CITY OF WINDSOR

Business Licensing By-Law

January 1, 2005

By-law #395-2004

Licensing and Enforcement Department

The Corporation of the City of Windsor
CANADA

By-law No. 395-2004

A by-law to provide for the LICENSING AND REGULATION OF VARIOUS BUSINESSES

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B Y - L A W N U M B E R 395-2004

A BY-LAW RESPECTING THE LICENSING AND REGULATION OF VARIOUS BUSINESSES

Passed the 13th day of December, 2004

WHEREAS, pursuant to the provisions of Part IV of the *Municipal Act*, the Council of The Corporation of the City of Windsor may pass by-laws for licensing, regulating and governing businesses;

AND WHEREAS Section 150 of the *Municipal Act* allows a municipality to licence, regulate and govern any business wholly or partially carried on within the Municipality, even if the business is being carried on from a location outside the Municipality;

AND WHEREAS the Council of The Corporation of the City of Windsor has, pursuant to the provisions of *The City of Windsor Act l990*, authority to pass by-laws to license any trade, calling, business or occupation authorized under the provisions of *The Municipal Act*;

AND WHEREAS sections 150(8)(9)(10) of the *Municipal Act*, enable municipalities to pass by-laws for imposing fees to be charged for licensing a class of business;

AND WHEREAS in accordance with Section 150(4)(a) and (b), proper notice of a public meeting was given, and a public meeting was held at which any persons who attended had an opportunity to make representation with respect to this By-law;

AND WHEREAS pursuant to Section 150 of the *Municipal Act* the Council of the Corporation of the City of Windsor is exercising its licensing powers under this Section, including imposing conditions, for the following reasons:

(i) Health and Safety; and/or
(ii) Nuisance Control; and/or
(iii) Consumer Protection

AND WHEREAS, pursuant to Section 150(2) of the *Municipal Act,* the following businesses are licensed for the following rationales:

"ADULT ENTERTAINMENT PARLOUR" for the purposes of protecting the health and safety of the attendants, to ensure that the business is not a nuisance to the surrounding properties and neighbourhood, and the consumer protection of those individuals who attend and partake in services of the parlour.

"AUCTIONEER" for the purpose of ensuring that the business is not a nuisance to the surrounding properties and neighbourhood, and to protect the consumer who is purchasing the products being sold. **(Added By-law 2-2010, dated Jan. 4, 2010)**

"AUTOMOBILE SERVICE STATION" for the purpose of consumer protection to ensure that the work performed is consistent with industry standards.

"BED AND BREAKFAST AND GUEST HOUSE ESTABLISHMENTS" for the purpose of protecting the health and safety of the persons staying in the house by ensuring that the building code regulations are met, as well as the required essentials such as plumbing and water are provided. For ensuring that the bed and breakfast and guest house establishment does not create a nuisance to the adjoining property or surrounding lands, and for consumer protection such that the persons staying in the house know whom to contact in the case of a problem or emergency with the building. **(Added By-law 2-2010, dated Jan. 4, 2010)**

"BILL DISTRIBUTOR" for the purpose of nuisance control concerning littering and/or having a negative aesthetic impact on the Municipality.

“BODY MODIFICATION” for the purpose of protecting the health and safety of the persons attending the establishment by ensuring that building code regulations are met, as well as the required essentials such as a health inspection for consumer protection. **(Added By-law 2-2010, dated Jan. 4, 2010)**

“CARNIVAL/CIRCUS” for the purpose of health and safety of the public.

“DONATION BIN BUSINESS” for the purpose of health and safety of the public by regulating the construction and maintenance of a Donation Bin and to prevent public nuisances that may be created by the accumulation of garbage and debris around the bin and surrounding areas. **(Added by By-law 149-2021, dated September 27, 2021)**

“DOOR-TO-DOOR SALESPERSON” for the purpose of ensuring that the business is not a nuisance and to protect the consumer who is purchasing the products being sold.

“ENTERTAINMENT LOUNGE” for the purpose of nuisance control caused by noise, litter and other like nuisances to the adjoining property or surrounding lands and health and safety of patrons concerning occupancy restrictions, building and fire code regulations and crowd control.

“ESCORT/PERSONAL SERVICE AGENT” for the purpose of health and safety of the public by performing background checks and protect against persons less than 18 years of age working in this industry.

“FOOD HANDLER” for the purposes of health and safety and ensuring that the food handler is following all required health regulations, and to ensure that the consumer does not become ill.

“FOOD STORE” to ensure that regulations are met for the handling and storage of food for sale to the public.

“HAWKER OR PEDLAR” for the purpose of ensuring that the business is not a nuisance by hindering vehicles or pedestrian traffic and/or causing a hazard in any way and to protect the consumer who is purchasing the products being sold.

“MASTER HEATING, VENTILATION, AIR CONDITIONING/ MASTER HEATING CONTRACTOR” for the purpose of consumer protection to ensure the work that is performed by the heating master/contractor is up to the industry standards.

“HOLISTIC CENTRE/PRACTITIONER” for the purpose of consumer protection to ensure the services offered and performed is by qualified and trained professionals.

“HOSPITALITY FOOD/LIQUOR SERVICE” for the purposes of protecting the health and safety of the customers and to ensure the protection of the consumer.

“LODGING HOUSE” for the purpose of protecting the health and safety of the persons residing in the house by ensuring that the building code regulations are met, medication is dispensed correctly and basic human needs are provided. As well as the required essentials such as plumbing and water are provided, for ensuring that the lodging house does not create a nuisance to the adjoining property or surrounding lands, and for consumer protection such that the persons residing in the house know whom to contact in the case of a problem or emergency with the building.

“LUNCH COUNTER” for the purposes of protecting the health and safety of the customers and to ensure the protection of the consumer.

“MOBILE SIGN LESSORS” for the purpose of ensuring that the business is not a nuisance by hindering vehicles or pedestrian traffic and/or causing a hazard in any way.

“MOBILE VENDOR OF FOOD” for the purposes of health and safety and ensuring that the vendor is following all required health regulations, and to ensure that the consumer does not become ill, and to ensure that the vendors are not hindering vehicle or pedestrian traffic

and/or causing a hazard in any way and/or having a negative aesthetic impact on the Municipality which would fall under nuisance control.

“OLD GOLD OR OTHER PRECIOUS METALS DEALERS” for the purpose of consumer protection by ensuring that stolen jewellery is not being traded.
"PET SHOP" for the purpose of consumer protection to ensure that animals purchased are not prohibited to Canada or prohibited within the municipality by by-law and are in good health.

“PLUMBER CONTRACTOR/MASTER PLUMBER” for the purpose of consumer protection to ensure that the work performed by the master/contractor plumber is up to standards set forth by the Building Code Act.

“PUBLIC HALL” for the purpose of the health and safety of persons who enter the hall and to ensure that the business is not a nuisance and the premise complies with Building and Fire code standards.

“PUBLIC PARKING LOT” for the purpose of consumer protection such that a consumer will know who to contact in the case of fees charged or difficulties faced by the consumer in the parking facility.

“RETAIL/RESALE AND PAWNBROKER SHOP” for the purpose of consumer protection by ensuring that stolen goods are not being traded.

“SALVAGE YARD” for the purposes of protecting the consumer purchasing items and to ensure that the building/yard is safe and healthy for the persons who enter and to ensure that it is not a public nuisance by having unnecessary debris.

“SPECIAL SALE” for the purpose of protecting the consumer from business operators misrepresenting special sales offers on goods, wares or merchandise in stock that are being cleared under certain circumstances.

“TOBACCONIST” for the purpose of health and safety to ensure that tobacco is not sold to persons eighteen or under.

“TEMPORARY VENDING SITE OPERATOR” for the purpose of ensuring that the business is not a nuisance by hindering vehicles or pedestrian traffic and/or causing a hazard in any way and to protect the consumer who is purchasing the products being sold.

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

SHORT TITLE
BUSINESS LICENSING BY-LAW

Part 1

DEFINITIONS

1.1 In this By-law:

(1) "**Adult Entertainment Parlour**" means any premises or part thereof or any ship in or on which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or services designed to appeal to erotic or sexual appetites or inclinations. For the purpose of this clause "ship" means a vessel propelled through water by any means of power. **(substituted B/L 68-2005, March 29, 2005)**

When used in relation to adult entertainment parlours, the following shall apply:

a. “**Dancer**” means any person other than a licensed owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment parlour;

b. "**Operator**" means a person who, alone or with others, operates, manages, supervises, runs or controls an adult entertainment parlour.

c. "**Owner**" means a person who, alone or with others has the right to possess or occupy an adult entertainment parlour or actually does possess or occupy an adult entertainment parlour and includes a lessee of an adult entertainment parlour or a premises in which an adult entertainment parlour is located.

d. **"Attendant"** means any person other than a licensed owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment parlour.

e. "**To Provide**" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings.

f. "**Services**" include activities, facilities, performances, exhibitions, viewing and encounters.

g. "**Services designed to appeal to erotic or sexual appetites or inclinations**" includes,

(i) services of which a principal feature or characteristic is the nudity or partial nudity of any person. For the purposes of this clause "partial nudity" shall mean less than completely and opaquely covered:

- human genitals or human pubic region;
- human buttocks; or,
- female breast below a point immediately above the top of the areola.

(ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

(2) **"Antique"** means any object or article which is at least 50 years old, is in limited supply, and is no longer made or manufactured in its existing state. **(Added By-law 256-2005, dated Oct. 24, 2005)**

(3) **"Apprenticeship and Certification Act"** means the Apprenticeship and Certification Act, 1998, S.O. 1998, c.22 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore.

(4) **"Auctioneer"** means a person conducting an auction; and, **(Added By-law 2-2010, dated Jan. 4, 2010)**

a. "Auction" means a publicly-held sale where goods are sold to the highest bidder.

(5) **"Automobile Service Station"** means a building or place where gasoline, oil, propane, and grease for motor vehicles are stored or kept for sale, or where motor vehicles are stored, kept for sale or used for hire, or where motor vehicles may be oiled, greased, or washed or where repairs essential to the actual operation of motor vehicles are executed or performed or where vehicles are upholstered, painted or where the vehicle body is repaired.

(6) **"Bankruptcy and Insolvency Act"** means the Bankruptcy and Insolvency Act, R.S.C. 1985, c. B.3 and the Regulations enacted there under as amended from time to

time or any Act and Regulation enacted in substitution therefore.

(7) "**Bed & Breakfast** or **"Guest House"** means a home-based business for the temporary accommodation of the traveling public located within a single detached dwelling which is occupied on a full-time basis by the owner of such single detached dwelling or the principal shareholder (or one of them if more than one shareholder holds the greatest number of shares) of the corporation registered as the legal owner of the building, including during the time the Bed and Breakfast or Guest House is in operation, and shall contain at least one (1) bedroom for the exclusive use of the owner and at least two (2) accessory guest rooms for use in the Bed and Breakfast or Guest House operation, and shall mean and include any Bed and Breakfast or Guest House legally established under any predecessor by-law, but shall not include a Lodging House or a Hotel; **(Added By-law 2-2010, Jan. 4, 2010)**

a. "Hotel" shall mean a building or part of a building or group of buildings used for the purpose of providing sleeping accommodation for the traveling public, and shall include a motel or motor hotel, but shall not include a Lodging House, Bed and Breakfast or Guest House; and,

b. "Keeper" shall mean the person who has day-to-day responsibility for the operation, upkeep and maintenance of the Bed and Breakfast or Guest House on behalf of the owner, and the owner and Keeper may be one and the same person.

(8) **"Bill Distributor"** means a person who distributes handbills, circulars or other paper within the City of Windsor advertising a business, trade or occupation.

(9) **"Body Modification"** means a premises, building or part of a building in which persons are engaged or employed in furnishing services and otherwise administering to the individual the personal needs of a person and includes, a tattoo parlour, body piercing establishments, or body scarification establishments. **(Added By-Law 2-2010, dated Jan. 4, 2010)**

a. **"Body Piercing"** means the practice of inserting ornaments or other items not required for medical purposes into human tissue, not including the ear, with a needle or other implement.

b. **"Scarification"** means the practice of cutting or abrading human skin to bring about permanent scarring and includes the placement of implants not required for medical purposes beneath the skin.

c. **"Tattoo"** means the practice of permanently depositing pigments not required for medical purposes into human skin by the use of a needle or other implement.

(10) **"Building Code Act"** means Building Code Act 1992, S.O. 1992, c.23 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

(11) **"Business Day"** means any day excluding Saturdays, Sundays and statutory holidays.

(12) **"Carnival"** means buildings, tents and booths for the purpose of games of skill, sideshows, refreshments booths and/or mechanical rides for children and adults.

(13) **"Carrying on"** when used in relation to any trade, occupation, calling or business, includes promoting, advertising, soliciting for, or offering goods or services in connection with such trade, occupation, calling or business.

(14) **"Cat"** means a carnivorous mammal commonly known as a felids catus.

(15) **"Charitable Organization"** means a registered Charity, as defined in Subsection 248(1) of the *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp.), or successor legislation,

that has a registration number issued by the Canada Revenue Agency, or successor agency. **(Added by By-law 149-2021, dated September 27, 2021)**

(16) **"Circus"** means a variety show usually including feats of physical skill and performances by jugglers and clowns.

(17) **"City"** means The Corporation of the City of Windsor.

(18) **"City of Windsor Act"** means City of Windsor Act, 1990 as amended from time to time;

(19) **"Chief Building Official"** means the Executive Director of the Building and Development Department of the City of Windsor and includes the duly authorized building inspectors.

(20) **"Chief Fire Official"** means the Fire Chief of the Fire and Rescue Services Department or his designate(s);

(21) **"Chief of Police"** means the Chief of Police of Windsor Police Services or his designate(s).

(22) **"Company"** means a corporation with share capital.

(23) **"Complementary Health Care Organization"** means an association, organization or institution demonstrated to be established for the purpose, and with the continuing intent, of ensuring safe and proper provisions of one or more kinds of holistic services through:

(i) the admission to membership of persons qualified to provide such holistic services;
(ii) the promulgation and enforcement of a code of ethics respecting the provision of such holistic services;
(iii) maintaining, providing and recognizing measurable standards for practices and procedures in the provision of such holistic services; and
(iv) the communication of information relating to such holistic services.

(24) **"Complementary Holistic Massage"** means the massaging, kneading, manipulating touching, or stimulating by any means of a person's body or part thereof, but does not include medical services or therapeutic treatment performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.

(25) **"Consumer Protection Act"** means the Consumer Protection Act, R.S.O. 1990, c. C.31 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore.

(26) **"Dog"** means a carnivorous mammal commonly known as a genus canis.

(27) **"Dog Control By-law"** means the Dog Control By-law #245-2004 as amended from time to time, or repealed and replaced by another by-law dealing with dogs.

(28) **"Donation Bin"** means any receptacle used for the purpose of collecting items donated by the public including but not limited to clothing, shoes, books, toys, electronic products, and other household products. **(Added by By-law 149-2021, dated September 27, 2021)**

(29) **"Donation Bin Business"** means a business that manages the distribution of one or more Donation Bins, including but not limited to the collection of contents, maintenance, and marketing of Donation Bins. **(Added by By-law 149-2021, dated September 27, 2021)**

(30) **"Door-to-door salesperson"** means a person carrying on or engaging in any trade, business or occupation who attends at residential property for the purpose of selling, hiring or offering to sell or hire any goods or services, showing for the purpose of sale or hire of samples, patterns or specimens of any goods, or for the purpose of the taking of orders to future delivery of any goods or services, with or without a formal written contract, where such attendance has not been solicited or requested by the occupants of such property but this definition shall not include a licensed real estate agent/broker.

(31) **"Driver"** means a person who drives a vehicle on a highway.

(32) **"Drug"** means any drug excluding patent medicines and prescription drugs required for medicinal purposes.

(33) **"Egress"** means a continuous path of travel provided for the escape of persons from any point in a building or contained open space to a separate building, an open public thoroughfare, or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare and includes exits and access to exits.

(34) **"Entertainment Lounge"** means a building or structure or part thereof where patrons are provided with entertainment, in the form of live and/or pre-recorded music and a dance floor, and may include in combination therewith the sale of alcoholic beverages to its patrons for consumption therein or within a physically defined open air sit down area located on the same lot therewith, but does not include a public hall, hospitality services establishment, adult entertainment parlour, casino or other establishments that use mechanical or electronic game machines to be used for the purpose of gambling.

(35) **"Escort"** means any person providing personal services for a fee, whether or not the person is being dispatched or referred by a Personal Service Agent.

(36) **"Essex County Humane Society"** means the Essex County Humane Society incorporated by Letters Patent dated the 6th day of September, l949 for the purpose of providing effective means for the prevention of cruelty to animals and the protection thereof.

(37) **"Exit"** means that part of a means of egress, including doorways that lead from the floor area it serves, to a separate building, an open public thoroughfare, or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare.

(38) **"Fire Protection and Prevention Act"** means Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

(39) **"Fireworks by-law"** means Fireworks by-law #136-2004 as amended from time to time, or repealed and replaced by another by-law dealing with fireworks.

(40) **"Food"** means a substance excluding liquor taken into the body to maintain growth.

(41) **"Food Handler"** means a person certified through a food handling training course provided by the Windsor-Essex County Health Unit.

