special Event Vendors are to be licenced through the Special Event Coordinator at Special Events held on municipal property in the Town of Arnprior.
- c) The licence provided to the Special Event Coordinator does not secure vendor spaces at the specific event for Special Event Vendors. Additional vendor fees may apply, and vendors are encouraged to verify with the special event coordinator for the event they wish to take part in.

## Schedule 'VIII' - Outdoor Sidewalk Patio Café

### 1. Applicable To

All Outdoor Sidewalk Patio Café's in the Town of Arnprior.

### 2. Exemptions

None

### 3. Licence Fee

As per the Town of Arnprior User Fees and Charges By-law, as amended.

### 4. Mandatory Licencing Application Requirements

- a) Complete an Outdoor Sidewalk Patio Café Licence Application Form
- b) provide a copy of approved government issued identification
- c) proof of Business Registration from the Province of Ontario (if applicable/available)
- d) provide proof of General Liability Insurance (see Section 3(b)(iv) of the By-law)
- e) provide a site plan (Patio Café Location and Layout Sketch Details), which is approved by the Town Planner and/ or Chief Building Official
- f) provide a TSSA Certified Propane Fitter Inspection Certificate, where propane is being used in the business operations
- g) have historic compliance with all by-laws and applicable legislation prior to renewal

### 5. Special Conditions – Outdoor Sidewalk Patio Café

#### a) Licence Period

- i. The period of operation of an outdoor sidewalk patio café shall be May 1<sup>st</sup> to October 31<sup>st</sup>, inclusive, of each year.
- ii. At all times when the patio is not in operation between the time period of November 1<sup>st</sup> to April 30<sup>th</sup> inclusive, the public lands are required to be cleared of all obstacles so that snow removal operations are not impeded in any way.
- iii. Under no circumstances shall patio amenities be permitted to remain on site for storage during the times when the patio is not in operation.

#### b) Hours of Operation

- i. Notwithstanding provisions set out in the Town's Noise By-law, as amended, where a licence is issued pursuant to this Licencing By-law, Outdoor sidewalk patio cafés shall not be opened before 7:00 a.m. and shall be cleared of patrons and closed by no later than 9:00 p.m. from Sunday-Thursday, and 11:00 p.m. on Friday and Saturday.

#### c) Location of Outdoor Sidewalk Patio Café

- i. An outdoor sidewalk patio café shall be completely located within the frontage and/or flankage limits of the associated eating establishment.

#### d) Land Use Separation Distance

- i. The minimum separation distance between an outdoor sidewalk patio café and the boundary of any Residential Zone, excluding patios within the same Mixed Use Commercial zone, shall be 30.0 metres.

#### e) Sidewalk

- i. The clear width of sidewalk abutting an outdoor sidewalk patio café shall be a minimum of 1.5 metres it being understood that minimum clear width of 1.5 metres shall be provided between a perimeter patio fence and any sidewalk obstruction such as a lamppost, sidewalk planting, fire hydrant, bench, etc. An additional 0.5 metres of sidewalk width shall be required within 9.0 metres of an intersection to provide for platooning of pedestrians.

## Schedule 'VIII' - Outdoor Sidewalk Patio Café

- ii. The alignment of the clear width of sidewalk should remain straight within the right of way.
- iii. A clear path of a minimum 1.5 metres width shall be maintained to the door of the eating establishment.
- iv. The outdoor sidewalk patio café shall be safe and shall not interfere with the safety of pedestrians using the municipal sidewalk. The CAO/CBO/Director of Public Works may set certain conditions, as he/she deems fit, ensuring the health, safety and well-being of residents.

### f) Deck and Platform Elevation

- i. When the outdoor sidewalk patio is elevated above grade on a structure, the height of the deck surface shall be no greater than 0.5 metres.
- ii. All decking or platforms shall be constructed in accordance with the Ontario Building Code and a Building Permit will be required.
- iii. All decking or platforms shall provide barrier free access from the sidewalk to the patio, in accordance with Accessibility Design Standards.
- iv. All decking or platforms shall be constructed in sections so as to be easily removed for storage off-site.
- v. All decking shall be removed outside of the licence period.
- vi. Skirting shall be applied to the exposed sides of the platform to screen structural elements.
- vii. All exposed materials shall be painted or stained to co-ordinate with streetscape elements.

