

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 139-95

BEING A BY-LAW RESPECTING THE ISSUE OF LICENSES  
IN THE CITY OF NORTH BAY AND TO REPEAL BY-LAW  
NO. 131-74

WHEREAS the Council of The Corporation of the City of North Bay deems it desirable to enact a Licensing By-law pursuant to the Licensing Power and Part 17 of the Municipal Act, R.S.O. 1990, Chapter M45, as amended; and the Pawnbrokers Act, R.S.O. 1990 Chapter P6.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

**SECTION 1 - DEFINITIONS**

In this By -law:

1. "City Clerk" means the City Clerk of The Corporation of the City of North Bay.
2. "City Council" means the City Council of The Corporation of the City of North Bay.
3. "License" means a license issued by the City Clerk or the City Council under the terms of this By-law.
4. "Person" includes a corporation and the heirs, executors, administrators or other legal representative of a person to whom the context can apply according to law.
5. "Public Hall" means a building, including a portable building with a seating capacity for over 100 persons, that is offered for use or used as a place of public assembly but does not include a theatre within the meaning of The Theatres Act, or a building, except a tent, used solely for religious purposes.
6. "Transient Trader" includes any person commencing business who has not resided continuously in the area, as defined in the Municipal Act, for at least three months next preceding the time of his commencing such business there, and also includes other persons whose names are not entered on the Assessment Roll, or are entered on it for the first time in respect of business taxes.
7. "Victualling House" shall mean the premises in which food is offered for sale directly or indirectly to the public or to five or more persons residing on such premises, and shall include "food premises" as defined in the regulations made pursuant to the Public Health Act, R.R.O. 1990 , and amendments thereto, and shall also include a restaurant, a snack bar, a lunch counter, a refreshment stand or any other building which offers food to the public either on a pickup basis, a delivery basis, or to be eaten at the location, whether inside the building or outside the building as defined by the said regulations.

**SECTION 2 - LICENSED ACTIVITIES**

- |                    |    |                                                                                                                                         |
|--------------------|----|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Auctioneer</b>  | 1. | No person without a license shall sell or put up for sale, goods, wares, merchandise, or effects by public auction.                     |
| <b>Pool/Arcade</b> | 2. | No person without a license shall keep on his premises or in his possession, three or more pool tables, arcade games or bowling alleys. |

- Hawkers/  
Peddlars** 3. (1) No person without a license shall go from place to place or to a particular place with goods, wares, or merchandise for sale.
- (2) No person without a license shall carry and expose samples, patterns or specimens of any goods, wares or merchandise which are to be delivered within the City of North Bay.
- Exemption** 4. Section 3 does not apply to a person who hawks, peddles or sells or offers for sale goods, wares, or merchandise:
- (1) to wholesale or retail dealers in similar goods, wares or merchandise;
- (2) if the goods, wares, or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer, or manufacturer, or his agent or employee having written authority to do so in the City of North Bay, and the grower, producer or manufacturer resides in the City of North Bay;
- (3) if the goods, wares, or merchandise are grown or produced by a farmer, resident in Ontario, who offers for sale or sells only the produce of his own farm;
- (4) if the person, his agent or employee pays business tax in the City of North Bay;
- (5) if the goods, wares, or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the City of North Bay, in respect of premises uses for the sale of such goods, wares or merchandise, or
- (6) if the person is selling milk or cream or fluid milk products to the consumer or to any person for resale.
- Transient  
Photographer** 5. No photographer, or other person, or assistant, without a license shall use for gain any photographic camera or similar device in or upon any highway or public place (hereinafter known as a "Transient Photographer").
- Refreshment  
Vehicle** 6. No person without a license shall own or operate a vehicle from which refreshments are sold for consumption by the public.
- Public Hall** 7. No person without a license shall own or operate any music hall, or public hall.
- Transient  
Trader** 8. (1) No person without a license shall offer goods, wares or merchandise for sale, where the name of such person has not been entered on the Assessment Roll, or is entered on it for the first time in respect of business assessment for the current year.
- (2) No person without a license shall carry on any business in premises where after the return of the assessment role, such person is liable for business assessment for such premises.

- Exemption** 9. Section 8 does not apply to:
- (1) The sale of the stock of a bankrupt or insolvent, within the meaning of the Bankruptcy and Insolvency Act in force in Ontario, provided that the business was being carried on in the City of North Bay at the time of the bankruptcy or insolvency and no goods, wares or merchandise are added to such stock;
  - (2) The sale of any stock, damaged by reason of fire, which is being sold or disposed of within the City of North Bay, provided that the business was being carried on in the City of North Bay at the time of the fire and no goods, wares, or merchandise are added to such stock;
  - (3) The sale of a business to a bona fide purchaser who continues the same.
- Restaurants** 10. No person without a license shall own or keep a victualling house, restaurant, snack bar, lunch counter, refreshment stand, or any other building which offers food to the public either on a pickup basis, a delivery basis, or to be eaten at the location, whether inside or outside the building.
- Shows/  
Midways** 11. (1) No person without a license shall own, keep or sponsor any circus-riding, circus, midway, or other similar show usually exhibited by showmen.
- (2) No person without a license shall own, keep or sponsor an amusement park on a permanent location with midway rides or any other self-propelled mechanical ride.
- Pawnbrokers** 12. No person without a license shall carry on the business of taking by way of pawn or pledge, any article for the repayment of money lent thereon.