(42) **"Food Store"** means any premises where food or milk is processed, prepared, stored, handled, displayed, sold or offered for sale, but does not include a private residence from which food is not sold or offered for sale.

(43) **"Formal Course of Education and Training"** means any such course involving teaching, demonstration or supervised practice, offered by, recognized by or accredited with, a Complementary Health Care Organization as qualifying the individual, in accordance with the procedures, practices and ethics of such organization, to provide safe and proper health care service of the kind which is the

subject matter of the area of interest and jurisdiction of the organization and of the course.

(44) **"General Parking Lot"** means any parking lot or other parking facility that is not specifically described in this by-law.

(45) **"Hawker or Pedlar"** "Hawker" or "Pedlar" includes:

(a) 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, wares or merchandise for which orders are taken and that are to be delivered in the City afterwards; and

(b) any retailer which has an employee or agent 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, wares or merchandise for which orders are taken and that are to be delivered in the City afterwards;

(c) but excludes a consumer show open to the public or a trade show open by invitation or registration only, the primary purposes of which are the display of goods and products and not the direct sale of them and activities of real estate agents or brokers.

(46) **"Health Insurance Act"** means the Health Insurance Act, R.S.O. 1990, c. H.6 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore.

(47) **"Health Protection and Promotion Act"** means Health Protection and Promotion Act, R.S.O. 1990, c. H.5 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore.

(48) **"Heating or Heating Work"** means construction, installation, replacement, repair, alteration or servicing in a building in the City of Windsor of any piping, apparatus, equipment, appliances, devices, or other type of heating systems, air conditioning plants, ventilation systems, boilers, and fuel burner units including apparatus, equipment, and piping for the generation and conveyance of steam for any purpose up to l5 pounds per square inch. The minimum standards for heating work shall be as defined in the Ontario Building Code, and all referenced documents therein;

(49) **"Heating Contractor"** means any person holding itself out to the public as engaged in or having direct supervision of heating work within the limits of the City of Windsor.

(50) **"Highway Traffic Act"** means Highway Traffic Act, R.S.O. 1990, c.H.8 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

(51) **"Holiday"** includes Sunday, New Year's Day, Good Friday, Easter Monday, Christmas Day, the birthday or the day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning Sovereign, Victoria Day, Dominion Day, Labour Day, Remembrance Day, and any day appointed by proclamation of the Governor General or Lieutenant Governor as a public holiday or for a general fast or thanksgiving, and when any holiday, except Remembrance Day, falls on a Sunday, the day next following is in lieu thereof a holiday;

(52) **"Holistic Centre"** means any premises or part thereof or any place that offers complimentary health care services including but not limited to "complimentary holistic massage".

(53) **"Holistic Practitioner"** means an individual providing health care services who:

i. has successfully completed one or more formal courses of education and training in the provision of a particular type of complementary health care;
ii. is a member in good standing of a complementary health care organization at the time of application and remains a member in good standing for the period for which the license or notice is in force; and
iii. has demonstrated acceptance and practice of the procedures, practices and ethics of the complementary health care organization of which the individual is a member; and
iv. notwithstanding a, b and c includes a holistic center owner where the owner delivers the holistic services themselves.

(54) **"Hospitality Food Service"** means a restaurant or takeout restaurant that does not serve liquor. **(substituted B/L 67-2005, March 29, 2005)**

(55) **"Hospitality Food Service/Ancillary Liquor Service"** means a restaurant which serves both food and liquor but whose food sales monetarily exceed 50% of its gross sales.

(56) **"Hospitality Liquor Service/Ancillary Food Service"** means a restaurant which serves both food and liquor but whose liquor sales monetarily exceed 50% of its gross sales.

(57) **"Hospitality/Mixed Use (Food/Liquor) Service"** means a restaurant that is a Hospitality Food Service/Ancillary Liquor Service establishment from 4:01 o'clock a.m. to 8:00 o'clock p.m., and is a Hospitality Liquor Service/Ancillary Food Service establishment at all other times.

(58) **"Income Tax Act"** means Income Tax Act, R.S.C. 1985, c. 1 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore.

(59) **"Inspector or Compliance Officer"** means police officer, enforcement officer, provincial offence officer, compliance officer or any other employee whose duties may include the enforcement of this By-law.

(60) **"Keeper"** means the owner or operator of a pet shop licensed as such under this by-law.

(61) **"Land Titles Act"** means the Land Titles Act, R.S.O. 1990, c.L.5 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

(62) **"Licence Commissioner"** means the Executive Director of the Licensing and Enforcement Department and staff of the Licence Commissioner.

(63) **"Licensee"** means any holder of any licence issued under this by-law.

(64) **"Liquor"** means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter.

(65) **"Liquor Licence Act"** means Liquor Licence Act, R.S.O. 1990, c. L.19 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore.

(66) **"Local"** generally means within the boundaries of the municipality of The City of Windsor but when in reference to obtaining a police clearance means the municipality in which applicant normally resides.

(67) **"Local retailer"** shall mean any individual or business which provides for the selling or offering for sale of goods or services at a building or structure located within the City of Windsor which is subject to property tax in the City.

(68) **"Lodging House"** shall mean and include any house or other building or portion thereof in which more than three persons are harboured, received or lodged for hire, with or without meals but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital or institution is licensed, approved or supervised under any general or special Act.

(69) **"Lunch Counter"** means a building or structure or part thereof where meals or meal portions, as an accessory use excluding beverages, are prepared and sold over a counter for consumption within the building or structure or off the premises.
(substituted B/L 67-2005, March 29, 2005)

(70) **"Master Heating Installer or Master Heating, Ventilation, Air Conditioning (Master HVAC)"** means a person who is skilled in the planning superintending and installation of heating equipment and systems; is familiar with the laws and regulations governing same; is employed by a person who has a regular place of business within the Province of Ontario; and who performs or by a provincially certified journeyman under his direct supervision, performs heating work as defined herein.

(71) **"Medical Officer of Health"** means the Medical Officer of Health of the Windsor-Essex County Health Unit and includes his duly authorized public health inspectors.

(72) **"Mobile Sign"** means a sign designed to be readily moved from one location to another and which does not rely on a building or fixed foundation for its structural support. This definition shall include a manual changing copy sign in which the letters or numerals conveying the message can be manually rearranged or changed. This definition includes a t-frame sign, but does not include an a-frame sign.

(73) **"Mobile Sign Lessors"** means a person who carries on the business of leasing mobile signs.

(74) **"Mobile Vendor of Food"** means a person who sells food from a vehicle, cart, basket or other container, which is not intended to be stationary and may be moved from place to place.

(75) **"Municipal Act"** means Municipal Act, 2001, S.O. 2001, c.25 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

(76) **"Municipal Freedom of Information and Protection of Privacy Act"** means Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

(77) **"Municipality"** means the municipality of The Corporation of the City of Windsor.

(78) **"Newspaper"** means a daily or weekly publication on folded sheets; contains news and articles and advertisements.

(79) **"Obtain"** means to purchase, receive or take in exchange or pledge

(80) **"Old Gold Dealer"** means any person who, for hire or gain, purchases or deals in old gold.

(81) **"Old Gold"** means gold or any other precious metal, including platinum and silver, which is not newly minted, and includes old jewelry or similar articles intended to be smelted, dismantled, sold or exchanged.

(82) **"Ontario Building Code"** means Ontario Building Code, O. Reg. 403/97 as amended being regulations made under section 34 of the Building Code Act.

(83) **"Outdoor Market"** means a lot of part thereof, occupied for a temporary period by a

collection of booths, stalls, tents or other physically defined areas, in a outdoor setting, for the retail sale of goods and/or foodstuffs by tow or more individual vendors and operated with the approval and consent of a Business Improvement Area Board of Management. **(Added By-law 147-2007 dated July 30, 2007.)**

(84) **"Parking"** means allowing a vehicle to remain stationary on a street or in a parking lot.

(85) **"Parking By-law"** means the Parking by-law #9023 being a by-law to regulate vehicular parking within the limits of the City of Windsor on municipal streets, municipal parking lots and private properties as amended from time to time, or repealed and replaced by another by-law dealing with parking.

(86) **"Parking Lot"** means an area for parking to which the public has access whether on payment of a fee or otherwise.

(87) **"Pawnbroker"** means a person who exercises the trade of receiving or taking by way of pawn or pledge, any goods for the repayment of money lent thereon as defined in the *Pawnbroker Act*.

(88) **"Pawnbroker Act"** means the Pawnbroker Act, R.S.O. 1990, c. P.6 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore.

(89) **"Person"** means any individual, company, firm, organization, partnership, body corporate or politic, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

(90) **"Personal Services"** means the offering of dating or escort services where the date or escort receives remuneration; outcall services where the individual attends at the private location of the individual requesting short-term companionship or; personal modelling services provided on an outcall basis; and/or adult entertainment services, as defined in this by-law, on an outcall basis.

