



# Committee Agenda

**Committee Meeting of Council  
November 5, 2012  
at 7:00 p.m.**

# MEETINGS

**FOR THE WEEK OF  
NOVEMBER 5<sup>TH</sup>, 2012**

Monday, November 5, 2012	5:00 p.m.	Special Closed Meeting of Council Council will adjourn in-camera for training and educational purposes 5 <sup>th</sup> Floor Boardroom
	7:00 p.m.	Committee Meeting of Council Council Chambers, 2 <sup>nd</sup> Floor
Tuesday, November 6, 2012	4:00 p.m.	Special Combined Committee Meeting of Council, 5 <sup>th</sup> Floor, City Hall

# MEETINGS

**HELD UNDER THE  
PLANNING ACT**

Monday, November 5, 2012	7.00 p.m.	Rezoning Application Perut Construction Ltd., Andrew & Grace Wood & W.H. Holdum Inc. 309 & 333 King Street West & 1180 & 1188 Cassells Street
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**ENGINEERING & WORKS COMMITTEE**

Monday, November 5, 2012

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**Chairperson: Councillor Vrebosch**  
**Vice-Chair: Councillor Koziol**  
**Member: Councillor Campbell**  
**Ex-Officio: Mayor McDonald**

EW-2010-03 Report from A. Korell/J. Houston dated March 26, 2010 re Kate Pace Way west end bike route connection between Memorial Drive and Gormanville Road (R05/2010/KPWTR/WESTENDR).

**GENERAL GOVERNMENT COMMITTEE**

Monday, November 5, 2012

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**Chairperson: Councillor Lawlor**  
**Vice-Chair: Councillor Anthony**  
**Members: Councillors Bain, Marosis**  
**Ex-Officio: Mayor McDonald**

GG-2011-04 Motion from Councillor Anthony dated January 10, 2011 re Council remuneration (F16/2011/CNB/COUNCIL).

GG-2011-16 Report from C.M. Conrad dated August 2, 2011 re Election campaign signs (C07/2011/ELECT/GENERAL).

► **GG-2012-04 Report from Karen McIsaac dated July 30, 2012 re Business Licencing By-Law (C00/2012/BYLAW/BUSLICEN).**

GG-2012-06 Report from Margaret Karpenko dated August 29, 2012 re 2013 Operating Budget Timelines and Process (F05/2012/OPEBE/GENERAL).

GG-2012-08 Report from Lorraine Rochefort / Laura Boissonneault dated October 1, 2012 re 2013 Water and Sanitary Sewer Rates (F22/2012/TAXR/GENERAL).

# **GG-2012-04**

Recommendation:

"That the recommended changes to the City's Licensing By-Law be approved."

**CITY OF NORTH BAY  
REPORT TO COUNCIL**

Report No: CORP 2012-92

Date: July 30, 2012

Originator: KAREN McISAAC

Subject: BUSINESS LICENCING BY-LAW

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**RECOMMENDATION**

That Report to Council CORP 2012-92, dated July 30, 2012, regarding proposed updates to the Business Licencing By-Law be received and referred to the General Government Committee.

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**BACKGROUND**

The City's current Licencing By-Law No. 2004-191 has not been reviewed in its entirety since its passing in 2004. We have received requests from the Chamber of Commerce, Northgate Shopping Centre and citizens to review the current by-law to amend and clarify certain provisions in the current By-Law. For the most part the changes to the By-Law are administrative or housekeeping. However, there are a number of proposed changes, being recommended, as follows:

1. Hawkers and Peddlers:

The definition of a hawker and peddler is "any person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, ware or merchandise for which orders are taken and that are to be delivered in the City of North Bay afterwards." An example of a hawker and peddler would be someone who sells items (i.e. flags) from a roadside location or within a privately owned location.

The main challenge we have is with out-of-town hawkers and peddlers who do not obtain the required business licence. In order to try to rectify this we are proposing to include the following section in the general provisions of the By-Law:

"The Owner of a premise shall not permit a person to conduct Business on the premises without a Licence, where such Licence is required by this By-Law."

This clause will help to ensure that the owners of the premises will advise any person using the premises as a hawker and peddler the requirement of a licence. If the individual using the premises does not obtain the required licence the onus is then placed on the owner.

We would also recommend a new class for hawker and peddlers licences. This class will give the opportunity to any owner of a premise to obtain an all-inclusive annual hawker and peddler licence for their premises. The annual cost of the licence will be \$3,000.00 and would be in effect from July 1<sup>st</sup> to June 30<sup>th</sup> of the next

year. This would eliminate the need for the individual hawkers and peddlers obtaining a separate licence.

We have met with the Downtown Improvement Association (DIA), the North Bay Chamber of Commerce (Chamber) and the Management of Northgate Shopping Centre regarding Hawkers and Peddlers. The DIA and the Chamber are in favour of licensing hawkers and peddlers, as these individuals come into the City and are in direct competition with the business owners who pay taxes, etc.

We are also proposing the following change to the fee structure for hawkers and peddlers.

Current Fee Structure:

Hawkers and Peddlers – Out-of-Town	\$200.00 for 5 consecutive days \$50.00 for each additional day
Temporary Hawkers and Peddlers	\$250.00 for a maximum stay of 60 days

New Fee Structure:

We are proposing one fee for the year from July 1<sup>st</sup> to June 30<sup>th</sup> of the next year:

Hawkers and Peddlers – Out-of-Town	\$300.00 per year
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2. Craft Sales:

The City regularly receives complaints regarding the fee for out of town crafters. The current practice is to charge \$10.00 per table per day for non-residents participating in a craft sale. The main reason for the complaints is that these individuals feel that, although they do not pay property taxes in the City of North Bay, they do support the City in other ways, such as shopping at local stores. I have attached a map to this Report and would recommend that anyone living in the catchment area not be subject to the current charge. I have reviewed the 2010 and 2011 Fur Harvesters Craft Sale Licences and note that for this event there were are only four individuals who live in the proposed catchment area. The estimated loss of licensing revenue would be less than \$100.00 per year.

3. Tattoo and Body Piercing Parlours:

Currently Tattoo and Body Piercing Parlours are not licensed. We are recommending that Tattoo and Body Piercing Parlours be licensed. The only mechanism that the North Bay Parry Sound Health Unit currently has for inspecting these premises is complaint driven. The Health Unit has no way of knowing where or when a tattoo parlour has been opened. By including these establishments in the Business Licensing By-law they would be obliged to have the Health Unit do an inspection of their business to ensure that all health and safety concerns are being met. We would propose an annual fee of \$150.00 for Tattoo and Body Piercing Parlours. This annual fee is in line with the fee charged by other Municipalities.

4. Precious Metal Purchasers:

Currently Precious Metal Purchasers are not licensed. We are also recommending that Precious Metal Purchasers be licensed. There has been an increased presence of precious metal purchasers within the City. We currently have no way of tracking what precious metal purchasers are in the City and where they are located. By including precious metal purchasers as part of the licensing process the City will have the ability to provide individuals with assistance who feel they have not been treated fairly by the purchaser. This will enable the Municipality to provide any information that we have on file to help in any police investigation for fraudulent activities. The associated fee with this licence will be \$150.00 per event for a non-resident and \$300.00 per year for a resident.

5. Seasonal Restaurants:

The City currently requires licences for restaurants and for refreshment vehicles. We also have restaurants that are open for a specific period of time during the year. We are recommending a new classification of licences for "Seasonal Restaurants". These premises are permanent structures that are not open for more than eight months in any calendar year. The reason for creating this class is to ensure that the necessary inspections are completed by the Health Unit, Fire Department and gas fitters due to the closure of the premises. We would recommend that the annual fee be \$100.00 which is in line with the fees charged by other municipalities.

6. Door to Door Sales/Service Person:

Due to the increase in fraudulent door to door sales/service people we have been asked by the North Bay Police Service to recommend a licensing process for these individuals. We would propose that any door to door sales/service person provide photo identification with their current residential address, together with a letter from the company that they are representing. This will enable the Municipality to provide any information that we have on file to help in any police investigation for fraudulent activities. We would recommend an annual fee of \$100.00.

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**OPTIONS ANALYSIS**

Option # 1: To update the Business Licencing By-Law, as proposed.

This is the recommended option.

Option # 2: Not to update the Business Licencing By-Law.

This is not the recommended option.

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**RECOMMENDED OPTION**

That Report to Council CORP 2012-92, dated July 30, 2012, regarding proposed updates to the Business Licencing By-Law be received and referred to the General Government Committee.

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Respectfully submitted,



Karen Mclsaac  
Deputy City Clerk

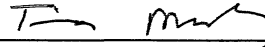
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We concur in this report and recommendation.



Catherine Conrad  
City Clerk



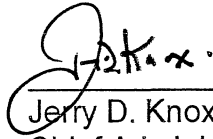
Christina A. (Tina) Murphy  
Assistant City Solicitor



Ron Melnyk  
By-Law Enforcement Officer



Lea Janisse  
Managing Director Corporate Services



Jerry D. Knox  
Chief Administrative Officer

Personnel designated for continuance: Karen Mclsaac, Deputy City Clerk  
Attachments: Draft Business Licencing By-Law (Amendments/Additions in Red)  
Copy for: Catherine Conrad  
Peter Leckie  
Ron Melnyk

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 2012-<>**

**BY-LAW FOR LICENSING, REGULATING AND GOVERNING BUSINESS  
IN THE CITY OF NORTH BAY**

**DRAFT**

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**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW 2012-<>**

**BEING A BY-LAW FOR LICENSING, REGULATING  
AND GOVERNING BUSINESS IN THE CITY OF NORTH BAY**

**WHEREAS** the *Municipal Act* R.S.O. 2001, Section 10 (2) authorizes a single tier municipality to pass by-laws respecting business licensing;

**AND WHEREAS** it is considered desirable to license, regulate and govern certain business in the City of North Bay so as to ensure the health and safety of the public;

**AND WHEREAS** it is considered desirable to license, regulate and govern certain business in the City of North Bay so as to mitigate any nuisance caused by the operation of any such business;

**AND WHEREAS** General Government Committee Report 2012-<>

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

**1. DEFINITIONS**

For the purpose of this by-law:

1.1 **"Act"** refers to the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, except where specific reference is made to another Act of the Legislature of the Province of Ontario or the Parliament of Canada.

1.2 **"Antique"** shall mean any good, object, material, merchandise or item of any kind which is of a higher value because of its age.

1.3 **"Antique/Collectible Show"** shall mean the offering for sale, on a temporary basis at one location, goods, wares or merchandise that have not been recently produced or manufactured.

1.4 **"Applicant"** shall mean a Person who is required to be licensed pursuant to this By-Law or who has made application for a licence to the Issuer of Licences and shall include a Licensee.

1.5 **"Appropriate person Authority having jurisdiction"** shall mean:

- (i) with regard to health matters, the Medical Officer of Health, or his or her designate for the North Bay Parry Sound District Health Unit,
- (ii) with regard to building matters, the Chief Building Official for the City, or his or her designate,
- (iii) with regard to fire safety matters, the Chief Fire Official for the City, or his or designate,
- (iv) with regard to police matters, the Chief of Police for the City or his or her designate.

1.6 **"Arts"** shall mean those kinds of articles which are the creation of the Applicant from raw materials such as oil paintings, water-colour paintings, wood and other sculptures.

1.7 **"Auction"** shall mean a public sale to Persons in which bids on goods, articles, merchandise, effects, etc., are received by an Auctioneer and where each bid offers more than the last previous bid, the article being put up for Auction sold to the highest bidder. This shall not include a Silent auction or Chance Auction, as defined as follows:

(i) **"Silent Auction"** shall mean an Auction conducted by means of written bids given on displayed goods, wares or merchandise with the final declaration of sale being made to the last individual having submitted a bid on the specified bid sheet for that item; and

(iii) **"Chance Auction"** (also known as a "Chinese Auction") shall mean an Auction conducted by means of predetermining a set price on an item, thence receiving verbal bids on such an item. The final declaration of sale shall be made to the highest bidder who shall then pay the price, based on the difference between the predetermined price and the highest bid.

1.8 **"Auctioneer"** shall mean a Person who conducts a sale by Auction.

1.9 **"Business"** shall mean 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:

- (i) exhibitions, festivals and other organized public amusements held for profit or otherwise,
- (ii) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a hawker or peddler, and
- (iii) the display of samples, patterns or specimens of goods for the purpose of sale or hire.

~~shall mean a trade, business or occupation and includes the sale of, hire of goods or services on an intermittent or one-time basis, the showing for the purpose of sale or hire of samples, patterns or specimens of any goods and any activity or thing a local municipality may license by authority of the *Municipal Act, R.S.O. 2001 Section 150 (1)* but does not include,~~

~~but shall not include:~~

- ~~(i) a manufacturing activity or an industry, except to the extent that it sells its products or raw materials by retail,~~
- ~~(ii) the selling of goods by wholesale,~~
- ~~(iii) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.~~

1.10 **"Business Day"** shall mean a day other than a Saturday or Sunday and any Statutory Holidays on which City Hall is closed for business.

1.11 **"Business Licence Fee"** shall mean a non-refundable monetary charge imposed by the City to issue a licence as set out in Schedule "A" hereto.

1.12 **"By-Law"** shall mean this By-Law and any amendments thereto passed by Council.

1.13 **"Cash security deposit"** shall mean cash or certified cheque.

1.14 **"Chief Building Official"** shall mean the person or his or her designate who may, from time to time, be appointed by Council to the position of Chief Building Official in conformity with the provisions of the *Ontario Building Code Act, R.S.O. 1992, c. 23*, and amendments thereto.

- 1.15 **"Chief of Police"** shall mean the person or his or her designate who may, from time to time, be appointed as Police Chief by North Bay Police Services Board.
- 1.16 **"Circus/Midway"** shall mean:
- (i) a Business operating amusement ride(s) or other device(s);
  - (ii) a Business operating authorized games of chance, or
  - (iii) a performance exhibiting equestrian, animal, and acrobatic acts and their equipage intended to entertain or amuse or provide entertainment to the public.
- 1.17 **"City"** shall mean The Corporation of the City of North Bay.
- 1.18 **"City Clerk"** shall mean the person or his or her designate who may, from time to time, be appointed by Council to act as the City Clerk.
- 1.19 **"City Engineer"** shall mean the person or his or her designate who may, from time to time, be appointed by Council to act as the City Engineer.
- 1.20 **"Corporation"** shall mean The Corporation of the City of North Bay.
- 1.21 **"Council"** shall mean the Council of The Corporation of the City of North Bay.
- 1.22 **"Craft"** shall mean those kinds of articles which are the creation of the Applicant from raw materials wherein a limited amount of equipment is used and the article is utilitarian in nature such as woven material and carved objects.
- 1.23 **"Craft Show"** shall mean the temporary exhibition and offering for sale of Arts and Crafts.
- 1.24 **"Door to Door Sales/Service Person"** shall mean a person who goes from place to place selling or offering for sale a service of any kind.
- 1.25 **"Fire Chief"** shall mean the person or his or her designate who may, from time to time, be appointed by Council to act as Fire Chief for the City and is ultimately responsible to Council as defined in the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4.*
- 1.26 **"Fire Prevention Officer"** shall mean the person or his or her designate who is appointed as a Fire Prevention Officer under the provisions of the *Fire Protection and Prevention Act., 1997, S.O. 1997 c. 4.*
- 1.27 **"Food"** shall mean food or drink for human consumption and includes refreshments and confections, but excludes liquor.
- 1.28 **"Hawker and Peddler"** shall mean any Person:
- (i) who goes from door to door with goods, wares or merchandise for sale or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow;
  - (ii) who sells from a permanent structure on a temporary basis, goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow; or

- (iii) that is engaged in retail sales but does not have a commercial store front and includes their employees but does not include:
  - (a) Service Clubs,
  - (b) Not for Profit Clubs,
  - (c) Charitable Organizations or
  - (d) Such other institutions, organizations or clubs as the Council by Resolution may approve.
  
- 1.29 **"Issuer of Licences"** shall mean a person appointed by the Council to issue the licences as set out in this By-Law the City Clerk or his or her designate.
  
- 1.30 **"Letter of Credit"** shall mean an irrevocable letter of credit that shall be drawn on a chartered Canadian Bank and deemed to be automatically extended without amendment for one (1) year from the present or any future expiration date thereof, unless thirty (30) days prior to any such date the bank shall notify the City in writing by registered mail that the bank elects not to consider this letter of credit renewed for any such additional period.
  