### **PART 3 - APPLICATION PROCESS**

- Application** 13. (1) A license to engage in any activity listed in Part II of this By-law may be applied for by filing a completed application form, to be furnished by the City, with the City Clerk.
- (2) The applicant shall furnish to the City of North Bay any additional information which the City Clerk may direct to be furnished.
- Investigation** 14. The City Clerk, upon receipt of a completed application form, shall direct any and all investigations which he/she deems reasonably necessary to determine if the proposed activity is in compliance with the terms and conditions of this By-law.
- Issue of License** 15. (1) After review of the application and any investigation undertaken pursuant to Section 14, the City Clerk shall grant the license only if:
- (a) the license fee, fixed by Section 21 and Schedule "I" of this By-law has been paid; and

- (b) the proposed activity is in compliance with the terms and conditions of this By-law; and
  - (c) the proposed activity is not, nor is it likely to result in a breach of the law; and
  - (d) the proposed activity does not pose an unreasonable risk to public health and safety; and
  - (e) the proposed activity is in no way adverse to the public interest.
- Review by Council** (2) A determination by the City Clerk as to whether or not to issue a license pursuant to Section (1) may be reviewed by Council and Council may order that the license be granted, denied or varied.
- (3) Neither the City Clerk nor Council shall deny or vary a license without first giving seven (7) days notice of a hearing mailed or delivered to the applicant's address, as indicated on the application, whereby the applicant shall be permitted, either personally or through an agent, to appear before Council for a hearing to show cause why the application for a license should not be denied or varied.
- (4) A hearing pursuant to Section 15(2) and notice thereof shall be governed by the Statutory Powers and Procedures Act.
- Signature** 16. The City Clerk, on behalf of the City of North Bay, shall sign all licenses issued pursuant to this By-law and such license shall be in the form as Council from time to time designates.
- Partnership** 17. (1) Members of a partnership, when applying for a license pursuant to this By-law, shall list the name and address of each member of the partnership.
- (2) A license issued to a partnership pursuant to this By-law may be issued to one partner only.
- License Personal** 18. No person shall enjoy a vested right in the continuance of a license and upon the issue, renewal, transfer, cancellation, or suspension thereof, the value of a license shall be the property of the City of North Bay.
- Validity of License** 19. (1) No license issued pursuant to this By-law shall be transferred to another person, or be valid at any designated place, except as indicated thereon, except with the written consent of the City Clerk who shall consider Section 4, as well as all other provisions of this By-law, in considering the transfer.
- Transfer Fee** (2) The transfer fee is \$5.00 or the amount of the original license fee, whichever is smaller.
- Expiry** 20. Any license issued pursuant to this By-law for activities set out in Schedule "I" of this By-law shall, unless the license expressly states otherwise, and unless they are sooner forfeited or revoked, in each case expire on December 31 of each year.

- Fees** 21. (1) The respective sums of money set out in column 2 of Schedule "1" of this By-law, opposite the respective descriptions of licenses in column 1, are hereby fixed as the amount of the fee for such license and which shall be paid before the issue or renewal of any license provided for herein. Unless otherwise specified the fees shown are for the current calendar year or the portion thereof unexpired on the date of the application.
- (2) Notwithstanding the provisions of Section 21(1), a license required pursuant to Section 15 of this By-law may be issued upon the payment of the sum of ten dollars (\$10.00) per day, where the licensee is:
- (i) A service club;
  - (ii) Scouts Canada or Girl Guides of Canada; or
  - (iii) Such other institutions, organizations, or clubs as the Council by resolution may approve.
- Pawnbroker Fee** 22. Every Pawnbroker shall give to the municipality security to the satisfaction of the municipal treasurer in the sum of \$2,000.00 for the due observance by the Pawnbroker of the Pawnbrokers Act, R.S.O. 1990, Chapter P.6, Section 6.

#### **PART 4 - COMPLIANCE**

- Posting Up** 23. (1) Every person who, pursuant to this By-law, obtains a license which applies to premises, shall post the license in a conspicuous place on the premises in respect of which the license was issued.
- (2) Every person who, pursuant to this By-law, obtains a license shall, upon request from any person duly authorized by the City, produce the license for inspection.
- Inspection** 24. (1) Any person duly authorized by the City may, at any reasonable time, inspect as much of any house, place, or premises as is used for any activity in respect of which a license has been issued or is required under the terms and conditions of this By-law.
- (2) An inspection under Section 24(1) shall not occur in any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under the Provincial Offences Act.
- Application of Schedules** 25. The regulations set out in Schedules "2" through "13" inclusive, shall form part of this By-law and every person applying for or holding a license issued pursuant to this By-law shall, in such application or in engaging in the activity in respect of which the license is issued, observe, comply with, and be governed by the regulations which relate to such person or activity.