### g) Fences

- i. A fence or other visual barriers shall be used to delineate the perimeter of the outdoor sidewalk patio café with the exceptions of openings necessary to provide access. The width of any opening in a fence should be no greater than 2.0 metres and no less than 1.5 metres.
- ii. All liquor licenced and table serviced outdoor sidewalk patio cafés shall be fenced.
- iii. The fence shall be a minimum of 0.75 metres in height and shall not be greater than 1.06 metres in height measured from the finished grade of the patio to the highest point of the fence. Front screens shall not be permitted. Despite this, rain screens consisting of clear plastic or mesh screening shall be permitted during rainy periods.
- iv. Fences and screens shall be removable at all times.
- v. Fences and screens shall be removed outside of the licence period.
- vi. Fences shall be of sturdy construction. No part of the construction shall penetrate the surface of the sidewalk with footings. No chain link fencing, spiked rails or other products which in the opinion of the CAO/CBO/Director of Public Works may pose a health or safety risk shall be permitted.

### h) Furniture

- i. All furniture will be of outdoor furniture design and quality, constructed of weather resistant material. Picnic tables are prohibited.
- ii. Furniture shall be tasteful and complimentary to the streetscape.
- iii. The number of patio tables and chairs will be limited to leave reasonable space for access.

### i) Awnings

- i. If an awning is provided, the awning material shall be securely fastened to a frame which is either retractable or demountable.
- ii. All awnings shall be constructed in accordance with the Ontario Building Code and a Building Permit will be required.
- iii. Awnings shall be flame resistant and prefabricated and finished to fit the supporting structure.
- iv. Awnings and umbrellas shall be totally contained within the approved outdoor sidewalk patio café area.

## Schedule 'VIII' - Outdoor Sidewalk Patio Café

- v. Awning materials and colours shall co-ordinate with the surrounding buildings and streetscape elements.
- vi. Awnings shall have a minimum height clearance of 2.4m from finished grade.

### **j) Lighting**

- i. All exterior lighting shall be task oriented and shall not spill into abutting private property or interfere with the public thoroughfare.
- ii. All exterior lighting associated with an outdoor sidewalk patio café shall be totally contained within the approved patio area, be demountable with no exposed electrical cords or energized fixtures.

### **k) Plant Materials**

- i. Planting of annuals, vines and container grown vegetation is encouraged but shall be totally contained within the approved outdoor sidewalk patio café area and shall be removed outside of the licence period.

### **l) Signage**

- i. Banners and signage will be subject to the Sign and Merchandise Display By-law and Ontario Building Code and a Building Permit will be required.
- ii. Each patio may feature one (1) sandwich board sign located at the patio entrance which does not obstruct clear passage.
- iii. Signage attached to fencing is prohibited.

### **m) Refuse Receptacle**

- i. Garbage containers shall not be permitted within the patio area but portable service carts may be used for collection and transport to the interior of the eating establishment.

### **n) Amplified Noise**

- i. Music or other entertainment provided for patrons of an outdoor sidewalk patio café shall not be amplified or create a nuisance to abutting property owners and shall comply with the Town's Noise Control By-law.

### **o) Heating Devices**

- i. Heating devices may be permitted within patio areas where awnings, roof coverings or umbrellas are not present.
- ii. The addition of heating devices to outdoor sidewalk patio cafés will require additional insurance to be provided to a minimum of five million dollars (\$5,000,000.00). Proof of insurance is required prior to the use of heating devices.
- iii. Heating devices will be subject to individual inspection and approval as deemed appropriate by the Fire Department.
- iv. Heating devices must be installed, maintained and continue to meet all manufacturer's instructions and TSSA requirements.
- v. Heating devices must be Underwriters Laboratories of Canada listed.

### **p) Maintenance**

- i. The licence holder shall keep the outdoor sidewalk patio café free from papers, garbage, rubbish and debris of any kind. Every patio licence holder is responsible for cleanliness of the public sidewalk adjacent to a patio at all times, and must gather debris on the sidewalk around the patio throughout the day and at the end of the business day.
- ii. The Town or any public utility shall have the right to enter any portion of an outdoor sidewalk patio café at any time for the purposes of installing, maintaining or repairing pipes, cables, sidewalks, wires, poles or other installations.