- 1.31 **"Licence"** shall mean a City of North Bay Business Licence issued pursuant to this By-Law.
  
- 1.32 **"Licensee"** shall mean a Person who has been issued a Licence pursuant to this By-Law either in the current calendar year or in a previous calendar year and shall include an Applicant.
  
- 1.33 **"Manager of Purchasing"** shall mean the person or his or her designate who may, from time to time, be appointed by Council to act as the Manager of Purchasing.
  
- 1.34 **"Masculine"** shall include the feminine gender and the neuter.
  
- 1.35 **"Medical Officer of Health"** shall mean the Medical Officer of Health, or his or her designate, for the North Bay Parry Sound District Health Unit.
  
- 1.36 **"Month"** shall mean a calendar month.
  
- 1.37 **"Municipal Enforcement Officer"** shall mean a person or his or her designate who may, from time to time be appointed by the Council whose duties include the enforcement of this By-Law.
  
- 1.38 **"Non-Profit Charitable Organization"** shall mean an organization, whether incorporated or not, which:
  - (i) has objects and purposes that are exclusively or wholly charitable;
  - (ii) is recognized by Revenue Canada as being "charitable"; and
  - (iii) is in compliance with the reporting requirements under the *Charities Accounting Act* or is completing a Public Information Return under the *Income Tax Act*.
  
- 1.39 **"Non-Profit Non-Charitable Organization"** shall mean an organization whether incorporated or not, which has objects and purposes that are both charitable and non-charitable and that raises money for the relief of poverty, the advancement of education, the advancement of religion, culture and the arts, health and welfare or for athletic clubs and associations.
  
- 1.40 **"Non-Resident"** shall mean a person who has not resided continuously in the City for at least three (3) months immediately preceding the time of commencing a business in the City.

- 1.41 **"Operate"** shall mean to directly or indirectly manage, work, control, maintain, put or keep in a functional state any Business.
- 1.42 **"Outdoor Patio"** shall mean an encroachment on a sidewalk or boulevard outside of or immediately adjacent to a building or other structure providing services in the nature of a restaurant or tavern or like business and within or on which may be included objects such as tables, chairs, temporary entrance shelters, canopies, umbrellas, parasols and decorative planters.
- 1.43 **"Owner"** shall mean the registered owner, tenant, beneficial owner, lessee or occupant of the lands and premises or the Person or his authorized agent in lawful control of the real property, premises, or building within the geographical boundaries of the City and who permits the operation or maintenance of any business.
- 1.44 **"Pawnbroker"** shall mean 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*, R.S.O. 1990, c. P.6, as amended.
- 1.45 **"Pawnbrokers Act"** shall mean the *Pawnbrokers Act*, R.S.O. 1990, c. P.6 and the Regulations enacted thereunder as amended from time to time or any Act and Regulation enacted in substitution therefor.
- 1.46 **"Pawn Shop"** shall mean a business or premise where the business of a Pawnbroker is carried out.
- 1.47 **"Person"** shall include any association, company, partnership, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law. shall include any individual, corporation, partnership, company, association, agent or trustee or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law and shall include any group of persons comprising a society or other organization.
- 1.48 **"Pet Shop"** shall mean every shop, place, business or premise in which dogs, cats, fish, reptiles, birds or any other pet that is generally understood to be domesticated is sold or kept for sale.
- 1.49 **"Place of Amusement"** shall mean a building, premises, room or area which contains facilities, equipment or machines for the playing of:
- (i) three or more games of chance, or
  - (ii) three or more games of mixed chance and skill, or
  - (iii) a combination of three or more games of chance and games of mixed chance and skill.
- Games shall include, but shall not be limited to, video games, pinball games, table top hockey games, table top soccer games, electronic games, and billiard tables, pool tables or bagatelle tables or bowling alleys and any other games that are not contrary to the Criminal Code of Canada R.S.C., 1985, c. C-46.
- 1.50 **"Place of Business"** shall mean any place, Premises or Location, or part thereof, in or from which a Business is carried on, and includes a shop, office or a vehicle for the purpose of carrying on the Business.
- 1.51 **"Premises"** shall mean land, including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of a Business.



- 1.52 **"Precious Metals"** shall mean a valuable metal, which includes but is not limited to gold, silver and platinum.
- 1.53 **"Property Taxes"** shall mean the amount of taxes levied on real property under the *Ontario Municipal Act, 2001 S.O. 2001, c.25*, and the *Education Act* and any amounts owed under the *Drainage Act*, the *Tile Drainage Act* and the *Shoreline Property Assistance Act* with respect to real property and includes any amounts deemed to be taxes by or under any other Act and any amounts given priority lien status by or under any Act.
- 1.54 **"Provincial Offences Act"** shall mean the *Provincial Offences Act, R.S.O. 1990, c. P.33* and the Regulations enacted thereunder as amended from time to time or any Act and Regulation enacted in substitution therefor.
- 1.55 **"Purchase"** shall mean to obtain Precious Metals by paying money or its equivalent and shall include the terms purchase, exchange and acquire by any means and "purchasing" and "purchased" has a like meaning.
- 1.56 **"Purchase Event"** shall mean an event held for primary purpose of purchasing Precious Metals from members of the public at large or from a Person or Persons invited to the purchase event.
- 1.57 **"Refreshment Vehicle"** shall mean any Vehicle from which Food and/or refreshments are sold or offered for sale for consumption by the public and includes without limiting the generality of the foregoing, carts, wagons, trailers and trucks.
- 1.58 **"Resident"** shall mean a Person who has resided continuously in the City for a period of three (3) or more months immediately preceding the time of commencing a Business in the City.
- 1.59 **"Restaurant"** shall mean any Premises in which Food is prepared and provided for sale for immediate consumption within the building or premises and includes but is not limited to, an accessory take-out service, an ice cream establishment, dairy bar, tea room, sandwich shop, lunch counter and fish and chip shop but does not include any class of refreshment vehicle.
- 1.60 **"Seasonal Restaurant"** shall mean:
- (i) a building, structure or part thereof where Food is prepared on or off the premises and is offered for sale to the public; and
  - (ii) that is not operated for more than eight (8) months in any calendar year.
- 1.61 **"Sidewalk"** shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.
- 1.62 **"Sign"** shall mean any device, structure, fixture or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions or advertising any establishment, product, goods or services, with the exception of window displays, interior signs, national flags and painting of exterior building walls. For the purpose of removal of signs, this definition may also include all sign structures as well as any inflatable advertising devices.
- 1.63 **"Singular"** includes the plural and the plural includes the singular.

- 1.64 **"Special Event Organizer"** shall mean the Person who organizes any type of Craft Show, Trade Show or Antique/Collectible Show (collectively referred to as the "Show"), whether for profit or not.
- 1.65 **"Tattoo and/or Body Piercing Parlour"** shall mean a Business or Premise where the skin of an individual is marked by puncturing it and inserting a pigment or pigments to make permanent marks or designs and/or where parts of a body are punctured by a sharp-pointed instrument for the purpose of making a hole or opening through which an item may be attached to the body but shall not include a Premises which is operated solely for the purpose of piercing earlobes.
- 1.66 **"Tobacco"** shall mean a product composed in whole or in part of tobacco, including tobacco leaves, and any extract of tobacco leaves. It includes cigarette papers, tubes, filters and snuff but does not include any food, drug or device that contains nicotine to which the *Food and Drugs Act*, R.S.C., 1985, c. F-27 applies.
- 1.67 **"Trade Show"** shall mean a Business or a Person which coordinates a show or similar exhibition of three (3) or more vendors or businesses exhibiting, offering for sale, selling or otherwise displaying for delivery at a later date, goods, wares, merchandise, items, or services of a similar nature and where the vendors or Businesses will be organized at a specific location for a period not to exceed fourteen (14) consecutive days.
- 1.68 **"Vehicle"** shall include an automobile, motorcycle, motor vehicle, trailer, mobile home, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power and shall include a motorized snow vehicle or all terrain vehicle.
- 1.69 **"Zoning Administrator"** shall mean a person who may be appointed from time to time by Council to the position of Zoning Administrator for the City.

## **2. GENERAL PROVISIONS - BUSINESS LICENSING**

- 2.1 Every Person carrying on, conducting, operating, maintaining, keeping or engaging in any Business specifically identified in Schedule "A" hereto shall be required to obtain a City of North Bay Business Licence to do so from the Issuer of Licences.
- 2.2 The Owner of a premise shall not permit a person to operate a Business on the premises without a Licence, where such Licence is required by this By-Law.
- 2.3 For the purposes of this By-Law a Business shall not include:
- 2.3.1 a manufacturing activity or an industry, except to the extent that it sells its products or raw materials by retail,
  - 2.3.2 the selling of goods by wholesale, or
  - 2.3.3 the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.
- 2.2 ~~Notwithstanding the provisions of section 2.1, no City of North Bay Business Licence shall be required by a business where the operation of such business is to deliver products within the City of North Bay and the location of operation of the business is outside the corporate limits of the City of North Bay.~~

### **3. APPLICATION FOR NEW LICENCE**

- 3.1 Every Person required to obtain a Licence pursuant to this By-Law:
  - 3.1.1 shall apply in writing on the appropriate application form as provided by the Issuer of Licences;
  - 3.1.2 shall deposit, at the time of application, with the Issuer of Licences, all required non-refundable Business Licence Fees as set out in Schedule "A" to this By-Law for each Business category; and
  - 3.1.3 provide any required approvals, inspections or documentation required by the provisions of this By-Law or as deemed necessary by the Issuer of Licences.
- 3.2 The Applicant shall be responsible for obtaining all necessary inspections, documents and approvals as set out on the application form and as deemed necessary by the Issuer of Licences.
- 3.3 The Issuer of Licences shall not issue a Licence until:
  - 3.3.1 all required approvals and inspections as required by the application have been obtained by the Applicant,
  - 3.3.2 Business Licence Fees have been paid in full,
  - 3.3.3 all Property Taxes are paid to the satisfaction of the City when required as a condition of obtaining a licence,
  - 3.3.4 any outstanding fines imposed under the *Provincial Offences Act* for the contravention of any provision of this By Law have been paid in full, and any outstanding fines imposed under the *Provincial Offences Act* for the contravention of a provision of any City of North Bay By-Law arising out of the operation of a Business, whether such fines are owed by the Applicant personally or by any Business of which the Applicant is an Owner, as defined by this By-Law, and
  - 3.3.5 all of the required documentation has been provided to the Issuer of Licences.
- 3.4 There shall be a separate Licence for each of the premises to be used by the Applicant.
- 3.5 There shall be a separate application for each category of Business operated and Licence to be issued.
- 3.6 The Applicant shall comply with all requirements as set out in this By-Law as well as all applicable Federal, Provincial, Municipal Statutes, Regulations, By-Laws and Codes and any other provisions that may govern the Business, Place or Premises used in the carrying on of the Business and/or the Persons carrying on the Business or engaged in it and to which the application pertains.
- 3.7 The Issuer of Licences, upon receipt of the application for a Licence may make, cause to be made, or request, any additional documents, investigations, approvals or inspections to be made in respect of such application for a Licence as the Issuer of Licences deems appropriate or in the interest of the general public, and any costs incurred for such inspection or documents shall be at the Applicant's expense.

- 3.8 Upon receipt of a completed application, together with all required documentation for a Licence and the appropriate Business Licence Fees have been paid, the Issuer of Licences may prior to the issuance of any such Licence:
- 3.8.1 make any inquiries to any municipal official or employee, who has carried out inspections relative to the business under application,
  - 3.8.2 receive reports from such municipal officials and employees as may be deemed necessary, and
  - 3.8.3 inquire into all relevant matters in order to ascertain if the Applicant is entitled to a Licence under the provisions of this By-Law.
- 3.9 Upon being satisfied that the Applicant is entitled to obtain a Licence under the provisions of this By-Law, the Issuer of Licences shall prepare and issue a Licence to the Applicant.

#### **4. APPLICATION FOR RENEWAL LICENCE**

- 4.1 Every Person required to renew a Licence previously granted under this By-Law, shall submit to the Issuer of Licences, an application form for renewal of the Licence as provided by the Issuer of Licences.
- 4.2 Every Applicant shall ensure that the information on the application is up to date and report any changes of circumstances to the Issuer of Licences.
- 4.3 Where there has been a change of circumstance the Issuer of Licences shall not issue a Licence until:
- 4.3.1 all required approvals and inspections have been obtained by the Applicant,
  - 4.3.2 the required documentation has been provided,
  - 4.3.3 all Business Licence Fees have been paid in full,
  - 4.3.4 all Property Taxes are paid to the satisfaction of the City when required as a condition of obtaining a licence, and
  - 4.3.5 any outstanding fines imposed under the *Provincial Offences Act* for the contravention of any provision of this By-Law have been paid in full; any outstanding fines imposed under the *Provincial Offences Act* for the contravention of a provision of any City of North Bay By-Law arising out of the operation of a Business, whether such fines are owed by the Applicant personally or by any Business of which the Applicant is an Owner, as defined by this By-Law.
- 4.4 Where the Issuer of Licences receives an application for renewal of a Licence previously granted under this By-Law and the appropriate fees have been paid, he or she shall, prior to the issuance of any such Licence:
- 4.4.1 make inquiries into all relevant matters in order to ascertain if the Applicant is entitled to obtain a renewed Licence under the provisions of this By-Law,
  - 4.4.2 inquire into any and all relevant changes in circumstances since the previous Licence was issued to the Applicant ,

- 4.4.3 make any inquiries to any municipal official or employee, who has carried out inspections or investigations relative to the Business under application, and
- 4.4.4 receive reports from such municipal officials and employees as may be deemed necessary.
- 4.5 When the Issuer of Licences is satisfied that the Applicant is entitled to obtain a Licence under the provisions of this By-Law, the Issuer of Licences shall prepare and issue a Licence to the said Applicant.

**5. FORM OF LICENCE**

5.1 Every Licence shall show therein:

5.1.1 the operating name of the Business or Person to whom the Licence is issued,

5.1.2 the operating address of the Premises or location for which the Licence is issued,

5.1.3 the category of Licence granted,

5.1.4 the date of issue of the licence,

5.1.5 the date of expiration of the licence, and

5.1.6 shall be signed by the Issuer of Licences.

~~5.2 A licences shall not be transferable.~~

**6. ADMINISTRATION FEES**

6.1 An administration fee of Twenty-Five Dollars, (\$25.00) will apply to the following:

Duplicate Licence:

6.1.1 In the event that the Licence issued under this By-Law is lost or destroyed, the Issuer of Licences upon satisfactory proof of such loss or destruction, and upon payment of the administration fee, shall issue a duplicate of the original Licence, upon which shall be stamped or marked the word "DUPLICATE" or "COPY". The expiry date of the "Duplicate" or "Copy" shall be the same as the one being replaced.

Late Renewals:

6.1.2. In the event that a Licence is not renewed on or before the existing expiry date, notwithstanding any charge(s) that may be laid under this By-Law, the Applicant shall also be required to pay a \$25.00 Administration Fee in addition to the applicable Business Licence Fee.

**7. CHANGE OF NAME**

7.1 Where the ownership of a Business is not changed or affected but the operating name has changed, the Licensee shall immediately within thirty (30) Business Days of such change notify the Issuer of Licences and upon being satisfied that there has been no other change in the circumstances of the Licenced Business, the Issuer of Licences may issue a replacement of the original Licence. The Licensee shall return and surrender their Licence in order to affect such a change at no cost. The expiry date of the Licence shall be the same as the one being replaced.

**8. CHANGE OF OWNERSHIP**

- 8.1 Every Licensee shall, upon change of ownership of the Licenced Business return and surrender their current Licence to the Issuer of Licences. The new owner shall make application for a new Licence as set out in this By-Law.

**9. CHANGE OF PREMISES**

- 9.1 Where a currently Licenced Business changes Premises, such new Premises shall not be deemed to be Licenced. The Applicant-owner Licensee shall immediately notify the Issuer of Licences within seven (7) Business Days make the Issuer of Licences aware of the change of location and surrender to the Issuer of Licences the Licence issued with respect to their previous Premises. The Issuer of Licences shall upon payment of a fee in the amount of Twenty-Five Dollars (\$25.00) and being satisfied that the new location meets all the requirements as set out in this By-Law issue a replacement to the original Licence. The expiry date of the Licence shall be the same as the one being replaced.