- Revocation** 26. (1) Where the City Council determines upon reasonable grounds that a holder of a license, issued pursuant to this By-law, has acted in contravention of this By-law, City Council may revoke the license where such power to revoke may, pursuant to the Municipal Act or any other Act, be exercised by By-law of the Council of the City of North Bay.
- (2) Council shall not revoke a license under section 26(1) without first giving seven (7) days notice of a hearing mailed or delivered to the applicant's address, as indicated on the application, whereby the applicant shall be permitted, either personally or through an agent, to appear before Council for a hearing to show cause why the license should not be revoked.
- (3) A hearing pursuant to Section 26(2), and notice thereof, shall be governed by the Statutory Powers Procedure Act.
- Suspension** (4) Notwithstanding Section 26(2), the City Clerk may, in the public interest, suspend any license referred to in Section 26(1) pending final determination under Section 26(2) of the revocation of said license by the Council of the City of North Bay; to be effective immediately upon notice to the license holder.
- Notice** 27. (1) Notice of revocation of any license shall be signed by the City Clerk and sent by registered letter to the address given by the licensee in his application for the license and upon such notice the license revoked shall cease and terminate and be of no further effect.
- (2) After notice has been issued under Section 27(1), the licensee shall forfeit possession of the certificate of license to the City Clerk upon demand.
- Power of Power** 28. The exercise of a power under this by-law is in the discretion of the Council and, without limiting such discretion, the Council may exercise its powers if,
- (a) the conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the trade, calling, business or occupation in accordance with the law or with honesty and integrity;
- (b) in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the trade, calling, business or occupation will not be carried on in accordance with the law or with honesty and integrity.
29. The Council may at any time on its own initiative review any action taken by it under this by-law and may confirm or vary such action.
30. The Council shall, at the request of the applicant, licensee or former licensee, give reasons in writing for any action it takes under this section.
31. If a business license is revoked under this by-law, the former licensee is entitled to a refund of a part of the licensee fee proportionate to the unexpired part of the term for which it was granted.

- Application** 32. The provisions of this By-law and the issuance of a license hereunder  
**Other By-laws** shall not be deemed to authorize a contravention of any other By-law of the City of North Bay.
- Penalty** 33. Any person who contravenes any provision of this By-law is guilty of an offence and is subject to a fine recoverable under the Provincial Offences Act.
- Powers of** 34. If a peace officer demands the production of a license of any person  
**Arrest** who is hawking or peddling and the demand is not complied with, the  
**Hawkers/Peddlers** officer may, in addition to any other penalty, lay an information in the prescribed form and under oath and requests a warrant for the arrest of such person before a Justice.
- By-laws** 35. By-law No. 131-74 and amendments thereto are hereby repealed.  
**Repealed**

READ A FIRST TIME IN OPEN COUNCIL THE 14 DAY OF NOVEMBER 1995.

READ A SECOND TIME IN OPEN COUNCIL THE 14 DAY OF NOVEMBER, 1995.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 14 DAY OF NOVEMBER, 1995.

  
MAYOR

  
DEPUTY CITY CLERK

THIS IS SCHEDULE "1" TO BY-LAW NO. 139-95 OF THE CORPORATION OF THE CITY OF NORTH BAY

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RELATING TO ANNUAL FEES FOR LICENSES

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<u>Column 1</u>	<u>Column 2</u>
<u>Description of License</u>	<u>Fee</u>
Auctioneer - Per annum	\$300.00
- Per day	\$100.00
Pool Tables, Bowling Alleys, Arcade Games or other Places of Amusement	\$100.00
Circus:	
First day	\$300.00
Each successive day thereafter	\$50.00 a day
Midway or Amusement Park	\$50.00 per ride
Hawkers and Peddlars:	
Residents of North Bay	\$250.00 first location \$100.00 for each additional location
Persons who have not continuously resided in North Bay for one year prior to the application	For each consecutive period of operation, \$500.00 for the first five consecutive days of operation or part thereof and \$50.00 per each additional consecutive day of operation or part thereof thereafter
Craft shows	For each out of town craftsperson selling at the show \$10.00 per day
Pawnbroker	\$100.00
Photographer - Transient	\$125.00
Public Halls	\$100.00
Refreshment Vehicle:	
Non-powered ice-cream and confectionary carts	\$100.00 for first cart and \$50.00 for each additional cart
Non-powered food carts, food prepared on vehicle	\$350.00 for first cart and \$175.00 for each additional cart
Powered vehicles, food prepared on vehicle and prepackaged food	\$500.00 for first vehicle and \$250.00 for each additional vehicle
Restaurants	\$20.00
Transient Trader	\$500.00
Tobacco	\$25.00



THIS IS SCHEDULE "2" TO BY-LAW NO. 139-95 OF THE CORPORATION OF  
THE CITY OF NORTH BAY

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RELATING TO AUCTIONEERS OR OTHER PERSONS  
PUTTING UP FOR SALE GOODS, WARES OR  
MERCHANDISE BY PUBLIC AUCTION

Definition 1. Any person selling or putting up for sale goods, wares, merchandise or effects by public auction, shall be deemed to an auctioneer within the meaning of this schedule.