(91) **"Personal Service Agent"** means a person providing for the dispatch or referral of escorts for a fee.

(92) **"Pet Shop"** means a premise where animals or birds for use as pets are sold, adopted or kept for sale or adoption as may be permitted in Schedule P1 of this By-law. **(deleted and replaced by By-law 120-2020, dated August 24, 2020)**

(93) **"Plumber/Master" or "Master Plumber"** means a person who is skilled in the planning, superintending and installing of plumbing fixtures and systems, who is familiar with the laws, rules, and regulations governing the same, who has or is employed as a master plumber by a person who has a regular place of business in Ontario and who, himself, or by journeymen plumbers under his supervision, performs plumbing work.

(94) **"Plumbing Contractor"** means any person holding himself/herself out to the public as engaged in or having direct supervision of plumbing work within the limits of the City of Windsor.

(95) **"Plumbing Fixture"** means as defined in the *Building Code Act*.

(96) **"Plumbing Work"** means any work on plumbing as defined in *Building Code Act.*

(97) **"Principal"** for the purpose of this bylaw means the most important part.

(98) **"Provincial Offences Act"** means Provincial Offences Act, R.S.O. 1990, c. M. 56 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore;

(99) **"Public Hall"** or **"Hall"** means a building or structure or any part thereof used or

offered for use as a place of public assembly for any purpose, but does not include a theatre within the meaning of the *Theatres Act*.

(100) **"Public Parking Lot"** means the following classes of parking lots or other parking facilities mentioned in this by-law which are designated as parking lots or other parking facilities to which the public has access by right or invitation:

(a) **"Business Parking Lot"** means any parking lot or other parking facility for the parking of vehicles of the customers, visitors, patrons, clients, patients or guests of a business.
(b) **"Commercial Parking Lot"** means any parking lot or other parking facility for the parking of vehicles by the public for any fee, however charged.
(c) **"Employee Parking Lot"** means any parking lot or other parking facility for the exclusive parking of the vehicles of the employees of a business, or the vehicles of the employees, students or residents of an institution.
(d) **"Residential Parking Lot"** means any parking lot or other parking facility for the exclusive parking of vehicles of the occupiers of a dwelling unit or complex of dwelling units, and includes that portion of the parking lot or facility designated as parking for visitors to the dwelling unit or complex.
(e) **"Members' Parking Lot"** means any parking lot or other parking facility for the exclusive parking of the vehicles of the employees or members of a church, club or association.

(101) **"Refreshment Vehicle Structure"** means a refuse container, beverage cooler, tables and chairs used in conjunction with the operation of a refreshment vehicle. This includes all objects including cases and containers separate from the refreshment vehicle used directly or indirectly for the provision of refreshments for consumption by the public.

(102) **"Registered Charitable Organization"** shall mean any charity that is registered or is eligible to be registered with the Federal Government and has a registered charity number that has been issued.

(103) **"Registry Act"** means Registry Act, R.S.O. 1990, c. R.20 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore.

(104) **"Restaurant**" means a building or structure or part thereof used primarily for the preparation and serving of food and beverage to patrons for immediate consumption therein or within a physically defined open air, sit down eating area located on the same lot therewith including taverns. As an accessory use, a restaurant may offer entertainment, exclusive of a dance floor.

(105) **"Retail/Resale Shop"** means a building or any part thereof used for the purpose of buying, selling or otherwise dealing in used goods of all kinds excluding scrap or salvage material or antiques or works of art.

(106) **"Salvage Yard"** means premises or part thereof used for receiving, storing, or dealing in scrap or salvage material.

(107) **"Sewer Use By-Law"** means the Sewer Use By-law #11446 as amended from time to time, or repealed and replaced by another by-law dealing with sewers.

(108) **"Smoking By-law"** means the Smoking By-law #11803 as amended from time to time, or repealed and replaced by another by-law dealing with smoking.

(109) **"Special Sale"** shall be deemed to mean any sale or intended sale at retail described by the use of any of the following words or expressions, or any enlargement, contraction or combination thereof:

bankrupt	moving out	fire
insolvent	selling out	smoke
trustee	lease expiring	water damage
receiver	closing out	creditor
liquidation	discontinuing	forced

or any other similar word or words that represent, hold out or advertise that any goods, wares or merchandise are to be disposed of in a manner that is not in the ordinary course of retail business.

(110) **"Standing Water By-law"** means the Standing Water By-law #127-2003 as amended from time to time, or repealed and replaced by another by-law dealing with standing water.

(111) **"Take-out Restaurant"** means a building, structure or part thereof where food, prepared on or off the premises, is offered for sale to the public, and where the food is ordered for delivery or pick-up with consumption of all food occurring off the premises.

(103) **"Tavern"** means a restaurant which serves both food and liquor but whose liquor sales monetarily exceed 50% of its gross sales. As an accessory use, a tavern may offer entertainment, exclusive of a dance floor.

(104) **"Technical Standards and Safety Act"** means the Technical Standards and Safety Act, 2002, S.O. 2000, c.16 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore.

(105) **"Theatres Act"** means Theatres Act, R.S.O. 1990, c. T. 6 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore.

(106) **"Tobacco Control Act"** means the Tobacco Control Act, 1994, S.O. 1994, c. 10

(107) **"Tobacconist"** means a person who keeps for sale tobacco in any form.

(108) **"To Provide"** – when used in relation to goods includes to sell, offer to sell or display for sale, by retail or otherwise such goods, and "providing" and "provision" have corresponding meanings.

(109) **"Trades Qualification and Apprenticeship Act"** means the Trades and Qualification and Apprenticeship Act, R.S.O. 1990, c. T.17 and the Regulations enacted there under as amended from time to time or any Act and Regulation enacted in substitution therefore.

(110) **"Treasurer"** means the Treasurer of The Corporation of the City of Windsor.

(111) **"Vehicle"** means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, cart and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a streetcar.

(112) **"Veterinarian"** a person registered and entitled to practise veterinary science under the *Veterinarians Act* as amended.

(113) **"Windsor Licensing Commission"** means a licensing commission established under the authority of the *City of Windsor Act* having the power to license any trade, calling, business or occupation authorized by a by-law passed pursuant to this or any other general or special Act.

(114) **"Windsor Sign By-law"** means Sign By-law #250-2004, as amended from time to time, or repealed and replaced by another by-law dealing with signs.

(115) **"Work Order"** means an order or written order to comply issued under a City of Windsor By-law to a licensee or property owner requiring who contravened this by-law or who caused or permitted a contravention or the owner of property on which the contravention occurred to do work to correct the contravention. (**Added by By-law 149-2021, dated September 27, 2021)**

Part 2

LICENCES

2.1 No person shall carry on or engage in the following trades, occupations, calling or business, without first obtaining from the Windsor Licensing Commission the licence authorizing them so to do, and shall pay at the time of obtaining the said licence the appropriate fee provided in Schedule 1 to this by-law. Licence renewals are subject to the renewal and expiration dates as outlined in Appendix "A" of the General Provisions. Any person who, after the first day of the following months in any year as in Column B, commences to carry on any trade, occupation, calling or business for which a licence is required by this by-law and will expire as in Column A, shall obtain a licence for the balance of the licensing year upon payment of fee equal to one-half the fee set out in Schedule 1, except those set out in Subsection (6), (7), (8), (l1) and (27):

COLUMN A	COLUMN B
Expiry Date of Licence	**Half-Price Fee**
January 31st	October 1st
February 28th (29th)	November 1st
May 31st	February 1st
August 31st	May 1st
October 31st	July 1st
November 30th	August 1st

(1) any person who owns or operates an ADULT ENTERTAINMENT PARLOUR;

(2) any person who owns or operates a AUTOMOBILE SERVICE STATION;

(3) any person who carries on the business of a BILL DISTRIBUTOR provided that in the case of a bill distributor, a licence shall be required whether such person distributes bills as one carrying on the business of a bill distributor as a separate business or ancillary to any other business carried on by him and provided that no such licence shall be required by a person who works only as an employee of a person licensed;

(4) any person who presents, operates a CARNIVAL OR CIRCUS, or other like show usually exhibited by showmen, a roller skating rink or other like place of amusement, a merry-go-round, switchback railway, carousel, or other like contrivance;

(5) any person who is a DANCER;

(6) any person who owns or operates a DONATION BIN BUSINESS and is responsible for the distribution, maintenance, marketing or collection of contents of a Donation Bin. **(Added by By-law 149-2021, dated September 27, 2021)**

(7) any person who owns or operates an ENTERTAINMENT LOUNGE;

(8) Any person who is an ESCORT/PERSONAL SERVICE AGENT;

(9) any person who is a FOOD HANDLER;