**10. LICENCE PERSONAL**

- 10.1 No Person shall enjoy a vested or property right in any Licence or the continuance of any Licence or such a Licence and such rights shall remain the property of the City.
- 10.2 Licences are not transferable.

**11. NUISANCE ABATEMENT**

- 11.1 Every Person required to be Licensed under this By-Law, in addition to any other provisions or requirements expressed elsewhere in the By-Law, shall comply with the following requirements:
- 11.1.1 at all times maintain and keep safe and clean and in good condition and repair any object, amusement, vehicle or premises for which the Licence is issued, Place of Business for which the Licence is issued including any Vehicle used for or by the Licensed Business,
- 11.1.2 shall not breach or violate or cause, suffer, or permit any breach or violation of any By-Law of the City or of any statute, Order-In-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the Business or Premises for, or in relation to which such Licence was issued,
- 11.1.3 shall not cause, suffer or commit any nuisance to arise in, on, or in connection with the object, amusement, Place of Business, Vehicle or Premises, for which the Licence was issued,
- 11.1.4 shall not cause, suffer or permit any shouting, noise or other disturbance on, in or in connection with the object, amusement, Place of Business, Vehicle or Premises for which the Licence was issued, that is unnecessary, unreasonable or contrary to any municipal By-Law prohibiting the same, and if any such shouting, noise or other disturbance occurs, the Licensee shall immediately take steps to cause the same to be abated,

- 11.1.5 shall not cause, suffer, or permit any obstruction on any highway, lane or public place in front of or adjoining the place or premises for which the Licence was issued, and
- 11.1.6 shall not cause, suffer or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any Vehicle or Premises for which the Licence was issued.
- 11.2 Every Person who acquires a Licence that is issued under this By-Law is responsible for the due performance and observance of all the provisions of this By-Law by their employees, agents, invitees and all other persons in or upon the Premises that is Licensed under the provisions of this By-Law.

## **12. INSPECTION**

- 12.1 A Municipal Enforcement Officer, Issuer of Licences, Police Officer or other duly appointed individual may at all reasonable times, inspect or cause to be inspected the Premises, facilities, equipment, Vehicles, and other property used or kept for hire in connection with the carrying on of a Business that is Licensed or that is required to be Licensed pursuant to this By-Law.
- 12.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Enforcement Officer, Issuer of Licences, Police Officer or other duly appointed individual who is exercising a power or performing a duty under this By-Law, including carrying out an inspection.
- 12.3 The owner of a premises shall, upon request by a Municipal Enforcement Officer, Issuer of Licences, Police Officer or other duly appointed individual, provide forthwith information relating to any person conducting Business on the premises who is required to obtain a Licence pursuant to this By-Law, including the corporate name, business name, address, phone number, and dates of operation at that premises.
- 12.4 No person shall knowingly provide false information in any application under this By-Law or in any document, correspondence or other form of communication required to be furnished under this By-Law.
- ~~12.2 The Issuer of Licences may waive the requirement for any inspection, approval or documentation as may be required pursuant to this By-Law where such inspection, approval or documentation is not applicable to the carrying on of the Business that is licensed or an application for a Licence has been made under the authority of this By-Law.~~

## **13. POSTING OF LICENCE**

- 13.1 Every Person licensed pursuant to this By-Law shall post in a prominent and conspicuous place the current Licence on the premises or that part thereof to which the Licence pertains. The owner Licensee shall ensure that the Licence is positioned in such location that it may be readily seen and read by persons entering the Premises.
- 13.2 Where a Licence is issued to a Person who goes from place to place or to a particular place with food, goods, wares, or merchandise for sale, the Licensee shall keep the Licence with them at all times while carrying out their Business and shall exhibit it to any Municipal Enforcement Officer, Issuer of Licences, ~~peace officer~~, Police Officer or other authority having jurisdiction ~~duly appointed person~~ who so requests.

**14. REFUSAL TO GRANT A LICENCE**

14.1 The Issuer of Licences may refuse to grant or issue a licence to any Applicant who:

14.1.1 has failed to comply with the requirements of this By-Law or other applicable By-Laws of the City of North Bay or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the Business or Premises, facilities, equipment, Vehicles or other property used or kept for hire in connection with the Licensed activity,

14.1.2 has any outstanding Property realty Taxes owing to the City, or

14.1.3 has any outstanding fines imposed under the *Provincial Offences Act* for the contravention of any provision of this By-Law.

14.2 The Issuer of Licences may also, at their discretion, refuse to grant or issue a Licence to any Applicant where the Issuer of Licences believes it is not in the public interest to do so.

**15. SUSPENSION/REVOCAION**

15.1 The Issuer of Licences may suspend or revoke a Licence issued to any Licensee who:

15.1.1 has failed to comply with the requirements of this By-Law or other applicable By-Laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency or Board of Commission thereof, in, upon or in connection with the applied for Licensed activity of the Business or Premise, facilities, equipment, Vehicles and other property used or kept for hire in connection with the Licensed activity,

15.1.2 has outstanding Property realty Taxes owing to the City, or

15.1.3 has any outstanding fines imposed under the *Provincial Offences Act* for the contravention of any provision of this By-Law.

15.2 The Issuer of Licences may also suspend or revoke any Licence issued to any Applicant where the Issuer of Licences believes it is in the public interest to do so.

15.3 Any suspension of a Licence may be subject to such terms and conditions as the Issuer of Licences may prescribe.

15.4 No person shall operate any Business or Premise contrary to any Licence suspension or terms and conditions thereto or where such Licence has been revoked.

**16. NOTICE AND APPEAL**

16.1 Where the Issuer of Licences refuses to issue, suspends, or revokes a Licence the said Issuer of Licences shall notify the Applicant in writing of such decision and the said notice shall set out the grounds upon which the issue of the said Licence is refused, suspended or revoked and shall state that the Applicant or Licensee may appeal such decision



by filing an appeal with the Clerk of the municipality within fifteen (15) days of receiving the notice.

- ~~16.2 Where the Issuer of Licences refuses to grant a Licence, suspends or revokes a Licence under this By Law the Applicant or Licensee may appeal this decision to the Council of the City by filing with the Clerk an appeal, in writing, of the said decision within fifteen (15) days of being notified in writing of the decision of the Issuer of Licences.~~
- 16.2 Upon receipt of an appeal from the Applicant, the Clerk and Council shall follow the procedure set out in this By-Law.
- 16.3 A Hearing Committee may hear any interested parties or afford them an opportunity to be heard on any matter where Council is required by law to hold a hearing in relation to any act, by-law or decision. ~~where such a hearing is required.~~
- 16.4 The Hearing Committee shall be comprised of the Mayor, the Chair and the Vice-Chair of the Standing Committee to which the matter relates, or their nominees from the Standing Committee. Any other Councillor may sit to hear the interested parties, but shall not be a Member of the Hearing Committee for the purpose of making a recommendation to the Council.
- 16.5 The Hearing Committee shall be bound by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. 22, as amended.
- 16.6 Except as otherwise herein provided this By-Law applies mutatis mutandis to the Hearing Committee.
- 16.7 Upon the conclusion of a hearing conducted by the Hearing Committee, the Hearing Committee shall, as soon as practicable, make a written report to Council summarizing the evidence and arguments presented by the parties, the findings of fact made by the Hearing Committee and the recommendations, if any, of the Hearing Committee with reasons therefor on the merits on the application in respect of which the hearing has been conducted.
- 16.8 After considering the report of the Hearing Committee, Council may thereupon in respect of such application, do any act, pass any by-law or make any decision that it might have done, passed or made, had it conducted the hearing itself.
- ~~16.3 Upon receipt of an appeal from the Applicant the Clerk and Council shall follow the procedure set out in this By Law.~~
- ~~16.4 The Council of the Corporation may, after the appropriate hearing is conducted grant a Licence, refuse to grant a Licence, revoke a Licence or suspend a Licence and may make any suspension of Licence subject to such terms and conditions as Council may prescribe and a decision made pursuant to the exercise of these powers is final and binding upon the Applicant or Licensee.~~
- ~~16.5 Council, in considering whether or not to grant a Licence, refuse to grant a Licence, or to revoke or suspend a Licence shall have regard to the following:~~
- ~~16.5.1 whether or not the Applicant or Licensee and the Premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of a Business that is licensed or that is required to be licensed, pursuant to this By Law, complies with all requirements of this By Law.~~
- ~~16.5.2 whether or not the Applicant or Licensee has failed to~~

~~promptly remedy any reasonable concern with regard to those matters set out in this By Law or has committed past breaches of this By Law,~~

~~16.5.3 whether or not the Applicant or Licensee has failed to comply with any requirements of any other applicable By Law of the City or any Statute, Order In Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board or Commission thereof, in, upon or in connection with the licensed activity or the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity,~~

~~16.5.4 whether or not the Applicant or Licensee has any outstanding fines imposed under the *Provincial Offences Act* for the contravention of any provision of this By Law,~~

~~16.5.5 whether or not the Applicant or Licensee has any outstanding realty property taxes owing to the City of North Bay in respect of the Business or premises in question.~~

~~16.6 Council shall comply with the following procedure in granting a Licence, refusing to grant a Licence, revoking or suspending any Licence issued under this By Law:~~

~~16.6.1 where Council wishes to consider whether or not to issue a Licence or to refuse to grant a Licence or to suspend or revoke a Licence issued under this By Law, the Clerk shall fix a date and time for such matter to be considered by Council and shall mail a Notice of Hearing to the Licensee (at their last known address as shown in the records of the Issuer of Licences or the current year's Assessment Roll) and to any other person who has applied to be heard with regard to the matter,~~

~~16.6.2 such Notice shall be mailed at least fifteen (15) days prior to the date and time fixed for such hearing,~~

~~16.6.3 at such hearing Council shall receive a report, either verbally, or in writing, from the Issuer of Licences and from such other officers or employees of the Corporation who may be involved in the matter being considered by Council,~~

~~16.6.4 at the hearing before Council, the Licensee, either personally or through their agent, shall be afforded an opportunity to present such material and evidence relevant to the issue before Council as they may deem expedient and they may ask questions of any person presenting evidence or a report to Council relevant to the said issue,~~

~~16.6.5 Council may, in its sole discretion, afford any other person who applied to be heard and who appears to have an interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before Council and to ask questions of any person presenting evidence or a report to Council relevant to the said issues,~~

~~16.6.6 for the purpose of this Section a quorum of Council shall be a majority of the members of Council and a decision by the majority of members present shall be the decision of Council,~~

~~16.6.7 Council may, after having heard all of the evidence and submissions made to it by the Applicant or Licensee, and the Issuer of Licences resolve into the Committee of the Whole, to debate the matter and to reach its decision,~~

~~16.6.8~~ the decision made by Council sitting as the Committee of the Whole shall be confirmed in open Council by Resolution immediately following the meeting of the Committee of the Whole and a certified copy of such Resolution shall be mailed to the Licensee, to any person who has appeared before Council and requested that a copy of the Resolution be provided to them, and to the Issuer of Licences.

~~16.7~~ No person shall engage in, or continue to conduct, or permit any person to engage in or continue to conduct, a Business for which a Licence is required under this By Law while such Licence is suspended or revoked by the Issuer of Licences under the provisions of this By Law.

~~16.8~~ Every person engaging in any Business, for which they are required to be licensed by the provisions of this By Law, shall be responsible that all the provisions of this By Law with respect to the same are complied with.

## **17. CHARITABLE ORGANIZATIONS**

~~17.1~~ Notwithstanding Sections 2.1 and 2.2, Any ~~no~~ charitable or non-profit charitable organization selling items for the purpose of raising funds for such charitable organization shall be required to obtain a Licence and no Business Licence Fee shall be payable ~~pay the fee to obtain a licence~~ for such Licence under the provisions of this By-Law.

## **18. INSURANCE**

~~18.1~~ All insurances required herein shall be provided at the time of application in a form acceptable to the Issuer of Licences and in the amount as specified pursuant to the applicable Sections of this By-Law. ~~unless otherwise approved by Council.~~

## **19. LICENCE FEES AND INSPECTIONS**

~~19.1~~ The Business Licence Fees to be paid for a Licence and the renewal for a Licence shall be as set out in the attached Schedule "A". Schedule "A" hereunder sets out the Business Licence Fee to be paid by the Applicant at the time of application for a licence.

~~19.2~~ Incomplete applications shall be considered not to have been received and may be returned to the Applicant or held pending further information. In any case where the application remains incomplete after the date established for obtaining or renewing such Licence, the Applicant may be required to submit a new application along with all of the required approvals in accordance with provisions of Section 3 hereof.

~~19.3~~ Despite the actual date any application for renewal of a Licence, the fee for such renewal shall be as set out in Schedule "1" to this By-Law.

## **20. EXPIRY OF LICENCE**

~~20.1~~ For the purpose of every new Business Licence issued, the date of expiry shall be the date as set out on the Licence. ~~the 1st day of the following month one year from the date of issue and each renewal of a Licence shall, therefore expire on the 1st day of such month in each subsequent year.~~

~~20.2~~ All Refreshment Vehicle Licences expire December 31<sup>st</sup> each year in which they were issued.

~~20.3 Notwithstanding Section 21.1:~~

~~20.320.2.1 every Business Licence for a circus/midway shall expire ninety (90) days from the date of issue.~~

**21. PENALTY**

~~21.1 Every person who contravenes any of the provisions of this By-Law is guilty of an offence and on conviction is liable for a fine under the *Provincial Offences Act*.~~

21.1 A person who contravenes a provision of this By-Law is guilty of an offence and on conviction is liable to a fine of not less than \$500.00 and not more than \$50,000.00.

**22. REGISTER- LICENCE RECORDS**

~~22.1 The Issuer of Licences shall keep a licence register in which shall be recorded the full operating name and address of each licensee, the address of the place or premises in which the licensee carries on, conducts, operates, maintains, keeps or engages in the business, trade, occupation or calling, object or amusement for which the license was issued, the number of the license, any plates used and the date of issue.~~

22.1 The Issuer of Licences shall maintain records of Applications and related documentation, inspection reports, departmental and agency approvals and Licences issued, in accordance with the City's Retention By-Law.

**23. SEVERABILITY**

Should any section of this By-Law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

**24. ADVERTISING**

Any Sign advertising any event or business shall be in accordance with City of North Bay By-Law No. 2006-143, and any amendment thereto, being a By-Law to Restrict and Regulate Signs and Other Advertising Devices, Including Posting of Notices on Public Property within the City of North Bay.

**25. REPEAL**

25.1 By-Law 2004-191 and any amendments thereto are hereby repealed.

**26. ENACTMENT**

26.1 This By-Law shall take effect on January 1, 2013.

READ A FIRST TIME IN OPEN COUNCIL THE        DAY OF        2012.

READ A SECOND TIME IN OPEN COUNCIL THE        DAY OF        2012.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THE DAY OF        , 2012.