Posting Up 2. Every person who exercises the calling or business of an auctioneer shall, at the place of each auction, prominently display his name and business address.

Record of Sales 3. Every auctioneer shall keep proper books of account of the business transacted by him as an auctioneer, which books shall give the names and addresses of the owners of the goods, wares or merchandise to be sold, the description of the same, the price for which the same may be sold, the names and addresses of the persons purchasing such goods, wares or merchandise, or any portion thereof, and shall forthwith after the sale of same, or any portion thereof, account for the proceeds and pay the same to the person or persons entitled to such proceeds, less his proper and legal commissions and charges; and shall in case no sale is made of such goods, on payment of his proper costs and charges, return such goods to the person or persons entitled to receive the same on proper demand being made therefor.

Provided that nothing in this section contained shall in any way affect or invalidate the claim of any auctioneer for goods warehoused with him, and on which he shall have made advances.

Conduct 4. No auctioneer shall:

- (a) Permit any disorder in his auction room or offices;
- (b) Conduct or permit to be conducted any mock auction;
- (c) Make or permit to be made, any misrepresentation as to the quality or value of any goods, wares, merchandise or effects which may be offered for sale by him;
- (d) Give away articles or sell them for nominal amounts for the purpose of stimulating bidding;
- (e) Conduct a sale on the streets of the City of North Bay;
- (f) Do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he pays for any article or articles;
- (g) Dispose of by auction, the stock-in-trade of a merchant except for the purpose of closing out the business in which the owner has been engaged continuously for a period of not less than one year. No auctioneer shall conduct such a sale for more than one day for every year that the owner has carried on the same business continuously and in no case shall the period exceed six days. No goods, wares or merchandise shall be added to the

Schedule "2" continued

stock of such owner for the purpose of sale by auction;

Conduct

(h) Avail himself of the services of or act in concert with persons known in the trade as "beaters", "boosters" or "shills" for the purpose of raising or stimulating bids;

5. Nothing in this by-law shall apply to a Sheriff or Bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

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RELATING TO PERSONS HAVING OR KEEPING  
BILLIARD OR POOL TABLES OR OTHER PLACES OF AMUSEMENT

Certificate  
of Sanitation

1. No person shall be granted a license to keep for hire or gain a billiard or pool table or other place of amusement until he/she has produced and filed with the application for such license a certificate from the Medical Officer of Health showing that the premises in respect to which an application for a license are in good sanitary condition and provided with lawful sanitary conveniences.

2. Premises licensed under this schedule must have a minimum clearance of eight feet (8'), two separate means of exit and entrance and proper ventilation.

Sanitary  
Facilities

3. Premises licensed under this schedule shall provide washrooms and toilet rooms, one or more for males and one or more for females, for the use of the public.

4. The washrooms shall be equipped with --

- (a) a basin;
- (b) an adequate supply of potable water;
- (c) a constant supply of soap in a suitable container or dispenser;
- (d) clean towels for the use of each person using the washing facilities;
- (e) a fire resistant receptacle for used towels and waste material;
- (f) an approved drinking fountain.

5. The toilet rooms shall be equipped with a water closet in good working order and a supply of toilet paper. Male toilet rooms shall be equipped with approved type urinals.

6. Washrooms and toilet rooms may form one room.

7. Every washrom and toilet room shall be --

- (a) conveniently located and accessible to the public and employees;
- (b) equipped with full-length, self-closing doors;
- (c) free from any condition which may cause disgust;
- (d) provided with lighting, either natural or artificial, of not less than ten (10) foot candles, and adequate ventilation;
- (e) provided with facilities for removal of odours;
- (f) kept clean and sanitary and in good repair.

8. All washbasins and toilet facilities shall be washed and treated with a suitable disinfecting solution at least once in every twenty-four (24) hours and oftener if necessary to maintain them in a sanitary condition.