(10) any person who owns or operates a FOOD STORE;

(11) any person who operates as a HAWKER OR PEDLAR;

(12) any person who performs any HEATING, VENTILATION, AIR CONDITIONING WORK or engages in the business of occupation of a heating master or contractor;

(13) any person who owns or operates a HOLISTIC CENTRE or any person who is a HOLISTIC PRACTITIONER;

(14) any person carrying on the business of a HOSPITALITY FOOD SERVICE, HOSPITALITY FOOD SERVICE/ ANCILLARY LIQUOR SERVICE; HOSPITALITY LIQUOR SERVICE/ ANCILLARY FOOD SERVICE; HOSPITALITY/MIXED USE (FOOD/ LIQUOR) SERVICE, LUNCH COUNTER;

(15) any person who owns or operates a LODGING HOUSE;

(16) any person who carries on the business of a MOBILE SIGN LEESOR;

(17) any person who owns or operates a business as a MOBILE VENDOR OF FOOD for food consumed by the public;

(18) any person who deals in OLD GOLD OR OTHER PRECIOUS METALS or old jewellery for the purpose of reselling, exchanging or smelting the same and recovering the gold therefrom;

(19) any person who keeps a PET SHOP where animals kept for sale;

(20) any person who performs PLUMBING WORK or engages in the business or occupation of a plumber contractor or master plumber;

(21) any person who is the owner of a building or structure or a part thereof used as a PUBLIC HALL;

(22) any person who is the owner or operator of a PUBLIC PARKING LOT;

(23) any person who is the owner or operator of a RETAIL/RESALE SHOP or carries on the business of a PAWNBROKER;

(24) any person who is the owner of operator of a SALVAGE YARD;

(25) any person who sells, offers to sell or advertises for sale in any way, any goods, wares or merchandise by way of SPECIAL SALE;

(26) any person carrying on business of a TOBACCONIST including an automatic vending machine which sells tobacco.

Part 3
GENERAL PROVISIONS

3.1 Licensing – powers

The power to license, regulate and govern a business, trade or occupation includes the power,

(1) to prohibit the carrying on of or engaging in the business without a licence;
(2) to refuse to grant a licence or to revoke or suspend a license;
(3) to fix the expiry date for a license;
(4) to define classes of businesses and to separately license, regulate and govern each class;
(5) to impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, including but not limited to the following conditions:
    (a) requiring the payment of licence fees;
    (b) restricting the hours of operation of the business;
    (c) allowing at any reasonable time, the municipality to inspect places or premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying on of the business;
    (d) prohibiting places or premises used for the business to be constructed or equipped so as to hinder the enforcement of the by-law;
    (e) requiring the premises of the business, or part of the premises, to be accessible to persons with disabilities
(6) to impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
(7) to impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
(8) to licence, regulate or govern the place or premises used for the business and the persons carrying it on or engaged in it;
(9) to regulate or govern the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of or engaging in the business;
(10) to exempt any business or person from all or any part of the by-law; and
(11) without limiting anything in clauses (a) to (e), to require the payment by a licensed business of additional fees at any time during the term of the license for costs incurred by the municipality attributable to the activities of the business.

3.2 Administration - of by-law

City Council hereby appoints a Licence Commissioner for the City whose duty it shall be to administer this by-law, and to engage such inspectors, clerks and staff as may be necessary to carry out the administrative functions of this by-law including the enforcement thereof.

3.3 Enforcement – Supervisor of Compliance and Enforcement

The enforcement of this by-law is assigned to members of the Windsor Police Services and to persons under the supervision of the Supervisor of Compliance and Enforcement for the City or any Provincial Offences Officer appointed by City Council.

3.4 Part 3 - applies to - all other parts

All of the regulations contained in this Part of this by-law shall apply to all licenses required under the provisions of this by-law.

3.5 Licence - display

(1) No person holding a licence issued pursuant to this by-law shall fail to:
    (a) with respect to premises, display the licence in a conspicuous place in or on the said premises; or
    (b) with respect to a vehicle, display the licence in a conspicuous place in or on the said vehicle; or
    (c) with respect to an individual, maintain the licence on their person while conducting the activity for which the licence was issued and when so requested by an Inspector, as authorized under this by-law, produce his licence for inspection..

3.6 Licence - application

(1) Applications for all licenses issued under the provisions of this by-law and applications for the renewal of such licenses:
   (a) shall be made to the Licence Commissioner on forms to be provided;
   (b) when received by the Licence Commissioner, will be stamped with the date and time of receipt and processed in the order in which they are received; and
   (c) will be processed giving priority to applications for renewal of licenses for a particular year provided the application for renewal is received by the Licence Commissioner on or before the last business day of the expiration date as set out in section 2.1 herein. When a renewal deadline expires on a Saturday, Sunday or holiday, the act or proceeding may be done or taken on the day next following that is a business day.

3.7 Licence - application - full information – required

(1) Every applicant shall provide in full, at the time the application is submitted, all of the information requested on the application form as well as:
   (a) payment of the prescribed licence fee set out in Schedule "1" of this by-law; and
   (b) any other document or information as may be required in any other Part of this by-law.

(2) No person shall give false or incorrect information for the purpose of obtaining a licence or certificate.

3.8 Licence - application - subject to approval

Every application will be subject to investigations approvals from such municipal or provincial departments or agencies as the Licence Commissioner deems necessary, or as directed by the Windsor Licensing Commission, including but not limited to: Police Services, Windsor/Essex County Health Unit, Fire and Rescue Services Department, Building and Development Department, Environmental Services Department and Licensing and Enforcement Department.

3.9 Contravention - other laws - prohibited

The issuance or renewal of a licence is not intended and shall not be construed as permission or consent by the City for the holder of the licence to contravene or to fail to observe or comply with any law of Canada or Ontario or any by-law of the City.

3.10 Revocation - licence - surrendered - voluntarily

The Licence Commissioner may revoke a licence that is voluntarily surrendered by the holder for revocation.

3.11 Licence - property of City - transfer - prohibited

Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and the premises or of the person named therein and for the nature of business stated in the licence, and no licence may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized, distrained or otherwise dealt with.

Every metal plate shall be and remain the property of the City and shall be returned to the City whenever required by the Licence Commissioner

3.12 Information - held by Licence Commissioner - open to inspection

(1) Any application, comment, recommendation, information, document or thing in the possession of the Licence Commissioner pursuant to the provisions of this by-law shall be made available by the Licence Commissioner for an inspection:
   (a) by any person employed in the administration or the enforcement of this by-law; and
   (b) by any other person upon the consent, satisfactory to the Licence Commissioner, of the person, civic department, board, commission, authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing; subject only to the limitations imposed by the *Municipal Freedom of Information and Protection of Privacy Act*.

3.13 Inspections - Windsor Police and other designated persons

(1) Any act or duty to be performed by the Chief of Police under this by-law may be performed by any police officer authorized by the Chief of Police to do so.

(2) Any member of Windsor Police Services or any person designated by the Council of the City to enforce this by-law may, at all reasonable times and upon producing proper identification, enter and inspect any premises or any part of any premises licensed under the provisions of this by-law.

(3) The Licence Commissioner, or his/her representative, is authorized to:

(a) inspect,

(i) those parts of any house, place or premises which may be used for the carrying on of any trade, calling, business or occupation;

(ii) goods, wares, merchandise, articles, books, records or other documents of or relating to any trade, calling, business or occupation;

(iii) every vehicle and other personal property used or kept for hire in carrying on the business;

(b) require that each vehicle and other personal property used or kept for hire in carrying on the business be submitted for inspection;

(c) ensure that each licensee produce his vehicle for inspection at the time and place so designated;

3.14 No person - Obstruct - person who enforces

No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.

3.15 Records - to be kept - as required

No person shall fail to keep any and all of the records required to be kept by under the provisions of any section of any Part of this by-law.

3.16 Deficiencies - specified - notice to - applicant

Where any determination is made that any premises or person named in the application does not receive the approvals required by this by-law, the reasons for the lack of the required approvals shall be specified, and the Licence Commissioner or designates shall notify the applicant of all such reasons.

3.17 Licence - not to be issued or renewed - where by-law contravened

No licence shall be issued to any person in respect of any premises in which the carrying on or operation of the business for which the application is being made is in contravention of any by-law of the City, or any applicable Provincial or Federal legislation.

3.18 Licence – Fees - term of – expiry

Every person applying for a business licence shall pay at the time of obtaining the said licence the appropriate fee provided in Schedule 1 to this by-law.

A licence issued under the provisions of this by-law shall be valid only for the period of time for which it was issued in accordance with expire terms set out in section 2.1 herein and subject to fees as contained in Schedule 1 to this by-law.