\_\_\_\_\_  
MAYOR ALLAN McDONALD

\_\_\_\_\_  
CITY CLERK CATHERINE CONRAD

THIS IS SCHEDULE "A" TO BY-LAW 2012-<> OF THE CORPORATION OF  
THE CITY OF NORTH BAY

**RELATING TO THE ANNUAL FEES FOR BUSINESS LICENCES**

BUSINESS CLASS	BUSINESS LICENCE FEE	SCHEDULE
Auctioneer	\$100.00 per year	B
Circus/Midway	\$100.00 per visit	C
Door to Door Sales/Service Person	\$100.00 per year	D
Firearms Repair Facility	\$50.00 per year	E
<b>Hawkers and Peddlers</b>		F
<u>Class A - Resident</u>	\$100.00 per year January 1 <sup>st</sup> to December 31 <sup>st</sup> of each calendar year	
<u>Class B - Non- Resident</u>	<del>\$200.00</del> 5 consecutive days <del>\$50.00</del> each additional day \$300.00 per year July 1 <sup>st</sup> to June 30 <sup>th</sup> of the next calendar year	
<u>Class C - All-Inclusive Annual</u>	\$3,000.00 per year January 1 <sup>st</sup> to December 31 <sup>st</sup> of each calendar year	
Outdoor Patios	\$10.00 per location per year	G
Pawnbroker	\$100.00 per year	H
Pet Shop	\$50.00 per year	I
Places of Amusement	\$100.00 per year	J
Precious Metal Purchasers	\$150.00 per event or \$300.00 per year (with permanent location)	K
<b>Refreshment Vehicles</b>		L
<u>Class A</u>	\$200.00 per year \$ 50.00 each additional vehicle	
<u>Class B</u>	\$200.00 per year \$ 50.00 each additional vehicle	
<u>Class C</u>	\$200.00 per year \$ 50.00 each additional vehicle	
<u>Class D</u>	\$50.00 per year \$25.00 per additional cart	
Restaurants	\$50.00 per year	M
Seasonal Restaurants	\$100.00 per year	N
<b>Special Events</b>	Licence Fees are only applicable to Non-Residents of the City.	O
<u>Class A - Craft</u>	\$10.00 per day	
<u>Class B - Trade</u>	\$25.00 per day	
<u>Class C - Antique</u>	\$25.00 per day	
Tattoo and Body Piercing Parlours	\$100.00 per year	P
Tobacco Sales	\$50.00 per year	Q

**AUCTIONEER**

<b>Applicable to:</b>	Every Person who sells or offers goods for sale by public Auction.
<b>Definitions:</b>	<p>Auctioneer – shall mean a person who conducts a sale by Auction.</p> <p>Auction - shall mean a public sale to Persons in which bids on goods, articles, merchandise, effects, etc., are received by an Auctioneer and where each bid offers more than the last previous bid, the article being put up for Auction sold to the highest bidder. Shall not include a Silent auction or Chance Auction.</p> <p>(i) Silent Auction - shall mean an Auction conducted by means of written bids given on displayed goods, wares or merchandise with the final declaration of sale being made to the last individual having submitted a bid on the specified bid sheet for that item.</p> <p>(ii) Chance Auction – (also known as a “Chinese Auction”) shall mean an Auction conducted by means of predetermining a set price on an item, thence receiving verbal bids on such an item. The final declaration of sale shall be made to the highest bidder who shall then pay the price, based on the difference between the predetermined price and the highest bid.</p>
<b>Exemptions:</b>	<p>The requirement to obtain an “Auction Licence” does not apply to:</p> <ol style="list-style-type: none"> <li>1. a Sheriff or court Bailiff acting under a court procedure;</li> <li>2. a Municipality conducting an auction under the tax sale provisions of the <i>Municipal Act, 2001</i>;</li> <li>3. a Person who engages the services of a licensed Auctioneer to conduct an Auction on his or her behalf;</li> <li>4. a Person registered under the <i>Real Estate and Business Brokers Act</i> who is selling real estate by public auction;</li> <li>5. a Person licensed under the <i>Livestock Community Sales Act</i> who is conducting a community livestock sale;</li> <li>6. Silent Auction .</li> </ol>
<b>Licence Fee:</b>	<p>\$100.00 per year.</p> <p>Every Auctioneer shall advise the Issuer of Licences a minimum of seven (7) days in advance, of the time, date and location of every auction scheduled by such Auctioneer.</p>
<b>Application Circulated to:</b>	<ol style="list-style-type: none"> <li>1. North Bay Police Service.</li> </ol>
<b>Special Conditions:</b>	<ol style="list-style-type: none"> <li>1. Every Auctioneer shall keep a proper ledger of account of the Auction transacted by them as an Auctioneer. The entries in the ledger shall give the names and addresses of the owners of the goods, wares, merchandise or effects to be sold, the description of the same, the price for which the same was sold, the names and addresses of the persons purchasing such goods, wares, merchandise or effects or any portion thereof, the price for which the item was sold and the Auctioneer shall forthwith, after the sale of same, or any portion thereof, account for the proceeds and pay to the person entitled to such proceeds, less the Auctioneer’s legal and proper commissions and charges and they shall, in case no sale is made of such goods, on payment of their proper costs and charges, return such goods to the person entitled to receive such goods on demand being made for such goods.</li> </ol>

	<p>2. No Auctioneer shall:</p> <ul style="list-style-type: none"><li>(i) permit any disorder in their auction room or offices,</li><li>(ii) conduct or permit to be conducted any mock auction,</li><li>(iii) knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale by them,</li><li>(iv) give away articles or sell them for nominal amounts for the purpose of stimulating bidding,</li><li>(v) do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount they pay for any article(s),</li><li>(vi) by deceit, falsehood, or other fraudulent means stimulate or raise bids or cause to stimulate or raise bids affecting the selling price of any item offered for sale to the public by public auction,</li><li>(vii) sell or put up for sale by auction any goods, wares, merchandise or effects held on a reserve bid basis without first announcing to those in attendance at the auction the fact that such item is held on a reserve bid.</li></ul> <p>3. The Applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.00.</p>
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**CIRCUS / MIDWAY**

<b>Applicable to:</b>	To any Person operating a circus/midway, amusement ride(s) or other device(s) and authorized games of chance, a performance exhibiting equestrian, animal, and acrobatic and other performances and their equipage intended to entertain or amuse or provide entertainment to the public.
<b>Definitions:</b>	<p><b>"Circus/Midway"</b> shall mean:</p> <ul style="list-style-type: none"> <li>(i) a Business operating amusement ride(s) or other device(s);</li> <li>(ii) a Business operating authorized games of chance, or</li> <li>(iii) a performance exhibiting equestrian, animal, and acrobatic acts and their equipage intended to entertain or amuse or provide entertainment to the public.</li> </ul>
<b>Exemptions:</b>	None
<b>Licence Fee:</b>	\$100.00 per visit
<b>Application Circulated to and Approvals Required From:</b>	N/A
<b>Special Conditions:</b>	<ol style="list-style-type: none"> <li>1. No Person having control or charge of such an operation shall commence to assemble or erect any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus, or mechanical device or ride or any other structure or erection until a licence has been obtained.</li> <li>2. No Licence shall be issued for a circus involving amusement devices or show involving carnival rides unless the applicant submits:             <ul style="list-style-type: none"> <li>(i) a valid and current licence to carry on business in Ontario issued by the Technical Standards &amp; Safety Authority, or its successor;</li> <li>(ii) a valid and current Ontario Amusement Device Permit issued by the Technical Standards &amp; Safety Authority, or its successor, for each ride and</li> <li>(iii) a valid Certificate of Inspection from the Ontario Electrical Authority.</li> </ul> </li> <li>3. Every Person making application shall provide proof of liability insurance in the amount of <del>Two Million Dollars (\$2,000,000.00)</del> Five Million Dollars (\$5,000,000.00) and in a form acceptable to the City. Such insurance shall provide a minimum thirty (30) days written notification to the City of any change, expiration or cancellation of such policy. Where the operation of such Circus/Midway will take place on any City owned property, liability insurance shall also include and name "The Corporation of the City of North Bay" as an additional insured.</li> <li>4. The electrical system, equipment, fuses and switches shall be inaccessible to the public and cables on the ground in areas used by the public shall be protected as required by the Ontario Electrical Safety Authority.</li> <li>5. All electrical systems shall be operated and maintained in a safe manner.</li> <li>6. Every Person to whom this schedule relates shall keep good order in or at any building or premises in respect to which a licence has been issued, and at his own expense shall keep a sufficient staff of employees or servants for that purpose.</li> </ol>



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|  | <p>7. Every Person to whom this schedule relates shall produce a list of the names, address and date of birth of all employees, agents or contractors, upon demand of a police officer.</p> <p>8. No Circus/Midway or other like traveling exhibition or side show, or other entertainment connected therewith, shall be exhibited in the City of North Bay for longer than a period of ten (10) consecutive days.</p> |
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**DOOR TO DOOR SALES/SERVICE PERSON**

<b>Applicable to:</b>	Every person goes from place to place selling or offering for sale a service of any kind.
<b>Definitions:</b>	A Person who goes from place to place selling or offering for sale a service of any kind .
<b>Exemptions:</b>	None
<b>Annual Licence Fee:</b>	\$100.00 per year
<b>Application Circulated to and Approvals Required From:</b>	1. North Bay Police Service
<b>Special Conditions:</b>	<ol style="list-style-type: none"> <li>1. Every Door-to-Door Sales/Service Person shall produce to the Issuer of Licences at the time of application, two pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current residential address.</li> <li>2. Every Door-to-Door Sales/Services Person shall produce to the Issuer of Licences at the time of application, a letter from their employer authorizing them to conduct business on behalf of the employer. This letter shall include the name of the business, current business address of the business together with the name of a contact person for complaint purposes.</li> <li>3. No Person shall engage in, or carry on his business by passing door-to-door within the City before 9:00 a.m. any day or after 7:00 p.m. any day.</li> <li>4. Every Door-to-Door Sales/Service Person shall provide a current Criminal Record check for all owners, operators and employees who are eighteen (18) years of age or over, which shall be obtained by them at their own expense from the North Bay Police Service or the local Police Service where they reside.</li> <li>5. Each Licence shall be issued for the period of time that the Door-to-Door Sales/Service Person is selling his or her service within the City. The Door-to-Door Sales/Service Person will require a new Licence each time they attend within the City to sell their service.</li> <li>6. Every Door-to-Door Sales/Service Person will produce to any homeowner a copy of the Licence that they have been provided by the City at the request of the homeowner.</li> </ol>

**FIREARMS REPAIR FACILITY**

<b>Applicable to:</b>	Every person who operates a firearm repair facility in which firearms are discharged.
<b>Definitions:</b>	A Repair Facility in which firearms are discharged.
<b>Exemptions:</b>	None
<b>Annual Licence Fee:</b>	\$50.00 per year
<b>Application Circulated to and Approvals Required From:</b>	1. North Bay Police Service
<b>Special Conditions:</b>	<ol style="list-style-type: none"> <li>1. No person without a Licence shall operate a firearm repair facility in which firearms are discharged.</li> <li>2. No Licensee shall discharge a firearm at the licensed premises except for the purpose of testing the firearm.</li> <li>3. Every Licensee shall ensure that any building in which firearms are discharged for the purpose of testing are fully enclosed and protected to ensure that no projectile can escape such structure.</li> <li>4. <del>Only firearms repair facilities that repair firearms which do not require a Firearms Acquisition Certificate shall require a licence hereunder.</del></li> </ol>

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**HAWKER AND PEDDLER**

<p><b>Applicable to:</b></p>	<p>Hawker and Peddler shall mean any Person who:</p> <ol style="list-style-type: none"> <li>1. Goes from door to door with goods, wares or merchandise for sale or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow.</li> <li>2. Sells from a permanent structure on a temporary basis, goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow.</li> <li>3. Is engaged in retail sales but does not have a commercial store front and includes their employees but does not include:             <ol style="list-style-type: none"> <li>(i) Service Clubs</li> <li>(ii) Not for Profit Clubs</li> <li>(iii) Charitable Organizations or</li> <li>(iv) Such other institutions, organizations or clubs as the Council by Resolution may approve.</li> </ol> </li> </ol>
<p><b>Definitions:</b></p>	<p><b>Class A:</b> Class A Licence shall mean a Licence issued to a Resident.</p> <p>Resident shall mean a Person who resides in the City and does not have a Place of Business in the City in which the Business is normally carried on and shall include a person who conducts Business in a place, premises or location on a one-time or temporary basis.</p> <p><b>Class B:</b> Class B Licence shall mean a Licence issued to a Non-Resident</p> <p>Non-Resident shall mean a Person who has not resided continuously in the City for at least three (3) months immediately preceding the time of commencing a Business in the City.</p> <p><b>Class C:</b> Class C Licence shall mean an annual Hawker and Peddler Licence issued to the owner of the premises, in lieu of requiring individual persons to obtain Hawker and Peddler Licences to operate a Business on that premises.</p>
<p><b>Exemptions:</b></p>	<p>The requirement to obtain a Hawker and Peddler Licence does not apply to:</p> <ol style="list-style-type: none"> <li>1. The sale of goods by wholesale.</li> <li>2. Persons who sell goods that are grown or produced on their own agricultural operation within the City, or family members or employees who have written authority to sell the goods on their behalf.</li> <li>3. Persons who sell Christmas trees on a seasonal basis.</li> <li>4. Persons who conduct Business on a premises for which the Owner holds a valid Class C Licence.</li> </ol>
<p><b>Licence Fee:</b></p>	<p><b>Class A:</b> \$100.00 per year (Resident) Licences shall run from January 1<sup>st</sup> to December 31<sup>st</sup> of each calendar year.</p> <p><b>Class B:</b> \$300.00 per year (Non-Resident) Licences shall run from July 1<sup>st</sup> to June 30<sup>th</sup> of the next calendar year.</p> <p><b>Class C:</b> \$3,000.00 per year Licence shall run from January 1<sup>st</sup> to December 31<sup>st</sup> of each calendar year.</p>

<b>Application Circulated to and Approvals Required:</b>	<ol style="list-style-type: none"> <li>1. City of North Bay Zoning Department (if applicable)</li> <li>2. North Bay Parry Sound District Health Unit (if applicable)</li> </ol>
<b>Special Conditions:</b>	<ol style="list-style-type: none"> <li>1. The application for licence 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:             <ol style="list-style-type: none"> <li>(I) The full name, residence address, business address and telephone numbers of the Applicant and each partner, if any.</li> <li>(II) If the Applicant 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.</li> <li>(III) A complete list of goods, wares or merchandise intended to be sold.</li> </ol> </li> <li>1. Any signs promoting any event <del>are not</del> permitted on any utility poles and only permitted on private property (with the permission of the owner). All signs must be removed immediately after the event.</li> <li>1. All Signs promoting any event shall be in accordance with City of North Bay By-Law No. 2006-143, and any amendments thereto, being a By-Law to restrict and Regulate Signs and Other Advertising Devices, Including Posting of Notices on Public Property within the City of North Bay.</li> </ol>

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**OUTDOOR PATIOS**

<b>Applicable to:</b>	Every Person with an outdoor patio on any sidewalk within the City.
<b>Definitions:</b>	Outdoor Patio shall mean an encroachment on a sidewalk or boulevard outside of or immediately adjacent to a building or other structure providing services in the nature of a restaurant or tavern or like business and within or on which may be included objects such as tables, chairs, temporary entrance shelters, canopies, umbrellas, parasols and decorative planters.
<b>Exemptions:</b>	None
<b>Licence Fee:</b>	\$10.00 per location per year
<b>Application Circulated to and Approvals Required From:</b>	1. City of North Bay Engineering Department.
<b>Special Conditions:</b>	<ol style="list-style-type: none"> <li>1. Every owner requesting an Outdoor Patio Licence shall produce a policy of insurance and shall include and name "The Corporation of the City of North Bay" as an additional insured endorsed to the effect that the City of North Bay shall be named insured and will be given at least thirty (30) days' notice in writing of any cancellation, insuring the City for at least the amount of <del>One Million Dollars (\$1,000,000.00)</del> Two Million Dollars (\$2,000,000.00) for comprehensive general liability against loss or damage resulting from bodily injury or death of one or more persons, or from loss or damage to property resulting from any accident. A copy of this certificate of such policy shall be deposited with the Issuer of Licences prior to the licence being issued.</li> <li>2. Every Applicant for an Outdoor Patio Licence shall submit a sketch for the approval of the City Engineer and the Issuer of Licences, to show that;             <ol style="list-style-type: none"> <li>(i) adequate space of a minimum of five (5) feet in width for pedestrian passage is being maintained, and</li> <li>(ii) current standards of engineering requirements for public services is being maintained, including fire hydrants, drainage, etc.</li> </ol> </li> <li>3. The City Engineer shall prepare a Report to Council to authorize the use of the sidewalk by the Licensee and Council shall make the final determination as to whether or not the City will allow the Outdoor Patio.</li> <li>4. The Licensee shall not encumber the sidewalk any further than as shown on the sketch approved by the City Engineer and the Issuer of Licences.</li> <li>5. The Licensee shall not damage the sidewalk area or make any permanent attachments to the sidewalk area.</li> <li>6. The Licensee shall maintain the sidewalk area in the manner shown on the sketch approved by the City Engineer and the Issuer of Licences.</li> <li>7. The licensee shall clean and keep clean the area of the Outdoor Patio and keep it free from papers and rubbish of any kind.</li> </ol>