9. Walls and ceilings painted once a year or at the discretion of the Public Health Inspector.

10. The floors shall be of a smooth impervious material and kept clean at all times.

RELATING TO OWNERS AND KEEPERS  
OF BOWLING ALLEYS

Certificate of 1.  
Sanitation

No person shall be granted a license to own or keep a bowling alley until he produces and files with his application for such license a certificate from the Medical Officer of Health of the City of North Bay showing that the premises in respect of which he desires a license conforms to the following requirements:

- (a) Every bowling alley shall provide washrooms and toilet rooms, one or more for males and one or more for females, for the use of the public;
- (b) The washrooms shall be equipped with --
  - (1) a basin
  - (2) an adequate supply of potable water
  - (3) a constant supply of soap in a suitable container or dispenser
  - (4) clean towels for the use of each person using the washing facilities
  - (5) a fire resistant receptacle for used towels and waste material
  - (6) an approved drinking fountain
- (c) The toilet rooms shall be equipped with a water closet in good working order and a supply of toilet paper. Male toilet rooms shall be equipped with approved type urinals;
- (d) Washrooms and toilet rooms may form one room;
- (e) Every washroom and toilet room shall be --
  - (1) conveniently located and accessible to the public,
  - (2) equipped with full-length, self-closing doors,
  - (3) free from any condition which may cause disgust,
  - (4) provided with lighting, either natural or artificial, of not less than ten (10) foot candles, and adequate ventilation,
  - (5) provided with facilities for removal of odours, and
  - (6) kept clean and sanitary and in good repair;
- (f) All washbasins and toilet facilities shall be washed and treated with a suitable disinfecting solution at least once in every twenty-four (24) hours and oftener if necessary to maintain them in a sanitary condition.

RELATING TO OWNERS OR KEEPERS OF PLACES OF AMUSEMENT, CIRCUSES, MIDWAYS AND OTHER LIKE SHOWS

- Keeping Order                      Every person to whom this schedule relates shall :
- (a)    keep good order in or at any building or premises in respect to which a license has been issued;
  - (b)    at his own expense keep a sufficient staff of employees or servants for that purpose;
  - (c)    provide a schedule of the next two intended locations for the place of amusement;
  - (d)    produce a list of the names, address and date of birth of all employees, agents or contractors, upon demand of a police officer.
2.      Every person to whom this schedule relates shall keep good order in or at any building or premises in respect to which a license has been issued, and at his own expense shall keep a sufficient staff of employees or servants for that purpose.
- Advertising                        3.      Every person to whom this schedule relates shall, upon being ordered so to do by the Council of the City of North Bay, cease to publish, display or circulate any poster, handbill, card, novelty, notice, newspaper advertisement or other matter used to advertise his business or any show or other performance, and shall obliterate, withdraw, remove or destroy any such poster, handbill, card, novelty, notice, advertisement or other matter.
- Duration of Performance        4.      No circus, menagerie, hippodrome or other like travelling exhibition, side show, or other entertainment connected therewith, shall be exhibited in the City of North Bay for a longer period than ten (10) successive days. Permission of the Council of the City of North Bay must first be obtained and a license taken out for each six-day period of operation.
- Insurance                            5.      Every person to whom this schedule relates shall, for each place, premises or contrivance for which he holds a license --
- Procure a Policy of Insurance endorsed to the effect that the Council of the City of North Bay will be given at least ten (10) days' notice in writing of any cancellation, expiry or variation in the amount of the policy, insuring in at least the following amounts, and deposit a copy of certificate thereof with the Clerk of the City of North Bay;
- In the case of bodily injury or death, to the limit of at least \$2,000,000.00 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or the death of one person, and subject to such limit for any one person so injured or killed of at least \$2,000,000.00 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident or in the case of property damage to the limit of at least \$500,000. (exclusive of interest and costs) for damage to property resulting from any one accident.

5. Any person, firm, corporation or organization who establishes, conducts, sponsors, controls, manages or operates a circus, midway or other such travelling show or exhibition within the City of North Bay shall first obtain a license so to do and pay the license fee as set out in Schedule "1" of this by-law. Such license shall be issued in the name of the person, corporation, firm or organization applying therefor.

Permanent  
Amusement  
Centre

6. Every person who builds, constructs or operates a permanently established amusement centre shall make an application to the City Clerk as provided in Section 13 . paragraph 1 of this by-law, and in addition shall supply three (3) sets of detailed, scaled drawings showing the location on the property of all buildings, amusement devices, parking facilities, exits and entrances and such other information as may be required by the City Clerk.

THIS IS SCHEDULE "6" TO BY-LAW NO. 139-95 OF THE CORPORATION  
OF THE CITY OF NORTH BAY

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RELATING TO HAWKERS AND PEDDLARS

1. For the purposes of this schedule:

"Enforcement Officer" shall include the City Clerk, Deputy Clerk and Manager of Parking and Licensing and any member of the City Police Department.

2. No person shall go from place to place or to a particular place with goods, wares or merchandise for sale or carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the City afterwards without being licensed so to do so under the provisions of this by-law.

3. The application for a license under this by-law shall be in writing on forms to be provided by the City and shall be fully completed and contain the following information:

- (a) The full name, residence address, business address and telephone numbers of the applicant and each partner, if any;
- (b) If the application is a company, corporation, club or organization, the head office address, business address and telephone numbers as well as the full names, addresses and telephone numbers of the principal officers thereof;
- (c) The names, addresses and telephone numbers of the firms represented by the applicant;
- (d) A complete list of the goods, wares or merchandise intended to be sold;
- (e) The names, addresses and telephone numbers of the manufacturers or suppliers of the goods, wares or merchandise intended to be sold;
- (f) The names, addresses and telephone numbers of three character references and three business references.