3.19 Licence – administrative fee – licence refused or withdrawn

All business licence fees are non-refundable if the application is refused for any reason or is withdrawn by the applicant prior to the issuance of a licence.

3.20 Licence – application deemed expired

Any business licence application that has not received approvals from all municipal or provincial departments or agencies as the Licence Commissioner deems necessary within 60 days from the date of the filing of the application, because of the applicant's inability to comply with the requirements to become licensed, shall be deemed to have expired unless the application is referred to the Windsor Licensing Commission under section 3.28 of this by-law.

3.21 Licence – duplicate licence

Where an original licence has been lost or destroyed, the Licence Commissioner, upon receipt of a police report to that effect furnished by the original holder thereof or by some person having the authority to act on behalf of the licensee, may issue a duplicate licence to the licensee upon payment of the fee set out in Schedule 1 to this by-law.

3.22 Licence – notification of change

(1) Every licensee shall notify the Licence Commissioner within 7 days:
   (a) of any change in his business or home address.
   (b) sale, transfer or termination of his business;
   (c) retirement;
   (d) in the situation where the licensee obtained a licence on the basis of the employee's certificate, the termination of the employee's employment.

3.23 Issuance, Renewal – fees – terms of – expiry

(1) Every person applying for renewal of a business licence shall procure such licence from the Windsor Licensing Commission in accordance to the deadline schedule contained in Appendix "A" **attached** hereto, and shall, at the time of filing the application for such licence, pay the licence fee shown in Schedule 1 of this by-law, provided, however, that where a licence is renewed after the deadline, the applicant shall be liable to pay the licence fee established by this by-law together with the penalty of 50% over the base fee.

(2) Notwithstanding clause (1) of this subsection, the term of a dancer licence and escort licence shall be for a period of twelve months from the date of issuance.

3.24 Issuance, Renewal – Conditions

(1) Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold, and renewing a licence, all of which shall be performed and observed by the applicant, holder of the licence or by the operator of the business:
   (a) the applicant or licence holder shall pay the applicable licence fee;
   (b) the applicant or licence holder shall allow, at any reasonable time, the City to inspect the places and premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying out of the business;
   (c) the applicant or licence holder shall ensure that the places or premises used for the business are not constructed or equipped so as to hinder the enforcement of this by-law;
   (d) the conduct of the applicant or the licence holder affords reasonable cause to believe that the applicant or license holder will not carry on or engage in the business in accordance with the law or with honesty and integrity;
   (e) the applicant or licence holder, or an individual who is a member of a partnership that is the holder of the licence, shall be a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada or a person permitted to work in Canada as determined by Citizen and Immigration Canada;
   (f) where the applicant or licence holder is a corporation, or a partnership of which a member is a corporation, the conduct of its officers or directors or of a shareholder who owns or controls 10 per cent or more of its issued and outstanding voting and non-voting shares shall not afford reasonable cause to believe that the applicant or licence holder will not carry on or engage in the business in accordance with the law or with honesty and integrity;
   (g) where the applicant or licence holder is a corporation, it shall, within 15 days after the event, notify the Licence Commissioner in writing where there is a change in an officer or director of the corporation or where there is a change in the controlling interest;
   (h) the premises in which the business is located shall be in accordance with the requirements of the *Building Code Act* and the Regulations there under, the *Fire Protection and Prevention Act,* and the Regulations there under, and any by-law of the City prescribing standards for the maintenance and occupancy of property within the City;

(i) where premises in which the business is located are altered and a building permit is required to carry out the alterations, the premises, as altered, shall be in accordance with the *Building Code Act* and the Regulations there under, the *Fire Protection and Prevention Act,* and the Regulations there under, the Regulations falling within the jurisdiction of the Medical Officer of Health, and any by-law of the City prescribing standards for the maintenance and occupancy of property within the City;

(j) the use of the premises for the purpose of the business is permitted or conforms with the uses of the premises permitted under the applicable zoning by-law or is a legal non-conforming use;

(k) the owner or operator shall have a contractual or proprietary interest in the lands and premises upon which the business is to be operated which will enable the owner or operator to carry on the business;

(l) the applicant or license holder shall not carry on activities that are in contravention of this by-law;

(m) the applicant or license holder shall not fail to pay any part of a fine for a contravention of this bylaw after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time for payment ordered under that section;

(n) evidence that their existing photograph is satisfactory;

(o) evidence of their residence address;

(p) insurance requirements, pursuant to the provisions of this by-law, shall be kept in force by the licensee for the period for which his licence is in effect inclusive of any renewal thereof. The Licence Commissioner shall, upon receipt of notice that a policy of insurance is to expire on a stated date, notify the licensee that unless further proof of insurance is filed on or before that day, a recommendation shall be made to the Windsor Licensing Commission that the licence be suspended or revoked.

(q) Every licensee shall be responsible for the act or acts of any of their employees or any person associated with the licensee in the carrying on of any of the trades, businesses or occupations authorized by their licence in the same manner and to the same extent as though such act or acts were done by the licensee.

3.25 Licensing powers – Licence Commissioner – issue or renew

(1) Upon receipt of an application in the prescribed form for a licence or renewal thereof, shall make or cause to be made all investigation required by law and if the investigation disclose any reason to believe that the applicant is not of good character or that the carrying on of the said trade, calling, business or occupation will be likely to result in a breach of the law or be in any way adverse to the public interest, the Licence Commissioner shall recommend to the Windsor Licensing Commission that it not issue or renew the licence or that it impose conditions on the issuance of a licence, otherwise, the Licence Commissioner shall recommend to the Windsor Licensing Commission that it issue or renew the licence.

(2) Where, in the opinion of the Licence Commissioner, the carrying on of a trade, calling, business or occupation by a licensee will likely result in a breach of the law or be adverse to the public interest, the Licence commission shall recommend to the Windsor Licensing Commission that it suspend, revoke or impose conditions on the licence.

(3) The Licence Commissioner shall sign all licenses on behalf of the Windsor Licensing Commission or his/her signature may be printed or mechanically reproduced upon such licence.

3.26 Licensing powers - delegation to Windsor Licensing Commission

(1) A licensing Commission, which shall be known as the Windsor Licensing Commission, is hereby established for the Corporation of the City of Windsor pursuant to subsection 3(l) of the *City of Windsor Act, l990*.

(2) The Windsor Licensing Commission shall be composed of five members and at least one member of the Commission shall be a member of Council and all other members shall be qualified to hold office as a member of Council under provisions of the

Municipal Act.

(3) Members of the Commission shall be appointed by resolution of the Council for a term of one year or until their successors are appointed and are eligible for re-appointment but no member shall hold office beyond the term of the Council that made the appointment.

(4) If a vacancy occurs in the membership of the Commission, the Council of the Corporation shall appoint another person for the unexpired portion of the term.

(5) The Commission shall elect a chair and a majority of the members constitutes a quorum.

(6) The Council of the Corporation may provide for the payment of salaries, expenses or allowances to the members of the Commission.

(7) The Commission may license any trade, calling, business or occupation authorized by by-law of the Council under this or any other Act.

3.27 Referral - Windsor Licensing Commission - by Licence Commissioner

(1) At any time before the Licence Commissioner either issues or renews a licence, or recommends to refuse to issue or to refuse to renew a licence, he/she may, or he/she shall on the request of the applicant, refer the application for such issuance or renewal of a licence to the Windsor Licensing Commission.

(2) Where there is a referral to the Windsor Licensing Commission pursuant to this section, the Windsor Licensing Commission shall hold a hearing for the purpose of directing the Licence Commissioner to issue or renew the licence, or not to issue or renew the licence, and the Windsor Licensing Commission, when directing the Licence Commissioner, may require the imposition of conditions.

3.28 Recommendation - Windsor Licensing Commission – Refuse to issue, refuse to renew, suspension, place conditions, revocation – notice - hearing request

Where the Licence Commissioner intends to recommend to the Windsor Licensing Commission that it refuse to issue, refuse to renew, place conditions, revoke or suspend a licence, he shall give notice of his intended recommendation to the applicant or licence holder, together with the reason for his intended recommendation, as well as to such other persons, civic departments, boards, commissions, authorities or agencies as appear to have an interest in the recommendation.

3.29 Suspension - interim - pending - during meeting

The Licence Commissioner, without holding a hearing, may suspend a licence for not more than two weeks if the licensee has been convicted of a criminal offence, provided that the suspension is made within thirty days of the conviction, and notwithstanding that an appeal has been taken from the conviction;

No suspension of a licence by the Licence Commissioner is effective after the expiration of two weeks from the date of suspension or after the next meeting of the Windsor Licensing Commission following the suspension, whichever occurs first.