	<ol style="list-style-type: none"><li>8. No tables, chairs, temporary entrance shelters, canopies, umbrellas, parasols or decorative planters shall be placed so as to interfere with access by wheelchairs.</li><li>9. The surface area of the sidewalk patio may not exceed the interior licensed floor area of a restaurant licensed by the L.L.B.O.</li><li><del>10. The licensee shall erect and maintain a fence or other vertical barrier to delineate the perimeter of the licensed sidewalk area, with the exception of access openings, to the standard required by the L.L.B.O.</del></li><li>10. The Licensee shall erect and maintain a fence or other vertical barrier to delineate the perimeter of the licensed sidewalk area. The top rail of a fence shall be painted reflective yellow <del>white</del> and the remainder of the fence shall be painted in a contrasting colour for the benefit of visually impaired people.</li><li>11. The sidewalk area shall not be used for tables, chairs, temporary entrance shelters, canopies, umbrellas, parasols or decorative planters positioned in such a manner as to obstruct exit from the restaurant.</li><li>12. The Licensee shall clearly illuminate patio entrances and patio to restaurant entrances.</li><li>13. The Licensee shall comply with all other applicable laws.</li><li>14. No advertising is permitted on the sidewalk by virtue of the Outdoor Patio Licence.</li><li>15. No frame sandwich board signs are permitted on the sidewalk near the Outdoor Patio.</li></ol>
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**PAWNBROKER**

<b>Applicable to:</b>	Every Person who carries on the Business of a Pawnbroker.
<b>Definitions:</b>	<p>Pawnbrokers – 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 <i>Pawnbrokers Act</i>, R.S.O. 1990, c.P.6, as amended.</p> <p>Pawn Shop – means a Business or Premise where the business of a Pawnbroker is carried out.</p>
<b>Exemptions:</b>	NONE
<b>Licence Fee:</b>	\$100.00 per year
<b>Application Circulated to and Approvals Required From:</b>	<ol style="list-style-type: none"> <li>1. City of North Bay Zoning Department.</li> <li>2. North Bay Police Service</li> </ol>
<b>Special Conditions:</b>	<ol style="list-style-type: none"> <li>1. Every Pawnbroker shall give to the City security to the satisfaction of the City Clerk in the sum of \$2,000.00 for the due observance by the Pawnbroker under the <i>Pawnbrokers Act</i>, R.S.O. 1990, c.P.6, as amended.</li> <li>2. The operation of the Business shall conform to the provisions of the <i>Pawnbrokers Act</i>, R.S.O. 1990, c.P.6, as amended and all applicable North Bay Police Services Board By-Laws that may be in force.</li> <li>3. Every Pawnbroker shall provide a current Criminal Record check for all owners, operators and employees who are eighteen (18) years of age or over, which shall be obtained by them at their own expense from the North Bay Police Service or the local Police Service where they reside.</li> <li>4. For the purposes of this By-Law the initial Criminal Record Check must be dated within the last sixty (60) days of the initial Application for a Pawnbroker's Licence. All subsequent renewals for a Pawnbroker's Licence must include a Criminal Record Check that is current within the last two (2) years.</li> </ol>



**PET SHOP**

<b>Applicable to:</b>	Every Person that operates a Pet Shop.
<b>Definitions:</b>	Pet Shop shall mean every shop, place, business or premise in which dogs, cats, fish, reptiles, birds or any other pet that is generally understood to be domesticated is sold or kept for sale.
<b>Exemptions:</b>	The requirement to obtain a "Pet Store Licence" does not apply to: (i) An animal shelter operated on or behalf of a public authority; (ii) A veterinary hospital or clinic; or (iii) Any facility in which animals are placed for care pursuant to the <i>Animals for Research Act</i> , R.S.O. 1990, c.A.22, as amended.
<b>Annual Licence Fee:</b>	\$50.00 per year
<b>Application Circulated to and Approvals Required From:</b>	1. City of North Bay Building Department 2. City of North Bay Fire Department 3. City of North Bay Zoning Department 4. North Bay & District Humane Society
<b>Special Conditions:</b>	1. If the North Bay and District Humane Society finds an animal that is in distress, the licencing Officer may suspend or revoke the licence.  2. A Licence may be revoked or suspended where an animal is sold or offered for sale where it is prohibited by Federal or Provincial Law or Municipal By-Law of the City of North Bay.

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**PLACE OF AMUSEMENT - (Pool Tables, Bowling Alleys, Arcades)**

<b>Applicable to:</b>	Any Premises defined as a Place of Amusement.
<b>Definitions:</b>	<p>"Place of Amusement" shall mean a Business or Premises in which are offered facilities for the playing of:</p> <ul style="list-style-type: none"> <li>(i) three or more games of chance, or</li> <li>(ii) three or more games of mixed chance and skill, or</li> <li>(iii) a combination of three or more games of chance and games of mixed chance and skill.</li> </ul> <p>Games shall mean games that are not contrary to the <i>Criminal Code of Canada</i>, and shall include, but are not limited to video games, pinball games, table top hockey games, table top soccer games, electronic games, and billiard tables, pool tables or bagatelle tables or bowling alleys.</p>
<b>Exemptions:</b>	<ul style="list-style-type: none"> <li>1. Those with less than a total of three (3) games, machines and/or tables.</li> <li>2. Bingo halls where electronic equipment is used for the purposes of conducting Bingo games.</li> </ul>
<b>Annual Licence Fee:</b>	\$100.00 per year
<b>Application Circulated to and Approval Required From:</b>	<ul style="list-style-type: none"> <li>1. City of North Bay Fire Prevention</li> <li>2. City of North Bay Zoning Department</li> <li>3. City of North Bay Building Department</li> <li>4. North Bay Parry Sound District Health Unit</li> </ul>
<b>Special Conditions:</b>	<p>The licensee shall ensure that:</p> <ul style="list-style-type: none"> <li>1. Orderly conduct is maintained in the Place of Amusement.</li> <li>2. The operation of the Place of Amusement shall be conducted in a manner that is not in any way adverse to the public interest.</li> <li>3. Every part of the Place of Amusement is sufficiently lighted so as to permit the safe use of the facility by the public.</li> <li>4. Waste receptacles are accessible to the users.</li> </ul>

**PRECIOUS METAL PURCHASERS**

Applicable to:	Any Person who purchases precious metals, including but not limited to gold, silver or platinum.
Definitions:	<p>"Precious Metals" " shall mean a valuable metal, which includes but is not limited to gold, silver and platinum.</p> <p>"Purchase" includes purchase, exchange and acquire by any means and "purchasing" and "purchased" has a like meaning.</p> <p>"Purchase Event" shall mean an event held for primary purpose of purchasing Precious Metals from members of the public at large or from a Person or Persons invited to the purchase event.</p>
Exemptions:	A person purchasing gold from a person engaged in the business of selling gold such as a jeweler or a gold distributor.
Licence Fee:	\$150.00 per event (Non-Resident) \$300.00 per year (Resident)
Application Circulated to and Approvals Required from:	<ol style="list-style-type: none"> <li>1. City of North Bay Zoning Administrator (if applicable)</li> <li>2. City of North Bay Fire Department (if applicable)</li> </ol>
Special Conditions:	<ol style="list-style-type: none"> <li>1. No Person shall purchase, offer to purchase or advertise to purchase Precious Metals by any means, unless such person is the holder of a Licence issued under this By-Law for such purpose.</li> <li>2. Any Person holding a Purchase Event shall produce to the Issuer of Licences at the time of application, two pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current residential address</li> <li>3. No Person shall obtain any Precious Metals from any Person who is known to be or appears to be: <ol style="list-style-type: none"> <li>a. under the age of eighteen years; or</li> <li>b. under the influence of alcohol or drugs.</li> </ol> </li> <li>4. No Person shall hold, sponsor, advertise or promote a Precious Metals Purchase Event unless such Person holds a Licence issued under this By-Law for such purpose and in accordance with the terms of the Licence and this By-Law.</li> <li>5. The Applicant for a Licence pursuant to this By-Law shall, both before and after a Licence is issued, produce such books, records or other documents or information as the Issuer of Licences may consider necessary to corroborate any of the statements contained in the application.</li> <li>6. The Issuer of Licences may refuse to issue a Licence or having issued a Licence under this part, may revoke same if: <ol style="list-style-type: none"> <li>(a) any of the information set out in the application or statutory declaration of the Applicant or owner is false;</li> </ol> </li> </ol>

- (b) the Purchase Event is advertised or conducted in any manner other than that described in the application or in any manner calculated to mislead or deceive the public;
  - (c) the Purchase Event is held in a location or conducted in any way in a manner contrary to the provisions of this By-Law or contrary to any condition imposed in the licence;
  - (d) the Applicant refuses to produce any records, books, documents, or other information requested by the Issuer of Licences in accordance with this By-Law; or
  - (e) the Applicant refuses to permit the Issuer of Licences to inspect any premises or inspect or test any measuring or weighing or other devices used in the purchase of the precious metals.
7. Where an Applicant for a Licence wishes to hold a Purchase Event at more than one site, a separate Licence shall be required for each site. A Business Licence Fee shall be payable for each such additional Licence.
8. The Licence for the Purchase Event shall be displayed in a clearly visible location on the Premises where the Purchase Event is held.
9. Applicants for a Licence shall ensure all advertising material distributed, displayed or published to promote a Purchase Event, including any radio or television broadcast, or internet promotion, contains a statement that the Purchase Event is held under the authority of this By-Law and shall state the number and expiry date of the licence issued for such Purchase Event under this By-Law, and that the Seller of the Precious Metals is over the age of 18 years with no exceptions.
10. For the purposes of this By-Law a Criminal Record Check must be dated within the last sixty (60) days of the Application for a Precious Metal Purchaser Licence.

**REFRESHMENT VEHICLES**

<p><b>Definitions:</b></p>	<p>Refreshment Vehicle means any Vehicle from which Food and/or refreshments are sold or offered for sale for consumption by the public and includes without limiting the generality of the foregoing, carts, wagons, trailers and trucks. Refreshment Vehicles are divided into the following classes:</p> <p><b>Class A:</b> a <u>motorized vehicle</u>, other than a motor assisted bicycle or motorcycle, from which food that is <u>prepared and cooked on-site</u> is offered for sale, e.g., a chip truck.</p> <p><b>Class B:</b> a <u>motorized vehicle</u>, other than a motor assisted bicycle or motorcycle, from which food that is <u>prepared and cooked off-site</u> is offered for sale, e.g., a catering truck;</p> <p><b>Class C:</b> a <u>non motorized vehicle</u> propelled by muscular power, motor assisted bicycle, trailer, or motorcycle, or which can be moved from location to location by a motorized vehicle from which food that is <u>prepared and cooked on-site</u> is offered for sale, e.g., hot dog cart;</p> <p><b>Class D:</b> a <u>non motorized vehicle</u>, propelled by muscular power, motor assisted bicycle, or motorcycle, or which can be moved from location to location by a motorized vehicle from which <u>prepackaged and prepared foods are sold on site</u>, or frozen confectionary and beverages are offered for sale, e.g., ice cream cart.</p>
<p><b>Exemptions:</b></p>	<p>Seasonal Restaurants – See Schedule "N"</p>
<p><b>Licence Fee:</b></p>	<p><b>Class A:</b> \$200.00 per year \$ 50.00 each additional vehicle</p> <p><b>Class B:</b> \$200.00 per year \$ 50.00 each additional vehicle</p> <p><b>Class C:</b> \$200.00 per year \$ 50.00 each additional vehicle</p> <p><b>Class D:</b> \$ 50.00 per year \$ 25.00 each additional vehicle</p>
<p><b>Application Circulated to and Approval Required From:</b></p>	<ol style="list-style-type: none"> <li>1. City of North Bay Building Department</li> <li>2. City of North Bay Zoning Department</li> <li>3. City of North Bay Fire Prevention</li> <li>4. North Bay Parry Sound District Health Unit</li> <li>5. Proof of Insurance (\$2,000,000.00)</li> <li>6. Licensed Gas Fitter Inspection</li> </ol> <p>All Classes of Refreshment Vehicles must obtain and provide proof of the necessary inspections <u>annually</u> prior to renewing Refreshment Vehicle Licence.</p>
<p><b>Special Conditions:</b></p>	<ol style="list-style-type: none"> <li>1. Every person-Licensee shall:             <ol style="list-style-type: none"> <li>(a) ensure that every Refreshment Vehicle is equipped with a metal refuse container with a self closing lid, and such container shall be kept in a clean and sanitary condition,</li> </ol> </li> </ol>

- (b) ensure that the metal refuse container be emptied at least once daily,
  - (c) ensure such containers shall be used for the disposal of all refuse,
  - (d) ensure that every refuse container is located in such a position so as to be easily accessible by persons making purchases while the Refreshment Vehicle is stopped,
  - (e) ensure that the Refreshment Vehicle and all parts and equipment for use in the dispensing of refreshments is maintained in a clean and sanitary condition and at all times in good repair,
  - (f) ensure that hard ice cream and related products are maintained in a hard condition in the Refreshment Vehicle at all times, as approved by the North Bay Parry Sound District Health Unit,
  - (g) ensure that soft ice cream and related products are stored in a refrigerated cabinet suitable for the storage of soft ice cream, as approved by the North Bay Parry Sound District Health Unit,
  - (h) ensure that all dispensing equipment is of a sanitary design and cleaned on a daily basis,
  - (i) ensure that adequate refrigeration, as approved by the North Bay Parry Sound District Health Unit, is provided for perishable Food that shall be kept so refrigerated,
  - (j) ensure that the date of expiration is clearly and legibly marked on or affixed to the wrapper of all sandwiches or pre-packaged food sold from the Refreshment Vehicle,
  - (k) ensure that beverages, which shall include but shall not be limited to, milk, juices, and soft drinks, are only sold in individual disposable containers,
  - (l) ensure that Refreshment Vehicles from which hot, prepared foods are sold are so equipped as to maintain such foods so heated at a temperature as approved by the North Bay Parry Sound District Health Unit,
  - (m) ensure that no LPG (liquefied petroleum gas) LNG (liquefied natural gas) or any combustible fuelled appliance is operated within ten (10) feet of any structure, door, window, or opening that shall include an alcove or alleyway,
  - (n) ensure that the Refreshment Vehicle is free from holes, crevices or cracks and all surfaces are readily washable and are kept clean and in good condition,
  - (o) ensure that only single service disposable cups, plates, forks, spoons, knives and containers are used and serviettes shall be provided from a dispenser, and
  - (p) ensure that all condiments are in sealed single serve packages or a sealed container.
2. Every person selling or handling refreshments and Food shall be clean and neat in appearance and shall maintain clean hands at all times. If no sink is available for hand washing then every person selling or handling refreshments and Food shall be supplied with gloves or hand sanitizer.
  3. No Licensee or person employed with any Licensee under this section shall be suffering from any form of contagious disease while actively engaged in his or her work.
  4. Gloves must be worn by any Licensee or Employee handling Food or refreshments who has an open cut or wound on their hands.
  5. Every Licensee shall take out a separate Licence for each Refreshment Vehicle owned or operated by them and the Licence shall be affixed so as to be clearly visible.
  6. Every Licensee shall at his or her own expense, whenever required to do so by the Issuer of Licences, bring such Refreshment Vehicle to any person designated by the Issuer of Licences for inspection.