4. The applicant, at the time of making application for license, shall furnish the City Clerk with true copies of all forms of contract, promissory notes or other documents intended to be used by the applicant in connection with the sale of goods, wares or merchandise as aforesaid.

5. The City Clerk shall make all proper investigations pertaining to the application for a license as aforesaid.

6. A license issued pursuant to the provisions of this by-law shall not be transferable.

7. Every person licensed under this by-law, upon changing his address, shall give written notice thereof to the City Clerk within ten (10) days after such change, setting forth his new address.

8. The provisions of this by-law shall be enforced by the City Clerk, Deputy Clerk and Manager of Parking and Licensing and any member of the City Police Department.

9. No license under this by-law shall be required for hawking, peddling or selling goods, wares or merchandise --

(a) to wholesale or retail dealers in similar goods, wares or merchandise or,

(b) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do in the municipality in which the grower, producer or manufacturer resides, or

(c) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm, or

(d) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the City or by his employee, or by his agent, or

(e) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the City in respect of premises used for the sale of such goods, wares or merchandise, or

(f) by persons who sell milk or cream or fluid milk products to the consumer or to any persons for resale.

10. The provisions of this by-law shall not apply to any institution, organization or club in the City where the proceeds from the sale of goods, wares or merchandise will be used for charitable, philanthropic, religious, welfare, community, athletic, educational or fraternal purposes within the City and, without in any way limiting the generality of the foregoing, shall not apply to the following institutions, organizations or clubs within the City:

(a) Service clubs;

(b) Boy Scouts and Girl Guides;

(c) Y.M.C.A.;

(d) Such other institutions, organizations or clubs as the Council by resolution may approve.



THIS IS SCHEDULE "7" TO BY-LAW NO. 139-95 OF THE CORPORATION  
OF THE CITY OF NORTH BAY

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RELATING TO PAWNBROKERS

1. For the purposes of this Schedule the provisions and regulations contained in the Pawnbrokers Act, R.S.O. 1990, Chapter P-6 and amendments thereto shall apply.

THIS IS SCHEDULE "8" TO BY-LAW NO. 139-95 OF THE CORPORATION OF  
THE CITY OF NORTH BAY

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RELATING TO PHOTOGRAPHERS

- Application 1. In addition to any other requirement of this by-law, every applicant for a license as a Street or Transient Photographer shall, in his application, state whether he is in the business for himself or is employed by some other person or firm or company, and if the latter is the case, state the name and address of his employer.
- Street Photographer 2. No person licensed as a Street Photographer shall, in or upon any highway or public place, obstruct or attempt to obstruct any person, or demand, solicit, accept or receive payment from any person for any picture taken or about to be taken.
- Transient Photographer 3. No photographer or other person who for gain uses photographic cameras or other devices and who, not being a resident of the City of North Bay, goes from place to place or to a particular place, notwithstanding that any product is to be delivered in the City of North Bay afterwards, provided that this paragraph does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts or to photographers on specific assignments to local industry.
- Regulations 4. In addition to the foregoing, every person to whom this schedule relates shall be subject to and comply with the following regulations:
- (a) One person so licensed may operate a camera at one time and any assistant used or employed for the purpose of soliciting business for or aiding a licensee shall be licensed under the provisions of this by-law;
- (b) No persons so licensed shall operate any photographic camera or similar device within two hundred yards of another street photographer or within one hundred and fifty (150') of a photographic establishment on the same side of any highway.

RELATING TO OWNERS OR KEEPERS OF PUBLIC HALLS

- Definition 1. In this schedule --
- Owner shall mean a person who has in respect of premises an estate for life or a greater estate, legal or equitable, or a leasehold estate.
- License Not Required 2. No license fee shall be payable under this schedule by a religious organization in in respect of a hall used for entertainment given or held by it but every such hall shall in all other respects comply with this schedule.
- Application for Public Hall 3. Every application for a public hall license shall be accompanied by
- (a) A statement on the form provided by the City Clerk giving such particulars as to the location, size and construction of the hall as maybe required;
- (b) A certificate signed by the Fire Chief certifying that he has inspected the building in respect of which the application is made and has found that it is in accordance with this schedule and the Fire Code with respect to fire safety precautions;
- (c) A certificate signed by the Chief of Police certifying that the operation of a hall in the location applied for is approved by him and that he is satisfied with the proposed methods of operation;
- (d) A certificate dated within three (3) months of the application, signed by the Hydro Inspector, certifying that the electric wiring has been inspected and found satisfactory.
- New Building 4. Where an application is being made for a new building, the applicant shall, in addition to complying with all other by-laws, supply three (3) sets of plans of the building showing the location on the property including parking space and the layout of all rooms.
- Exits 5. Where an exit is located at the side of the hall having movable or fixed seats or chairs and tables, there shall be a cross aisle giving access to each such exit.
- Precaution 6. Before the public hall is used on any occasion, the owner shall clear every outside fire escape of snow and ice or other obstruction.
- Cleanliness 7. Metal containers with self-closing covers shall be provided and conveniently placed for the deposit of used paper towels and rubbish and the contents of every such container shall be emptied and disposed of immediately following the use of the hall.
- Inspection 8. It shall be the duty of the license holder to advise the Fire Chief and the Chief Building Official prior to any changes in the building from the basis upon which the certificate of approval was given and the Fire Chief and Building Official shall inspect every public hall in the municipality to ensure that the requirements of this by-law and all applicable laws are being fully met.