3.30 Refusal - suspension - revocation – notice of hearing - content

(1) Where the Licence Commissioner has recommended to the Windsor Licensing Commission that a licence not be issued or renewed or that a licence be suspended, revoked or conditions imposed on the licence, the Licence Commissioner shall refer the application and his/her reasons for his recommendation to the Windsor Licensing Commission and shall give the applicant notice, in writing, of such action, said notice to be served personally or by registered mail to the applicant at the address shown on the application. The notice of the hearing shall:

(a) contain a reference to section 150 of the *Municipal Act,* under which the hearing will be held;

(b) contain a reason or reasons for the proposed refusal, suspension or revocation;

(c) specify the time, place and purpose of the hearing of the Windsor Licensing Commission at which the proposed refusal, suspension or revocation will be considered;
(d) inform the affected applicant or the affected holder of the licence that he is entitled to attend the hearing and make submissions regarding the proposal and that, in his absence, the Windsor Licensing Commission may proceed to consider the proposal, and the applicant or affected holder of the licence will not be entitled to any further notice in the proceeding;
(e) afford the affected applicant or the affected holder of the licence a reasonable opportunity, before the hearing, to show or achieve compliance with all lawful requirements for the retention of the licence; and
(f) be given at least 7 days notice prior to the date of the Windsor Licensing Commission hearing.

3.31 Refusal - suspension - revocation - by Windsor Licensing Commission – hearing

(1) At the hearing, the Windsor Licensing Commission may suspend, revoke or refuse to issue any licence under this by-law:
(a) for any reason that would disentitle the holder to a licence if he/she were an applicant;
(b) where the holder of the licence or applicant is in breach of a condition of the licence or of this by-law;
(c) if there are reasonable grounds to believe that the statements on the licence application are false;
(d) if a report is filed subsequent to the date of the issuance of the licence by any department or agency which provided its approval originally to the issuance of the licence which indicates that a licensed premises no longer complies with any of the provisions of this by-law;
(e) upon such grounds as are set out in this by-law;
(f) if the applicant has outstanding fines or penalties owing to the municipality or has not paid the required licence application fee;
(g) if the conduct or character of the applicant or licensee affords reasonable cause to believe that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;
(h) if the geographic location of the business does not meet land use requirements;
(i) if, in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable cause to believe that the business will not be engaged in or carried on in accordance with the law or with honesty and integrity; or
(j) if issuing a licence is not in the public interest.

3.32 Windsor Licensing Commission - proceedings

(1) At a hearing, the Windsor Licensing Commission:
(a) shall afford the affected applicant or the holder of the licence an opportunity to make submissions in respect of the matter that is the subject of the Commission's proceedings;
(b) shall afford any person, civic department, board, commission, authority or agency given notice under section 3.8 of this by-law and in attendance at the hearing, or any other person in the discretion of the Commission, an opportunity to make submissions in respect of the matter that is the subject of the Commission's proceedings;
(c) the hearing shall be open to the public but the Commission may close a portion of the hearing for the purposes of receiving confidential legal information pertaining to the affected applicant or licence holder;
(d) the hearing shall be open to the public but the Commission may close all or a portion of the hearing to the public if the Commission is of the opinion that intimate financial or personal matters may be disclosed of such a nature, having regards to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest, outweighs the desirability of adhering to the principle that the hearing be open to the public;
(e) shall give due consideration to the submissions made to it;

(f) shall take such action to refuse, suspend or revoke the application or licence, or not to refuse, suspend or revoke the application or licence, as the Windsor Licensing Commission considers proper in the circumstances; and

(g) shall give notice of its decision to the Licence Commissioner, to the applicant or to the licence holder, and to any person, civic department, board, commission, authority or agency in attendance at the hearing, together with the reasons for its decision.

3.33 Windsor Licensing Commission - equality of votes - result

Any motion made at the hearing respecting the refusal, suspension or revocation of an application or licence on which there is an equality of votes shall be deemed to be decided by the Windsor Licensing Commission against the refusal, suspension or revocation of the application or licence.

3.34 Votes - equal - deemed in favour of issuance

Any motion made at the Windsor Licensing Commission hearing respecting the issuance or renewal of the licence on which there is an equality of votes shall be deemed to be decided by the Commission in favour of the issuance or renewal of the licence.

3.35 Windsor Licensing Commission - decision - immediate effect – notice of decision

(1) A decision of the Windsor Licensing Commission refusing, suspending or revoking an application or licence takes effect upon the rendering of such decision by the Windsor Licensing Commission. No licensee shall operate or carry on the activity for which the licence was issued while his licence is under suspension.

(2) The Windsor Licensing Commission shall give its decision to the Licence Commissioner within seven (7) days of the hearing.

(3) The Licence Commissioner shall forthwith notify the applicant in writing of such decision by serving a copy personally or by registered mail to the applicant at his/her address as shown on his application. Where a notice is sent by registered mail, the date of service upon the person to whom it is sent will be deemed to be the day next following the date of mailing.

(4) The proceedings of the Windsor Licensing Commission shall, at the request of the applicant and upon payment of a fee determined by the Licence Commissioner, be transcribed in writing and a copy of the transcript shall be made available to the applicant on payment of such additional fees as may be determined by the Licence Commissioner.

(5) Upon receipt of a notice of the decision of the Windsor Licensing Commission suspending or revoking a licence, the licensee shall, within twenty-four (24) hours of service of notice by certified mail or immediately if the notice is personally served, return the licence to the Licence Commissioner and any plates issued with a reference to the licence and the Licence Commissioner shall have access to any premises, vehicles or other property of the licensee for the purpose of receiving or taking the same. All plates not returned within 24 hours of service of notice will automatically be deemed invalid.

(6) No person shall refuse to deliver the licence and any plates relative to a suspended or revoked licence to the Licence Commissioner or designate or shall in any way prevent or hinder the Licence Commissioner or designate from receiving or taking the same.

(7) Where a licence is revoked, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted, such refund to be prorated on a monthly basis.

3.36 Windsor Licensing Commission – decision – complete licensing

Where the Windsor Licensing Commission renders a decision granting the applicant the licence applied for, the licence shall be issued upon the applicant complying with the terms of this by-law and the conditions of the licence, if any, and the applicant shall, within

fourteen (l4) days of the service upon him/her of a copy of the decision of the Windsor Licensing Commission complete his application.

3.37 Standards - maintained
No person licensed under the provisions of this by-law shall fail to maintain, on a continuous basis, the standards and requirements that were necessary to obtain the original approval of the licence application, or have been imposed since the issuance of the licence.

3.38 Offences – convictions and fines

(1) Every person who contravenes any of the provisions of this by-law, other than those provisions dealing with adult entertainment parlours, and every director or officer of a corporation who concurs in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding $25,000. **(substituted B/L 126-2005, May 16, 2005)**

(2) Every person who contravenes any of the provisions of this by-law relating to the licensing, regulating and governing of adult entertainment parlours, and every director or officer of a corporation who concurs in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding $25,000 or to imprisonment for a term not exceeding one year, or to both. **(substituted B/L 126-2005, May 16, 2005)**

(3) Where a corporation is convicted of an offence under subsection (1) or (2), the maximum penalty that may be imposed on the corporation is $50,000 and not as provided in those subsections. **(substituted B/L 126-2005, May 16, 2005)**

(4) Pursuant to Section 440 of the *Municipal Act*, if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time for payment ordered under that section, the City Treasurer or his or her designate may give the person against whom the fine was imposed written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. The notice shall be sent by registered mail to be delivered to that person at the person's residence or place of business.

(5) If the fine referred to in subsection (4) herein remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of Section 351 of the *Municipal Act.*

3.39 Other

(1) In this by-law where the time for doing any act or taking any proceeding expires on a Saturday, Sunday or holiday, the act or proceeding may be done or taken on the day next following that is a business day.

(2) If a Court of competent jurisdiction should declare any section or a part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

(3) This by-law includes the Schedules hereto annexed and Appendix A – Deadline Dates that are hereby declared to form a part of this by-law.

(4) For the purpose of licensing businesses, trades, callings and occupations in the City of Windsor this by-law replaces by-law 20-2001 which is hereby repealed on the 31st day of December 2004.

(5) This by-law shall come into force and take effect on January 1, 2005.