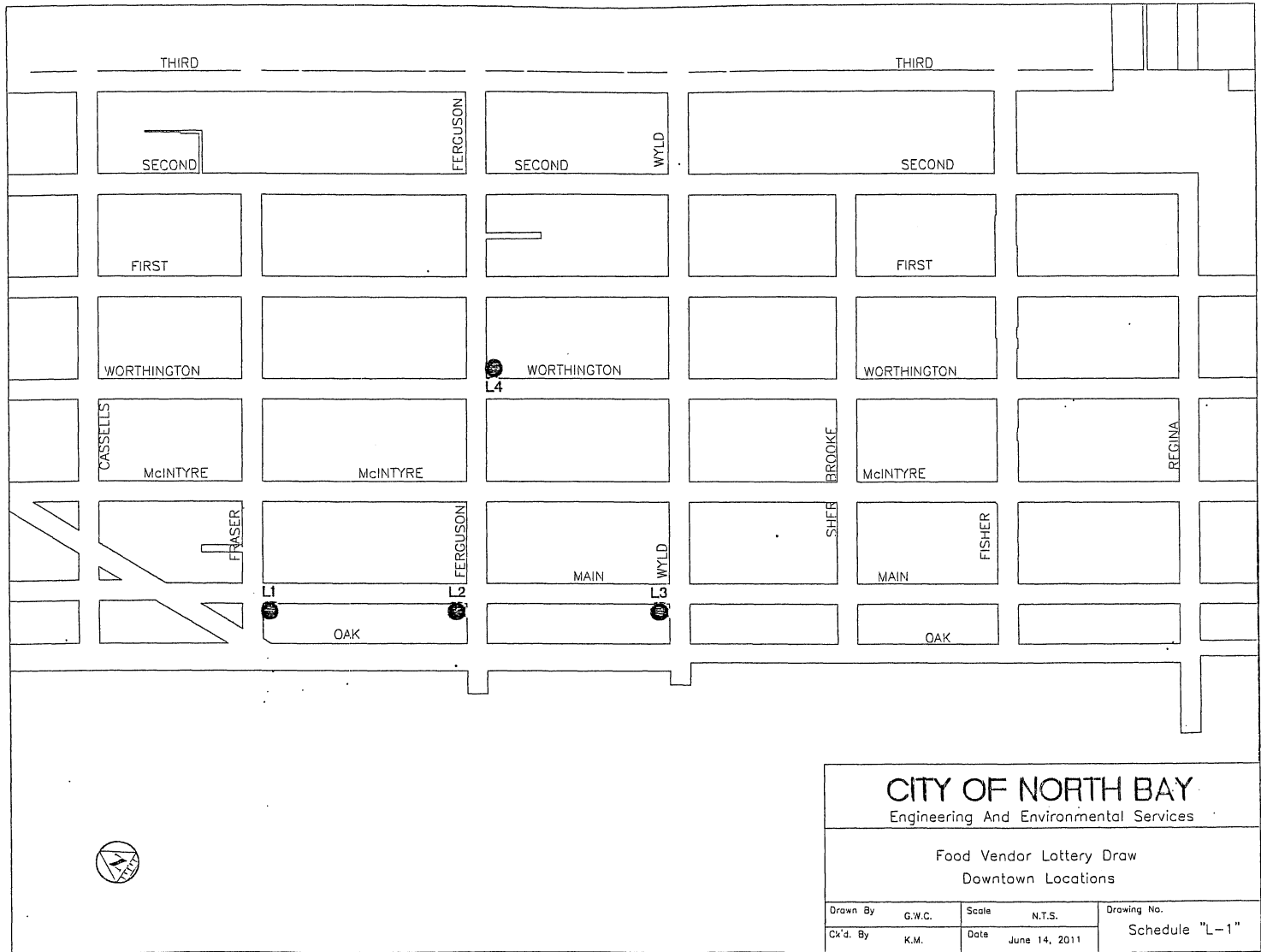
7. All Refreshment Vehicle owners shall carry a minimum of One-Two Million Dollars (\$2,000,000.00) liability insurance and shall furnish proof of this coverage satisfactory to the City prior to being licensed. Such insurance shall contain an endorsement specifying that the municipality shall be given a minimum thirty (30) days written notice of any change, expiration, or cancellation of such policy. Where the Refreshment Vehicle has been granted permission to operate on City property, the policy shall also contain an endorsement identifying "The Corporation of the City of North Bay" as an additional insured.
8. Every Licensee shall ensure that each operator or employee is made familiar with the contents of this Section and shall not permit any operator under their control, management, supervision or direction to breach any of the provisions of this Section and any Regulations from the North Bay Parry Sound District Health Unit or any other Authority having Jurisdiction.
9. No Licensee or employee of a Refreshment Vehicle shall dispense Food to any person while such person is standing on a roadway.
10. No Licensee or Employee of a Refreshment Vehicle shall operate within thirty (30) metres of an existing restaurant with the exception of the Refreshment Vehicles operating within the provisions of Section 11.
11. No Licensee or Employee of a Refreshment Vehicle shall when operating on public property operate from any other location in the central business district as defined on Schedule "K-1" attached to this by-law other than in the areas designated as follows:
  - 11.1 100 Block, Main Street West, in the marked location in the vicinity of the C.I.B.C. identified as "L1" as shown on the attached Schedule "L-1"
  - 11.2 100 Block, Main Street West, in the marked location in the vicinity of the Royal Bank identified as "L2" as shown on the attached Schedule "L-1"
  - 11.3 200 Block, Main Street East, in the marked location in the vicinity of Century 21 identified as "L3" as shown on the attached Schedule "L-1"
  - 11.4 100 Block, Worthington Street West, in the marked location adjacent to Lot #7, identified as "L4" as shown on the attached Schedule "L-1"
12. No Licensee or Employee of a Refreshment Vehicle shall operate from any of the locations referred to in section 11 above unless that operator is the successful bidder for one of the locations as a result of a lottery type scheme, such scheme to be advertised in the local newspaper in the month of April of each year and the draw shall be on the first Monday in the month of May of each calendar year held prior to May 15<sup>th</sup> each year. The lottery shall be conducted by the Manager of Purchasing and shall be open to all licensed owners or operators of food carts.
13. In the event that only one licensed owner or operator has filed for the draw by the closing date, the requirements in section 11 above may be waived by the Manager of Corporate Support Services, City Clerk and the Refreshment Vehicle owner or operator may

select one or more of the location per refreshment vehicle.

14. In the event the successful bidder of one of the designated locations referred to in section 11 above chooses not to continue to use the designated location prior to the end of the season, the location may be assigned to the second bidder for the remainder of the year. In the event that no bidder wishes to use the remaining or unassigned spots the Licensee of a Refreshment Vehicle may use any of the designated locations on a first come first serve basis.
15. If the successful bidder of one or more of the designated locations referred to in section 11 above does not use the said designated location for a period of 14 consecutive days the spot will be deemed abandoned and may be assigned to the bidder drawn second in the draw.
16. In cases where there was no draw the location may be used on a first come first serve basis.

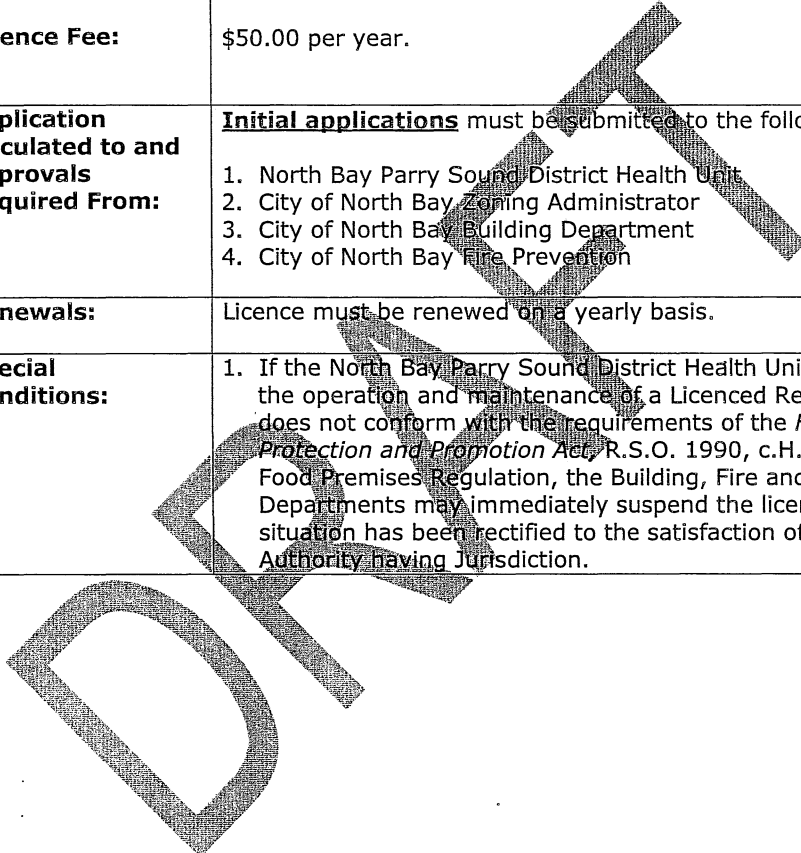
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**RESTAURANTS**

<b>Applicable to:</b>	Restaurants.
<b>Definitions:</b>	"Restaurant" shall mean any Premises in which Food is prepared and provided for sale for immediate consumption within the building or premises and includes an accessory take-out service, an ice cream establishment, dairy bar, tea room, sandwich shop, lunch counter, fish and chip shop but does not include any class of Refreshment Vehicles.
<b>Exemptions:</b>	Seasonal Restaurants
<b>Licence Fee:</b>	\$50.00 per year.
<b>Application Circulated to and Approvals Required From:</b>	<b>Initial applications</b> must be submitted to the following: <ol style="list-style-type: none"> <li>1. North Bay Parry Sound District Health Unit</li> <li>2. City of North Bay Zoning Administrator</li> <li>3. City of North Bay Building Department</li> <li>4. City of North Bay Fire Prevention</li> </ol>
<b>Renewals:</b>	Licence must be renewed on a yearly basis.
<b>Special Conditions:</b>	<ol style="list-style-type: none"> <li>1. If the North Bay Parry Sound District Health Unit finds that the operation and maintenance of a Licenced Restaurant does not conform with the requirements of the <i>Health Protection and Promotion Act</i>, R.S.O. 1990, c.H.7, and the Food Premises Regulation, the Building, Fire and Licencing Departments may immediately suspend the licence until the situation has been rectified to the satisfaction of the Authority having Jurisdiction.</li> </ol>



**SEASONAL RESTAURANTS**

<b>Applicable to:</b>	Seasonal Restaurants.
<b>Definitions:</b>	<p>"Seasonal Restaurant" shall mean:</p> <p>(i) a building, structure or part thereof where Food is prepared on or off the premises and is offered for sale to the public; and</p> <p>(ii) that is not operated for more than eight (8) months of any calendar year.</p>
<b>Exemptions:</b>	None
<b>Licence Fee:</b>	\$100.00
<b>Application Circulated to and Approvals Required From:</b>	<ol style="list-style-type: none"> <li>1. City of North Bay Building Department</li> <li>2. City of North Bay Zoning Department</li> <li>3. City of North Bay Fire Prevention</li> <li>4. North Bay Parry Sound District Health Unit</li> <li>5. Proof of Insurance (\$2,000,000.00)</li> <li>6. Licensed Gas Fitter Inspection</li> <li>7. City of North Bay By-Law Enforcement Officer</li> </ol> <p>A Seasonal Restaurant must obtain and provide proof of the necessary inspections <b>annually</b> prior to their licence being issued.</p>
<b>Renewals:</b>	Licence must be renewed on a yearly basis.
<b>Special Conditions:</b>	<ol style="list-style-type: none"> <li>1. If the North Bay Parry Sound District Health Unit finds that the operation and maintenance of a Seasonal Restaurant does not conform with the requirements of the <i>Health Protection and Promotion Act, R.S.O. 1990, c.H.7</i>, and the Food Premises Regulation, the Building, Fire and Licencing Departments may immediately suspend the licence until the situation has been rectified to the satisfaction of the Authority having Jurisdiction.</li> <li>2. The Seasonal Restaurant Licence that is issued is only valid at the municipal address specified on the Seasonal Restaurant Licence.</li> <li>3. A Seasonal Restaurant Licence is non-refundable.</li> <li>4. If the Owner/Operator decides at a later date that they wish to move their Seasonal Restaurant from location to location the cost of a Seasonal Restaurant Licence will not be applied towards a Refreshment Vehicle Licence. The full fee payable for a Refreshment Vehicle will be payable.</li> </ol>

**SPECIAL EVENTS**

<b>Applicable to:</b>	Craft Shows, Trade Shows and Antique/Collectible Shows
<b>Definitions:</b>	<p><b>Class A:</b> Craft Shows – means the exhibiting or offering for sale by crafts people, on a temporary basis, goods, wares or merchandise that they themselves have produced.</p> <p><b>Class B:</b> Trade Shows – means a Business or a Person which coordinates a show or similar exhibition of three or more vendors or businesses exhibiting, offering for sale, selling or otherwise displaying for delivery at a later date, goods, wares, merchandise, items and where the vendors or businesses will be organized at a specific location for a period not to exceed fourteen (14) consecutive days.</p> <p><b>Class C:</b> Antique/Collectible Shows – means the offering for sale, on a temporary basis, goods, wares or merchandise that have not been recently produced or manufactured.</p> <p><b>Special Event Organizer</b> – means the Person who organizes any type of Craft Show, Trade Show or Antique/Collectible Show (collectively referred to as the "Show"), whether for profit or not.</p>
<b>Exemptions:</b>	<p><b>Class A:</b> Any Person who resides permanently within the area outlined in Schedule "O1" attached to this By-Law is exempt from purchasing a licence for a Craft Show. Proof of permanent residency to the satisfaction of the City Clerk will be required.</p>
<b>Licence Fee:</b>	<p>Licence Fees are only applicable to Non-Residents of the City.</p> <p>Class A: \$10.00 per day</p> <p>Class B: \$25.00 per day</p> <p>Class C: \$25.00 per day</p>
<b>Application Circulated to and Approvals Required From:</b>	<p>1. City of North Bay Zoning Administrator</p>
<b>Special Conditions:</b>	<p>1. It is the sole responsibility of the Special Events Organizer to:</p> <ul style="list-style-type: none"> <li>(i) make an application to the Licensing Officer at least two (2) weeks before the Show.</li> <li>(ii) ensure that all required Licences, approvals, notifications, permits and certificates are in place for all vendors at the Show, and</li> <li>(iii) provide to the Licensing Officer a list which includes all the names, addresses, telephone numbers and the products being sold at the Show and shall collect the fees associated with the licence and provide the same to the Licensing Officer at least two (2) days in advance of the Show.</li> </ul> <p>2. All Signs promoting any Special Event shall be in accordance with City of North Bay By-Law No. 2006-143, and any amendments thereto, being a By-Law to Restrict and Regulate Signs and Other Advertising Devices, Including Posting of Notices on Public Property within the City of North Bay.</p>



**TATTOO AND BODY PIERCING PARLOURS**

<b>Applicable to:</b>	Any Business or Premise operating a Tattoo and Body Piercing Parlour.
<b>Definitions:</b>	Tattoo and Body Piercing Parlour shall mean Business or Premise where the skin of an individual is marked by puncturing it and inserting a pigment or pigments to make permanent marks and/or designs and where parts of a body are punctured by a sharp-pointed instrument for the purpose of making a hole or opening through which an item may be attached to the body but shall not include a Business or Premise which is operated solely for the purpose of piercing earlobes.
<b>Exemptions:</b>	None
<b>Annual Licence Fee:</b>	\$100.00 per year
<b>Application Circulated to and Approvals Required From:</b>	<ol style="list-style-type: none"> <li>1. North Bay Parry Sound District Health Unit</li> <li>2. City of North Bay Zoning Department</li> <li>3. City of North Bay Fire Department</li> <li>4. City of North Bay Building Department</li> </ol>
<b>Special Conditions:</b>	<p>Every Licensee shall ensure that:</p> <ol style="list-style-type: none"> <li>1. All services provided in the Tattoo and Body Piercing Parlour comply with all regulations, guidelines or protocols published or recommended by Health Canada or the Ontario Ministry of Health and Long Term Care.</li> <li>2. If a person is carrying on a Tattoo and Body Piercing Parlour in their residence the services may not take place in any room that is used as living, eating, food preparing, bathing or sleeping quarters.</li> <li>3. The use of the premises for the purpose of a Tattoo and Body Piercing Parlour is permitted or conforms to the use permitted under the applicable Zoning By-Law.</li> <li>4. No Person shall dispose of any needle or other similar instrument, item or tool in an unsafe manner. Biomedical waste is required to be disposed of in accordance with Provincial guidelines and regulations.</li> <li>5. The Applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.00.</li> <li>6. The Applicant shall provide a current criminal record check for all owners, operators and employees who are eighteen (18) years of age or over, which shall be obtained by them at their own expense from the North Bay Police Service or the local Police Service where they reside.</li> <li>7. The initial Criminal Record Check must be dated within the last sixty (60) days of the initial Application for a Tattoo and Body Piercing Parlour. All subsequent renewals for a Tattoo and Body Piercing Parlour must include a Criminal Record Check that is current within the last two (2) years.</li> <li>8. The Applicant shall provide to the Issuer of Licences a Certificate of Inspection prepared by the North Bay Parry Sound District Health Unit.</li> </ol>

**CIGAR, CIGARETTE AND TOBACCO  
TOBACCO SALES**

<b>Applicable to:</b>	Every Person who is engaged in a Business that includes the sale of tobacco and/or tobacco products.
<b>Definitions:</b>	Tobacco shall mean a product composed in whole or in part of tobacco, including tobacco leaves, and any extract of tobacco leaves. It includes cigarette papers, tubes, filters and snuff but does not include any food, drug or device that contains nicotine to which the <i>Food and Drugs Act</i> applies.
<b>Exemptions:</b>	NONE
<b>Licence Fee:</b>	\$50.00 per year
<b>Application Circulated to and Approvals Required From:</b>	1. North Bay Parry Sound District Health Unit
<b>Special Conditions:</b>	1. The operation of every Business which sells tobacco and/or tobacco products shall conform with the provisions of the <i>Tobacco Act, S.C. 1997, c.13</i> and the <i>Tobacco Tax Act, R.S.O. 1990, c. T.10</i> , and any amendments thereto, regarding the sale and supply of tobacco and/or tobacco products.