Schedule "9" continued

9. For such purpose, the Fire Chief, Chief of Police and Chief Building Official or any of their assistants may enter any public hall at any time, and to test the adequacy of the emergency exit facilities and may with the instructions of the Council, require a practice fire drill by all persons in the public hall at such time.

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RELATING TO OWNERS AND OPERATORS OF  
VEHICLES FROM WHICH REFRESHMENTS ARE  
SOLD FOR CONSUMPTION BY THE PUBLIC

1. Every person to whom this schedule relates shall observe and comply with the following regulations or cause the same to be observed and complied with:

(a) The vehicle from which the refreshments are sold shall be of a commercial type and enclosed and so styled that food can be dispensed from either the curb side or rear of such vehicle;

(b) That an annual inspection be done by the North Bay Fire Department and an inspection be done by a licensed propane service depot;

(c) The body, doors and windows of such vehicle shall be of sufficiently sound construction to provide all reasonable protection against dust, dirt, flies or other injurious matter or things;

(d) The interior of the vehicle shall be of a light colour and shall be repainted or refinished as often as required by the Medical Officer of Health, and shall be free from vermin at all times;

(e) The floor of such vehicle shall be of a suitable impervious material free from holes, cracks or crevices and the surface thereof shall be readily washable and shall be kept clean and in good condition;

(f) The storage shelves therein shall be constructed of a stainless steel;

(g) All condiments, including mustard, catsup and sugar shall be dispensed from containers approved by the Medical Officer of Health;

(h) Only single-service disposable cups, plates, forks, spoons and serviettes shall be provided for customers and the same shall be provided in dispensers approved as before mentioned or individually wrapped;

(i) The vehicle shall be equipped with a metal refuse container with a self-closing lid and shall not be located where food is stored;

Medical  
Examination

(j) Every person selling refreshments from, driving or helping in such vehicle shall be free from and not a carrier of disease, and shall have passed such medical examination as the Medical Officer of Health requires;

(k) Every person selling refreshments from, or driving such vehicle, shall wear clean clothes and be personally clean;

(l) Such vehicle and all parts and equipment thereof or therein related to the dispensing of refreshments shall be kept clean;

(l) If milk is sold, the same shall be kept in dry storage at a temperature of not more than fifty (50) degrees Fahrenheit, and shall be sold only in individual disposable containers;

Schedule "10" continued

- (m) All sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies and other similar foods shall be wrapped in individual servings;
- (n) Sandwiches shall have the date of preparation marked on or affixed to the wrapper containing the same;
- (o) No prepared foods shall be sold more than twenty-four (24) hours after preparation, except canned foods which have been kept unopened prior to selling and no food shall be prepared or wrapped in the vehicle;
- (p) Adequate refrigeration at a temperature not higher than fifty (50) degrees Fahrenheit shall be kept so refrigerated, and such refrigerator shall be equipped with a thermometer in good working condition;
- (q) Single service disposable containers only shall be used for dispensing food.
- (r) Every person selling refreshments from a "chip wagon" vehicle or a hot dog stand shall produce a North Bay & District Health Unit compliance letter for each vehicle for the specific kind of food to be served;
- (s) Every person selling refreshments from such vehicle shall keep the area where the vehicle is parked free from litter;
- (t) That a Certificate of Approval from the Medical Officer of Health be obtained.

Sanitation

- 2. All refreshments sold from any vehicle referred to in this schedule shall be clean, fresh and wholesome.
- 3. No person to whom this schedule relates shall sell any food unless the same has been prepared, assembled and wrapped in a premises and under conditions which comply in all particulars with the requirements of Regulations made under Health Protection and Promotion Act relating to Eating Establishments, as amended from time to time.
- 4. A separate room, compartment, locker or cupboard is provided for keeping wearing apparel of employees.
- 5. A separate license shall be taken out for each such vehicle and shall be prominently displayed therein.
- 6. Every person who drives, sells refreshments from or helps in any such vehicle shall carry with him and produce for the inspection of any person designated by the Council of the City of North Bay, a certificate that he has passed an examination as set out in Subsection (j), Section 1 of this schedule.

Inspection

- 7. Every person to whom this schedule relates shall bring the vehicle, in respect of which he is applying for or holds a license, to any person designated by the Council of the City of North Bay, to inspect the same at such times and places as may be indicated by such person.
- 8. No refreshments shall be sold from any horsedrawn vehicle.
- 9. Every person to whom this schedule relates shall, on each vehicle for which he holds a license --

Schedule "10" continued

(a) have painted in a contrasting colour of each side panel in letters not less than four inches (4") high the name and business address of the licensee;

(b) have painted below the name and address of the licensee, in letters not less than two and one-half inches (2 1/2") high, the words "North Bay License" followed by the vehicle's Refreshment Vehicle License number in figures not less than six inches (6") high.

Liability  
Insurance

10. Every owner to whom this schedule relates shall, for each vehicle for which he holds a license, procure a policy of insurance endorsed to the effect that the City of North Bay will be given at least ten (10) days' notice in writing of any cancellation, insuring in at least the amount of five hundred thousand dollars (\$1,000,000.), (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss of or damage to property resulting from any one accident; and the said policy shall make provision for passenger hazard in an amount not less than the foregoing. A copy of the certificate of such policy shall be deposited with the City Clerk.

Parking Vehicle

11. No owner or operator of a mobile refreshment vehicle shall park his vehicle on any street or private property for the purpose of dispensing food or merchandise for any period in excess of thirty (30) minutes.

12. No owner or operator of a mobile refreshment vehicle shall dispense food or merchandise to any person while such person is standing on a roadway.

13. No owner or operator of a mobile food vehicle shall operate within thirty (30) metres of an existing restaurant.

Designated  
Downtown  
Locations

14. No owner or operator of a mobile food vehicle shall operate from any other location in the central business district as defined on Schedule "10A" attached hereto and forming part of this by-law other than in the areas designated as follows:

- (a) 200 Block, Main St. West, south side located in the Parkette
- (b) 100 Block, Main St. West, located on the north side in the vicinity of the National Trust
- (c) 100 Block, Main St. West, south side in the vicinity of the Royal Bank
- (d) 200 Block, Main St. E. north side in the vicinity of Gateway Cinema
- (e) Ferguson Street at the Post Office
- (f) Second Avenue at Cassells St.

Lottery Type  
Draw

15. No owner or operator of a mobile food vehicle shall operate from any of the locations referred to in Clause 15 unless that operator is the successful bidder for one of the locations as the result of a lottery type scheme, such scheme to be advertised in the local newspaper and held prior to May 15th each year. The lottery shall be conducted by the City Clerk and shall be open to all owners or operators of mobile food vehicles.

16. In the event the successful bidder for one of the downtown locations chooses not to continue to use the location prior to the end of the season, another lottery scheme may be held to determine which operator may use the spot for the remainder of the current season.

THIS IS SCHEDULE "12" TO BY-LAW NO. 139-95 OF THE CORPORATION  
OF THE CITY OF NORTH BAY

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RELATING TO TRANSIENT TRADERS

1. For the purposes of this Schedule:
  - (a) "Enforcement Officer" shall mean the City Clerk, the Deputy Clerk/ Manager of Parking and Licensing and any member of the City Police Department;
  - (b) "Transient Trader" includes any person commencing business who has not resided continuously in the municipality for at least three (3) months next preceding the time of his commencing such business there.
2. No transient trader shall offer goods, wares or merchandise for sale by auction, conducted by himself or by a licensed auctioneer or otherwise or shall offer them for sale in any other manner in the City of North Bay without being licensed under the provisions of this by-law.
3. The application for a license under this by-law shall be writing on forms to be provided by the City and shall be fully completed and signed by the applicant and shall contain the following information:
  - (a) The full name, residence address, business address and telephone numbers of the applicant and each partner, if any;
  - (b) If the applicant is a company, corporation, club or organization, the head office address, business address and telephone numbers as well the full names, addresses and telephone numbers of the principal officers thereof;
  - (c) The names, addresses and telephone numbers of three character references and three business references.
4. The City Clerk shall make all proper investigations pertaining to the applicant for a license as aforesaid.
5. Licenses under this by-law shall be issued by the City Clerk.



THIS IS SCHEDULE "11 TO BY-LAW NO. 139-95 OF THE CORPORATION OF  
THE CITY OF NORTH BAY

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RELATING TO KEEPERS OF STORES OR  
SHOPS WHERE TOBACCO, CIGARS OR  
CIGARETTES ARE SOLD BY RETAIL

1. No person licensed under this by-law shall permit or allow the sale of tobacco, cigars or cigarettes upon the premises without first having obtained a license authorizing the sale of tobacco, cigars or cigarettes by retail.

THIS IS SCHEDULE "13" TO BY-LAW NO. 139-95 OF THE CORPORATION  
OF THE CITY OF NORTH BAY

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RELATING TO VICTUALLING HOUSES,  
RESTAURANTS AND FOOD PREMISES

1. For the purposes of this Schedule the provisions and regulations contained in the Health Protection and Promotion Act, R.S.O. 1990, Chapter H-7 and amendments thereto shall apply.