DRAFT

## COMMUNITY SERVICES COMMITTEE

Monday, November 5, 2012

Page 1

**Chairperson: Councillor Mendicino**  
**Vice-Chair: Councillor Mayne**  
**Member: Councillor Vaillancourt**  
**Ex-Officio: Mayor McDonald**

- CS-2001-35 Rezoning applications by Consolidated Homes Ltd. – Golf Club Road (D14/2001/CHLTD/GOLFCLUB).
- CS-2003-37 Condominium application by Rick Miller on behalf of New Era Homes Ltd. - McKeown Avenue (D07/2003/NEHL/ MCKEOWN).
- CS-2004-29 Rezoning and Plan of Subdivision applications by Rick Miller on behalf of Grand Sierra Investments Ltd. - Sage Road (D12/D14/2003/GSIL/SAGERD).
- CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- CS-2012-16 Report from S. Kitlar dated June 12, 2012 re Multi-Use Recreation Facility Study update (R05/2012/ MURF/GENERAL).
- **CS-2012-18 Report from Steve McArthur dated August 31, 2012 re Official Plan Amendment and Rezoning application by Miller & Urso Surveying Inc. on behalf of Perut Construction Ltd. Andrew & Grace Wood and W.M. Holdum Inc. – 309 - 333 King Street West and 1180 – 1188 Cassells Street (D09/D14/2012/PERUT/KINGSTW).**
- CS-2012-19 Report from Steve McArthur dated September 11, 2012 re Rezoning application and Draft Plan of Condominium by Miller & Urso Surveying Inc. on behalf of Golden Estates Ltd. – Ski Club Road (D07/D14/2009/GEL/SKICLUB).
- CS-2012-20 Report from Rhéaume Bellehumeur dated October 24, 2012 re Overnight Winter Downtown Parking (T02/2012/PARKI/OVERNITE).



# CS-2012-18

## Recommendation:

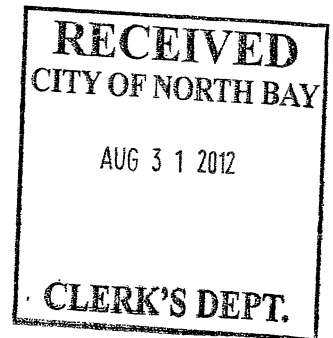
- "That 1) the Proposed Official Plan and Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of Perut Construction Ltd., Andrew & Grace Wood, and M.W. Holdum Inc. to re-designate the subject lands from "Residential" to "Central Business District" and to rezone the subject lands from a "Residential Third Density (R3)" zone to a "General Commercial Outer Core (C2)" zone, 309 & 333 King Street West, 1180 & 1188 Cassells Street, and a vacant lot (billboard) on the corner of Cassells Street & King Street West, all in the City of North Bay be approved; and
- 2) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required"

INTER OFFICE

MEMO

*City of North Bay  
Planning Services*

To: Cathy Conrad, City Clerk  
From: Steve McArthur - Senior Planner, Current Operations  
Subject: Resolution No. 4 - Planning Advisory Committee  
Date: August 31, 2012



Quoted below is Resolution No. 4 passed at the regular meeting of the Planning Advisory Committee held on Thursday, August 30<sup>th</sup>, 2012:

Resolution No. 2

"That the Planning Advisory Committee recommend the following to City Council:

1. That the Proposed Official Plan and Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Perut Construction Ltd., Andrew & Grace Wood, and M.W. Holdum Inc. to re-designate the subject lands from 'Residential' to 'Central Business District' and to rezone the subject lands from a 'Residential Third Density (R3)' zone to a 'General Commercial Outer Core (C2)' zone, 309 & 333 King Street West, 1180 & 1188 Cassells Street, and a vacant lot (billboard) on the corner of Cassells Street & King Street West, all in the City of North Bay, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required."

A handwritten signature in black ink, appearing to read "Steve McArthur".

Steve McArthur, MCIP, RPP  
Senior Planner, Current Operations

North Bay Planning Advisory Committee

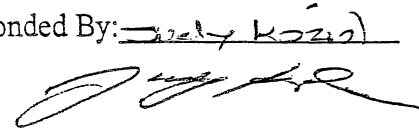
Resolution No. 4

Date: August 30, 2012

Moved By:



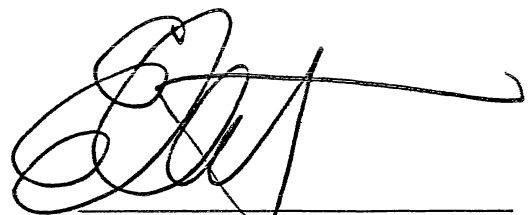
Seconded By:



“That the Planning Advisory Committee recommend the following to City Council:

1. That the Proposed Official Plan and Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Perut Construction Ltd., Andrew & Grace Wood, and M.W. Holdum Inc. to re-designate the subject lands from ‘Residential’ to ‘Central Business District’ and to rezone the subject lands from a ‘Residential Third Density (R3)’ zone to a ‘General Commercial Outer Core (C2)’ zone, 309 & 333 King Street West, 1180 & 1188 Cassells Street, and a vacant lot (billboard) on the corner of Cassells Street & King Street West, all in the City of North Bay, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required.”

“CARRIED”



Chair

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**INTER OFFICE**

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# *City of North Bay*

## *Planning Services*

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**MEMO**

**To:** Chair and Members, Planning Advisory Committee

**From:** Steve McArthur - Senior Planner, Current Operations

**Subject:** Proposed Official Plan and Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of Perut Construction Ltd., Andrew & Grace Wood and W.M. Holdum Inc., 309 to 333 King Street West and 1180 to 1188 Cassells Street in the City of North Bay.

**Date:** June 14, 2012

**Recommendation**

1. That the proposed Official Plan Amendment from 'Residential' to 'Central Business District' by Miller & Urso Surveying Inc. on behalf of Perut Construction Ltd., Andrew & Grace Wood and W.M. Holdum Inc. for the properties legally described as Registered Plan M-45, Part Lots 37 to 40, Plan M-165, Lots 1 to 3, Parcels 2024, 2814, 1128 and 2630 W/F, Reference Plan No. 36R-12425, Parts 1 & 2, and Part of Lane, known locally as 309 & 333 King St. W., 1180 & 1188 Cassells St., and a vacant lot on the southwest corner of Cassells St. & King St. W. in the City of North Bay BE APPROVED;
2. That the proposed Zoning By-law Amendment from 'Residential Third Density (R3)' to 'General Commercial Outer Core (C2)' by Miller & Urso Surveying Inc. on behalf of Perut Construction Ltd., Andrew & Grace Wood and W.M. Holdum Inc. for the same properties, BE APPROVED; and
3. That the subject properties be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, ingress and egress and fencing as required.

**Site**

The subject properties are situated along the west side of King Street West in the block bounded by Cassells Street, High Street and McPhail Street, as shown on Schedules "A" and "B" attached hereto. The combined properties have a frontage of approximately 60 meters (197 feet) along King Street West, 18 meters (60 feet) on Cassells Street, and a total area of approximately 0.14 hectares (0.35 acres).

The subject properties are currently designated "Residential" in the City of North Bay's Official Plan and are currently zoned "Residential Third Density (R3)" in the City of North Bay's Zoning By-law No. 28-80.

The surrounding area is considered a mixed use neighbourhood. There are a number of businesses fronting on Cassells Street including an existing two (2) storey office complex located on the adjacent property. To the north of the subject lands it is primarily residential, with a mix of low to medium density uses, including the abutting Appletree Suites condominium complex.

**Background & Proposal**

Perut Construction Limited purchased the property at 333 King Street West in 2007. They own the adjacent commercial building complex located at 1180 Cassells Street. Soon after the purchase, the Applicant demolished the house on the subject lands. The Applicant then started using the vacant lot as a parking area for his abutting commercial building complex.

In September of 2007 the City's Zoning Administrator sent a letter to the Applicant advising that the use as a parking lot was not permitted in a 'Residential Third Density (R3)' zone. In October an application was received from the Applicant requesting to rezone the property to a 'General Commercial Outer Core (C2)' zone, which would permit the use of the property as a private parking area.

In November of 2007 there was a public meeting before the Planning Advisory Committee (PAC). At that meeting, an abutting neighbour (337 King Street West) objected to the application. In early 2008 staff informed the Applicant's agent that a report and recommendation would not be going back to the Planning Advisory Committee until a site plan had been produced that adequately addressed the concerns raised by the abutting property owner.

A number of issues delayed the completion of the site plan, including the health of the Applicant and the discovery through the legal survey process that a neighbour's driveway (337 King Street West) encroaches onto the Applicant's property and if they proceed with the private parking area as planned, the neighbour would have nowhere to park her car. Enforcement was therefore postponed from 2009 until today as staff tried to work through these issues with the Applicant and the neighbour.

In 2011 the Applicant purchased and demolished another house at 309 King Street West. The Applicant was advised that the original application did not include this property and therefore if they intended to use the lot as part of the proposed private parking area an amended application would be required. The amended application was received in August of 2011. As a result of the new circulation, two (2) abutting property owners located on the northwest corner of King Street West and Cassells Street asked to include their properties in the proposal to re-designate the lands from 'Residential' to 'Central Business District' and to rezone these same lands from a 'Residential Third Density (R3)' zone to a 'General Commercial Outer Core (C2)' zone.

If approved, the Applicant is proposing to operate a privately owned parking area at 333 and 309 King Street West, and two (2) adjacent properties at the northwest corner of King Street West and Cassells Street would be re-designated and rezoned for future commercial use.

### **Provincial Policy**

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications made after this date must consider this Plan as part of the evaluation process. The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

Section 4.4.2 of the GPNO 2011 states that: "*Municipalities that contain strategic core areas are encouraged to plan for these areas to function as vibrant, walkable, mixed-use districts that can attract employment uses and clusters, including office and retail; accommodate higher densities and provide a board range of amenities accessible to residents and visitors...*"

The GPNO does not identify 'strategic core areas' specifically within the Plan. However, the subject lands are located at the edge of the Central Business District in a mixed use area. The subject lands will be designated 'Central Business District' if the proposed amendments are approved. In order to attract businesses to the CBD, as encourage in the Plan, areas for on-site parking for employees and visitors is an important component to site planning. The parking area is located towards the rear and side of the building complex away from Cassells Street. This ensures that the streetscape along Cassells Street is maintained.

In my professional opinion, the proposed Official Plan and Zoning By-law amendments are consistent with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2005). The Provincial Policy Statement (PPS 2005) provides policy direction on matters of provincial interest related to land use planning and development.

Section 1.0 of the PPS 2005, Building Strong Communities, provides for a wide variety of policies relating to wisely managing change and promoting efficient land use and development patterns. Specifically, Section 1.1.3.3 states that: "*Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs*".

Section 1.3.1 adds that: "*Planning authorities shall promote economic development and competitiveness by: (a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs; (b) providing opportunities for a diversified economic base, including maintaining a range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; (c) planning for, protecting and preserving employment areas for currently and future uses; and (d) ensuring the necessary infrastructure is provided to support current and projected needs.*"

The proposed amendments will permit the use of the subject lands as a private parking area for an existing office complex in the Central Business District. The on-site parking will help to attract tenants to the complex, thereby providing an enhanced economic development and employment opportunity.

In reviewing the proposed Official Plan and Zoning By-law amendments, it is my professional opinion that all pertinent policies of the Provincial Policy Statement (PPS 2005) have been reviewed and applied in their entirety and that the proposed end use is consistent with Provincial Policy as set out in the Provincial Policy Statement (PPS 2005).

### Official Plan

The subject lands are currently designated "Residential" in the City of North Bay's Official Plan.

The City of North Bay obtained approval from the Ministry of Municipal Affairs and Housing for a new Official Plan on January 6<sup>th</sup>, 2012. Any application received on or after this date is to be reviewed under the policies of the new Official Plan. This application was received in August of 2011 and therefore shall be reviewed under the previous version of the Official Plan that was in effect at the time of application.

The Applicant is proposing to re-designate the subject lands "Central Area" in the City of North Bay's Official Plan. *\*Note: the 'Central Area' designation has been renamed "Central Business District" in the City's new Official Plan that was approved in January of 2012.*

Section 2.3.2 of the Official Plan (Central Area Planned Function) outlines the general intent of the Central Area, stating that: "*The Central Area of North Bay includes the existing Central Area, as well as adjacent lands subject to future development in coordination with Central Area uses. North Bay's Central Area has historically acted as the focal point for finance, administration, services, culture and entertainment within the city. The importance of a strong, vibrant and economically viable Central Area to the health of North Bay is recognized and it is a key objective of this Official Plan that the health and economic viability of the Central Area be maintained and enhanced in the context of all new land use decisions within the city. The*

*planned function for the Central Area is to act as the city's primary area for government, finance, arts, culture, recreation and entertainment."*

The proposed Zoning By-law amendment is in conformity with this section of the Official Plan. Each of the planned functions for the Official Plan identified in Section 2.3.2 is permitted in the "General Commercial Outer Core (C2)" zone that the Applicant has proposed.

Section 2.3.1 further states that one of the Central Area objectives shall be to: "*encourage, wherever possible, new offices to locate within, and existing office users to remain within, the Central Area wherever possible.*"

The intent of this policy is to focus office development in larger buildings in the City's Central Area, thereby creating a strong central core. The adjacent property, being the office building complex located at 1180 Cassells Street, has been occupied for a number of years, but recently the owner has had difficulty attracting and retaining tenants because of a lack of available on-site parking. The proposed Official Plan amendment and concurrent Zoning By-law amendment will enable the property owner to legally establish and operate a private parking area for the exclusive use of the complexes tenants and visitors, ensuring that this central area property will continue to operate as a vibrant office building complex.

The proposed parking area is located at the rear and side of the existing building. The street frontage along Cassells Street will remain with the existing office/retail complex, house and billboard. This will help to ensure that the commercial streetscape along Cassells Street will be maintained.

The addition of two (2) adjacent properties to the subject application ensures that the parking area is not re-designated and rezoned in isolation. The incorporation of these lands represents a strategic and well thought-out arrangement for the delineation of the Central Area boundary.

In my professional opinion the proposal to re-designate and rezone the subject lands is in conformity with the general intent of the Official Plan.

### **Zoning By-law No. 28-80**

The subject property is currently zoned "Residential Third Density (R3)" by the City of North Bay's Zoning By-law No. 28-80, which permits the following uses:

- Single Detached Dwelling (minimum frontage of 13.7m)
- Duplex Dwelling
- Semi-Detached Dwelling
- Group Home Type 1
- Accessory Home Based Businesses
- Parks, Playgrounds & Non-Profit Uses
- Institutional Uses

The applicant is proposing to rezone of the subject lands to a "General Commercial Outer Core (C2)" zone. The permitted uses for the proposed "General Commercial Outer Core (C2)" are as follows:

- Animal Hospitals
- Apartment dwellings
- Automobile Sales, Service & Leasing Establishments
- Automobile service stations and Gas bars
- Banks
- Boarding and Rooming House

- 
- Broadcast Studios or Newsrooms
  - Business Offices
  - Bus Stations
  - Clubs
  - Converted dwellings
  - Data processing firm
  - Day nursery
  - Double duplex dwellings
  - Duplex dwellings
  - Dwelling groups
  - Farmer's market
  - Financial Institutions
  - Flea market
  - Food stores
  - Funeral homes
  - Group home type 2
  - Homes for the aged
  - Hotels, Motels
  - Liquor, Beer or Wine Store
  - Local Retail stores
  - Maisonette dwellings
  - Multiple dwellings
  - Nursing homes
  - Personal Services Establishments
  - Pet Daycare Facility
  - Pharmacy
  - Places of entertainment
  - Professional Offices
  - Public and Private parks
  - Public and Private parking areas
  - Recreational Vehicle Sales, Service & Leasing
  - Repair garage (Body shop)
  - Retirement homes/residences
  - Restaurants and Taverns
  - Retail stores
  - Townhouse dwellings
  - Semi-detached dwellings
  - Single detached dwellings
  - Service Establishments that are not obnoxious
  - Triplex dwellings
  - Wholesale Uses
  - Institutional uses: Places of Worship, Public Hospitals or Private Hospitals, Private schools

If approved, the Applicant is proposing to operate a privately owned parking area at 333 and 309 King Street West, and two (2) adjacent properties at the northwest corner of King Street West and Cassells Street would be re-designated and rezoned for future commercial use. The existing single detached dwelling and billboard use will continue on the subject lands.

### Correspondence

This proposal was circulated to property Applicants within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and other agencies that may have an interest in this matter.

In terms of the correspondence received the Manager of Engineering Design and Approvals, the Zoning



Administrator, the North Bay-Mattawa Conservation Authority, the Chief Fire Prevention Officer, the Secretary-Treasurer of the Municipal Heritage Committee, the Ministry of Transportation and the Chief Building Official offered no objection to the proposal.

Circulated representatives from some of the local utilities, namely North Bay Hydro and Bell Canada requested easements. North Bay Hydro also put the Applicant on notice that: *"there are several separate electrical services supplying the subject properties. North Bay Hydro's current policy is to allow only one service to each property. Any changes to the existing electrical service requirements will require re-servicing of the property or properties in compliance with current North Bay Hydro policy. Any costs involved in re-servicing of the property or properties will be the responsibility of the property owner(s)."*

Planning staff has been working with the abutting neighbour at 337 King Street West to resolve the issues, concerns and requests stemming from the objection to the application, which can be summarized as follows:

- Establishment of a privacy fence and on-going maintenance;
- Small fence enclosing the backyard as it exists today;
- Remove the existing fence (if decided/agreed upon by either party) and materials returned to 337 King Street West;
- A buffer of three feet of space between the fence and 337 driveway;
- Buffers (grass facing 337's side of the fence);
- Driveway be repaired;
- Snow removal (winter months);
- Sensor bars on both entrances King Street and Cassells Street;
- An up-dated registered survey;
- Repair the back deck; and
- Completion of the above within 6 months to a year.

As shown on Schedule 'B' attached hereto, the Applicant applied for a Consent to Sever for the purpose of providing an easement to the owner at 337 King Street West. This was approved by the Committee of Adjustment on April 3, 2012. The Applicant is waiting to perfect the Consent until the proposed Official Plan and Zoning By-law amendments are approved and through the appeal period. If it is perfected, the owner of 337 King Street West will have title to an area 1.245 meters by 6.413 meters, ensuring that the existing driveway remains.

If approved, the property will be subject to site plan control. Through this agreement, which is between the Applicant and the City, the fencing and landscaping buffers will be addressed. Staff has worked with the Applicant through their agent to negotiate the following:

- New privacy fencing will be constructed around the easement and will continue along the entire length of the property line. The materials that result from the removal of the existing fence can and will be piled into the neighbours' yard if so requested;
- A proper retaining wall will be constructed;
- The parking lot will be appropriately graded and paved, and during this paving process the Applicant has agreed to pave and repair sections of the neighbours' driveway;
- Section 6.1.1.2 of the Zoning By-law requires a strip of land three (3) meters in width along the north lot line to be adequately landscaped. If agreed to by both parties, this could include cedar hedges to block car lights, etc.;
- Section 6.1.1.3 also requires any parking lot lighting to be directed away from adjacent residences; and
- The terms of the Site Plan Control Agreement require that all of these works be completed within a year of registration of the SPCA. Appropriate security can and will be required to ensure these agreed to items are completed.

As for the requests for snow removal and sensor bars, and the reported damage to the rear deck, these are not agreed to by the Applicant and are civil matters between private property owners and do not form part of this *Planning Act* application. An updated survey has already been provided by the Applicant.

No comments or objections were received from any of the other circulated property owners.

### Summary

Perut Construction Limited purchased the property at 333 King Street West in 2007. They own the adjacent commercial building complex located at 1180 Cassells Street. Soon after the purchase, the Applicant tore down the house on the subject lands. The Applicant then started using the vacant lot as a parking area for his abutting commercial building complex. After being informed in writing that this use was not permitted in the R3 zone, the Owner submitted a *Planning Act* application to have the property re-designated and rezoned for the private parking lot use, as is their right.

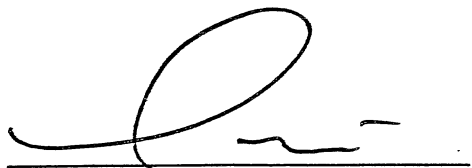
The Planning Services department reviews each *Planning Act* application on its merits, particularly in terms of its conformity (or lack thereof) to the City of North Bay's Official Plan and its consistency with Provincial policy in effect. The surrounding area is considered a mixed use neighbourhood. There are a number of businesses fronting on Cassells Street including an existing two (2) storey office complex located on the adjacent property.

The amended application received in August of 2011 includes two (2) abutting property owners located on the northwest corner of King Street West and Cassells Street. These properties would now be re-designated and rezoned for future commercial use, thereby 'squaring off' the commercial area designation. This will effectively create a clear and precise delineation between the end of the Central Area (Commercial Core) on the west side of King Street West and the start of the Residential Area on the east side. This represents good land use planning and ensures that the parking area is not re-designated and rezoned in isolation.

The abutting neighbour at 337 King Street West has been very patient with the Applicant and has worked tirelessly with staff to protect her own property interests. Planning staff believe that an appropriate balance has been struck. The proposed amendments will permit the use of the subject lands as a private parking area for an existing office complex in the Central Business District. The on-site parking will help to attract tenants to the complex, thereby providing an enhanced economic development and employment opportunity. The affected neighbour will gain legal title to her driveway and through the required SPCA a new retaining wall, fence, paving and appropriate landscaping will be installed.

It is my professional opinion that the proposed Official Plan and Zoning By-law amendments maintain the intent of the City's Official Plan and that the end use is consistent with Provincial policy as outlined in the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

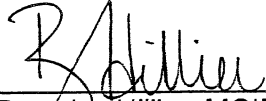
Respectfully submitted,



Steve McArthur, MCIP, RPP  
Senior Planner, Current Operations

attach.

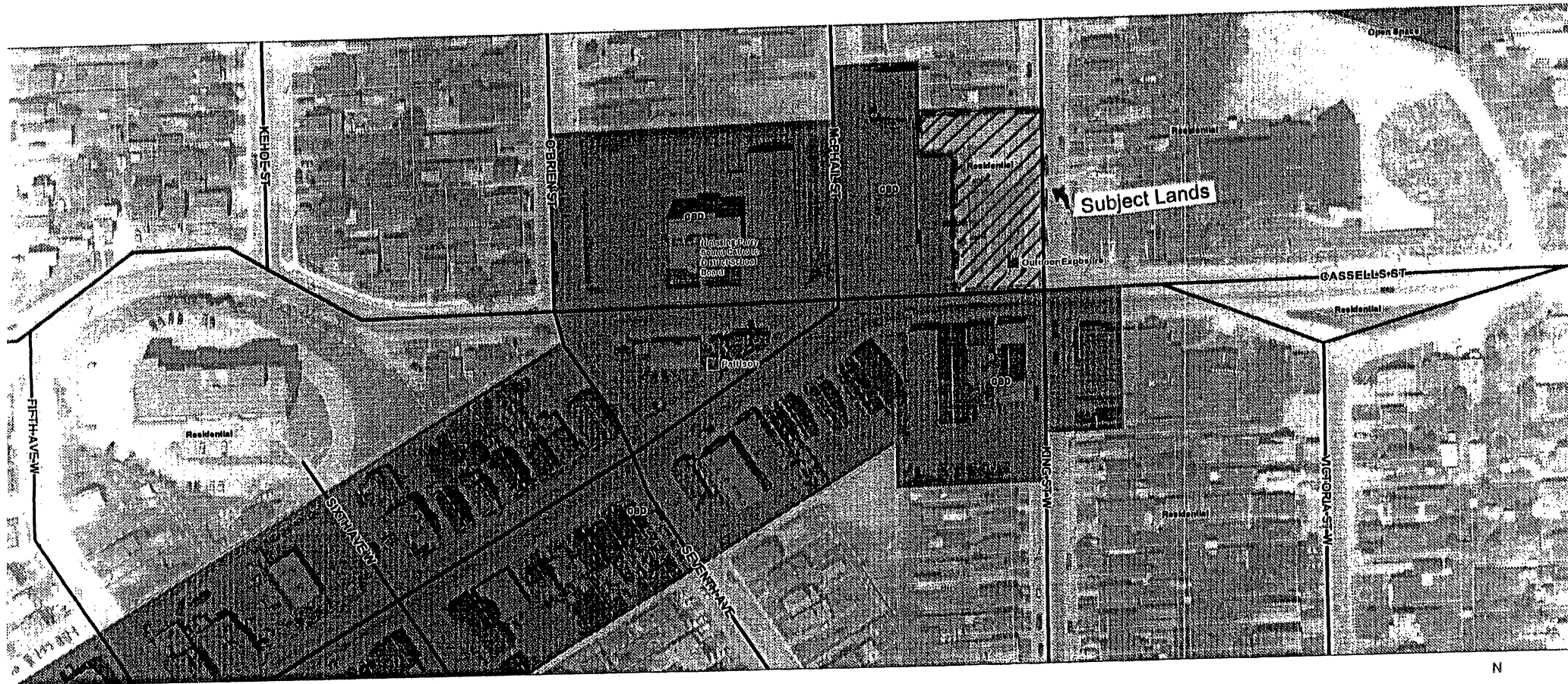
I concur with the recommendations contained in this report.



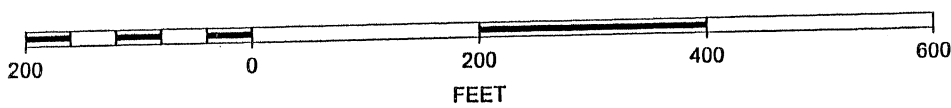
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Beverley Hillier, MCIP, RPP  
Manager, Planning Services


# SCHEDULE A



SCALE 1 : 2,056



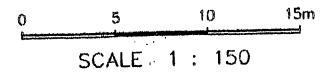
 Proposed Official Plan Amendment  
From: "Residential"  
To: "Central Business District"

 Proposed Zoning By-law Amendment  
From: "Residential Third Density (R3)"  
To: "General Commercial Outer Core (C2)"



# SCHEDULE B



SKETCH FOR CONSENT  
 PART OF LOT 39  
 AND PART OF CERTAIN LANE  
 REGISTERED PLAN M-45  
 NOW IN THE  
**CITY OF NORTH BAY**  
 DISTRICT OF NIPISSING



Miller & Urso Surveying Inc.

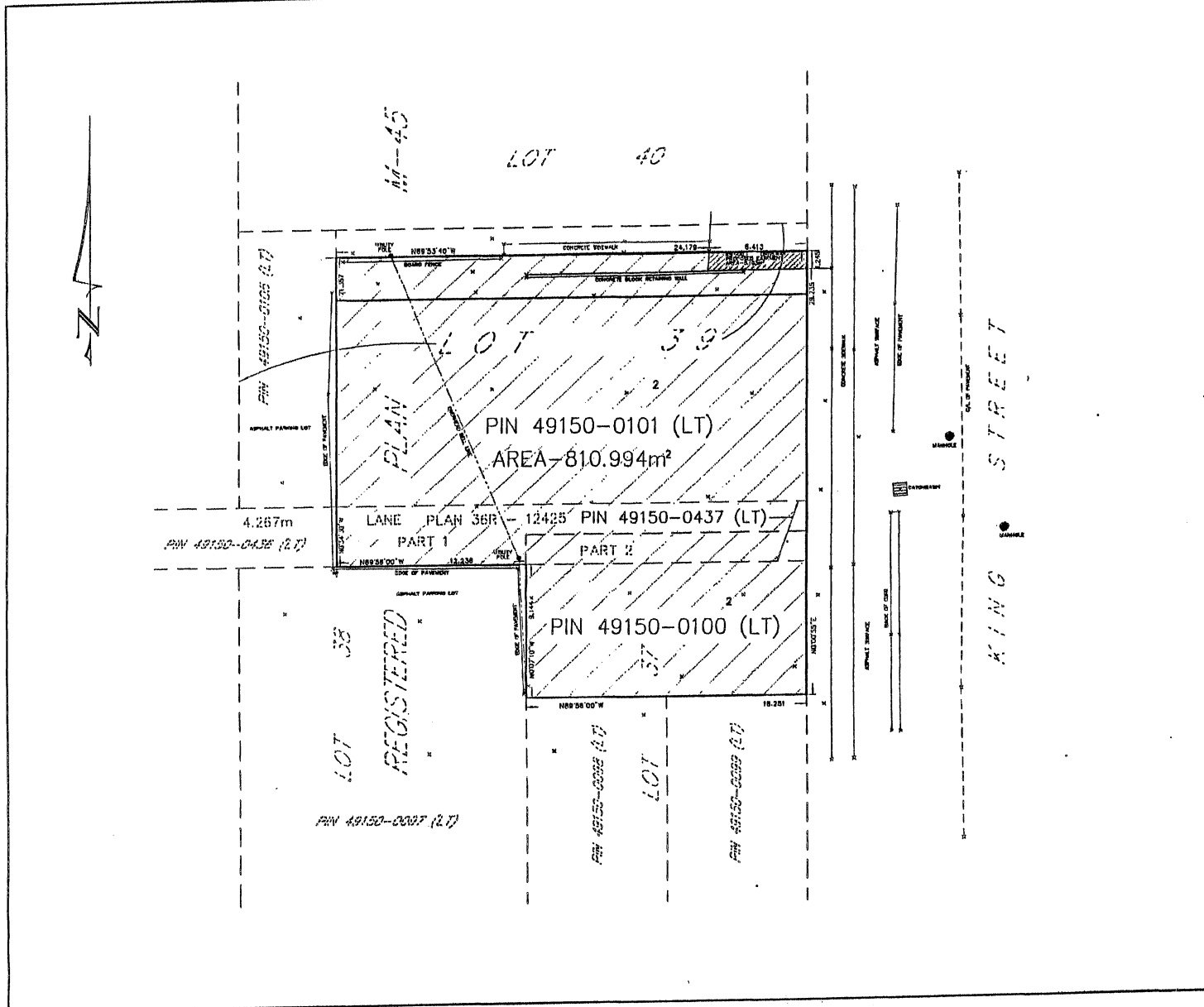
**METRIC**

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

-  REZONING FROM AN R3 ZONE TO A C2 ZONING
-  PROPOSED EASEMENT FOR ABUTTING PROPERTY

Miller & Urso Surveying Inc.  
 Ontario Land Surveyors + Canada Land Surveyors  
 Planning Consultants

1601 WYNKOUR STREET, NORTH BAY ONT. P1B 8G9 TEL: (705) 474-1210 FAX: (705) 474-1783  
 DRAWN BY: C.A.L. CHECKED BY: R.D.M. PLOD: D.B., S.M. WORK ORDER No. 2387



## ITEMS REFERRED BY COUNCIL FOR A REPORT

<u>DATE</u>	<u>ITEM</u>
March 29, 2005	Backflow Prevention Program survey of all industrial, commercial and institutional buildings <b>(due September 2005)</b> .
September 21, 2009	Review, update and consolidation of Noise By-Law <b>(due June 30, 2010)</b> .
March 8, 2010	Comprehensive Long-Term Financial Plan <b>(due April 30, 2010)</b> .
May 3, 2010	Track the net financial benefits created through increased assessment as a result of the Airport Industrial Community Improvement Plan sites being developed.
December 30, 2010	Quarterly report on progress of WSIB appeal, error corrections and cost projections for 2011.
January 24, 2011	Comprehensive review of City owned Lake Nipissing accesses.
July 4, 2011	Comprehensive Status Report relating to BCIP <b>(due July 2014)</b> .
August 2, 2011	Review of smoking at City facilities and commercial establishment patios.
August 15, 2011	Effectiveness of the Residential Rental Housing By-Law <b>(due May 2013)</b> .
July 16, 2012	Review of water and sewage rates for the dispensing facility on Patton Road <b>(due March 2013)</b> .