EDDIE FRANCIS, MAYOR

DEPUTY CLERK

First Reading - December 13, 2004
Second Reading - December 13, 2004
Third Reading - December 13, 2004

Appendix "A"

List of Deadline Dates for Licence Categories

Deadline	Licence Category
January 31st	Donation Bin Business
January 31st	Mobile Vendor of Food
February 28th(29)	Adult Entertainment Parlour
February 28th(29)	Entertainment Lounge
February 28th(29)	Lunch Counter
February 28th(29)	Hospitality Food Service
February 28th(29)	Hospitality Food Service/Ancillary Liquor Service
February 28th(29)	Hospitality Liquor Service/Ancillary Food Service
February 28th(29)	Hospitality/Mixed Use (Food/Liquor) Service
February 28th(29)	Food Store
February 28th(29)	Tobacconist
February 28th(29)	Personal Service Agent
February 28th(29)	Public Hall
May 31st	Bill Distributor
May 31st	Hawker or Pedlar
May 31st	Heating – Contractor Heating – Master HVAC
May 31st	Plumbing – Contractor Plumbing – Master
October 31st	Automobile Service Station
October 31st	Bed and Breakfast and Guest House Establishments **(Added by By-Law 43-2008, March 25, 2008)**
October 31st	Lodging Homes
October 31st	Mobile Sign Lessor
October 31st	Old Gold Dealer
October 31st	Pawnbroker
October 31st	Public Parking Lot
October 31st	Retail/Resale
November 30th	Body Modification **(Added by By-Law 223-2008, December 15, 2008)**
November 30th	Pet Shop
November 30th	Salvage Yard
November 30th	Holistic Centres
November 30th	Holistic Practitioners

(Replaced by By-law 149-2021, dated September 27, 2021)

Schedule 1 - Initial Licence

THE CORPORATION OF THE CITY OF WINDSOR
LICENSING DEPARTMENT

BUSINESS LICENCE FEES

Initial Licence	Administration	Zoning Inspection & Report	Building Inspection & Report	Fire Inspection & Report	Pollution Control Inspection & Report	Enforcement	Office Expense Overhead	Corporate Support Overhead	TOTAL FEE
ADULT ENTERTAINMENT PARLOURS - Operator	$111.80					$23.94	$21.95	$33.15	**$191**
ADULT ENTERTAINMENT PARLOURS - Owner	$111.80	$41.00		$300.00		$23.94	$21.95	$33.15	**$590**
AUCTIONEER-Per Event	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
AUCTIONEER-Yearly	$111.80					$23.94	$21.95	$33.15	**$191**
AUTO SERVICE STATIONS - Car Wash	$111.80	$41.00			$58.65	$23.94	$21.95	$33.15	**$290**
AUTO SERVICE STATIONS - Gas and/or Oil for Sale	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
AUTO SERVICE STATIONS - Vehicle Used for Hire	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
AUTO SERVICE STATIONS - Storage/Sales	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
AUTO SERVICE STATIONS - Repair, Paint and/or Upholstery	$111.80	$41.00			$58.65	$23.94	$21.95	$33.15	**$290**
BED & BREAKFAST	$111.80	$41.00	$83.70	$300.00		$23.94	$21.95	$33.15	**$616**
BILL DISTRIBUTOR	$111.80					$23.94	$21.95	$33.15	**$191**
BODY MODIFICATION	$111.80	$41.00		$150.00		$23.94	$21.95	$33.15	**$382**
CARNIVAL OR CIRCUS	$111.80					$23.94	$21.95	$33.15	**$191**
DONATION BIN BUSINESS	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
DONATION BIN - Per Bin	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
ENTERTAINMENT LOUNGE	$111.80	$41.00		$300.00	$58.65	$23.94	$21.95	$33.15	**$590**
ESCORTS	$111.80					$23.94	$21.95	$33.15	**$191**
FOOD STORE	$111.80	$41.00			$58.65	$23.94	$21.95	$33.15	**$290**
HAWKERS & PEDLARS - Class 1 & 2	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
HAWKERS & PEDLARS - Class 3, 4, & 5	$111.80					$23.94	$21.95	$33.15	**$191**
HEATING WORK - Contractor	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
HEATING WORK - Master	$111.80					$23.94	$21.95	$33.15	**$191**
HOLISTIC CENTRES	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
HOLISTIC PRACTITIONER	$111.80					$23.94	$21.95	$33.15	**$191**
HOSPITALITY - Food	$111.80	$41.00		$150.00	$58.65	$23.94	$21.95	$33.15	**$440**
HOSPITALITY - Food/Liquor	$111.80	$41.00		$300.00	$58.65	$23.94	$21.95	$33.15	**$590**
HOSPITALITY - Liquor/Food	$111.80	$41.00		$300.00	$58.65	$23.94	$21.95	$33.15	**$590**
HOSPITALITY - Lunch Counters	$111.80	$41.00		$150.00	$58.65	$23.94	$21.95	$33.15	**$440**
LODGING HOUSE	$111.80	$41.00	$83.70	$300.00		$23.94	$21.95	$33.15	**$616**
MOBILE FOOD VENDOR - Class 1	$111.80					$23.94	$21.95	$33.15	**$191**
MOBILE FOOD VENDOR - Class 2	$111.80					$23.94	$21.95	$33.15	**$191**
MOBILE FOOD VENDOR - Class 3	$111.80					$23.94	$21.95	$33.15	**$191**
MOBILE FOOD VENDOR - Class 3 (Kitchen)	$111.80			$150.00		$23.94	$21.95	$33.15	**$341**
MOBILE SIGN LESSOR	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
OLD GOLD DEALER	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
PERSONAL SERVICE	$111.80					$23.94	$21.95	$33.15	**$191**
PET SHOPS	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
PLUMBING WORK - Contractor	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
PLUMBING WORK - Master	$111.80					$23.94	$21.95	$33.15	**$191**
PUBLIC HALL	$111.80	$41.00	$83.70	$300.00		$23.94	$21.95	$33.15	**$616**
PUBLIC PARKING LOT	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
RETAIL/RESALE/PAWNBROKERS	$111.80	$41.00				$23.94	$21.95	$33.15	**$232**
SALVAGE YARDS	$111.80	$41.00			$58.65	$23.94	$21.95	$33.15	**$290**

THE CORPORATION OF THE CITY OF WINDSOR
LICENSING DEPARTMENT

BUSINESS LICENCE RENEWAL FEES

Licence Renewal	Administration	Zoning Inspection & Report	Building Inspection & Report	Fire Inspection & Report	Pollution Control Inspection & Report	Enforcement	Office Expense Overhead	Corporate Support Overhead	TOTAL FEE
ADULT ENTERTAINMENT PARLOURS - Operator	$111.80					$23.94	$21.95	$33.15	**$191**
ADULT ENTERTAINMENT PARLOURS - Owner	$111.80			$300		$23.94	$21.95	$33.15	**$491**
AUTO SERVICE STATIONS - Car Wash	$111.80				58.65	$23.94	$21.95	$33.15	**$249**
AUTO SERVICE STATIONS - Gas and/or Oil for Sale	$111.80					$23.94	$21.95	$33.15	**$191**
AUTO SERVICE STATIONS - Vehicle Used for Hire	$111.80					$23.94	$21.95	$33.15	**$191**
AUTO SERVICE STATIONS - Storage/Sales	$111.80					$23.94	$21.95	$33.15	**$191**
AUTO SERVICE STATIONS - Repair, Paint and/or Upholstery	$111.80				58.65	$23.94	$21.95	$33.15	**$249**
BED & BREAKFAST	$111.80					$23.94	$21.95	$33.15	**$191**
BILL DISTRIBUTOR	$111.80					$23.94	$21.95	$33.15	**$191**
BODY MODIFICATION	$111.80					$23.94	$21.95	$33.15	**$191**
CARNIVAL OR CIRCUS	$111.80					$23.94	$21.95	$33.15	**$191**
DONATION BIN BUSINESS	$111.80					$23.94	$21.95	$33.15	**$191**
DONATION BIN - Per Bin	$111.80					$23.94	$21.95	$33.15	**$191**
ENTERTAINMENT LOUNGE	$111.80			$300.00		$23.94	$21.95	$33.15	**$491**
ESCORTS	$111.80					$23.94	$21.95	$33.15	**$191**
FOOD STORE	$111.80					$23.94	$21.95	$33.15	**$191**
HAWKERS & PEDLARS - Class 1 & 2	$111.80					$23.94	$21.95	$33.15	**$191**
HAWKERS & PEDLARS - Class 3, 4 & 5	$111.80					$23.94	$21.95	$33.15	**$191**
HEATING WORK - Contractor	$111.80					$23.94	$21.95	$33.15	**$191**
HEATING WORK - Master	$111.80					$23.94	$21.95	$33.15	**$191**
HOLISTIC CENTRES	$111.80					$23.94	$21.95	$33.15	**$191**
HOLISTIC PRACTITIONER	$111.80					$23.94	$21.95	$33.15	**$191**
HOSPITALITY - Food	$111.80			$150.00		$23.94	$21.95	$33.15	**$341**
HOSPITALITY - Food/Liquor	$111.80			$300.00		$23.94	$21.95	$33.15	**$491**
HOSPITALITY - Liquor/Food	$111.80			$300.00		$23.94	$21.95	$33.15	**$491**
HOSPITALITY - Lunch Counters	$111.80			$150.00		$23.94	$21.95	$33.15	**$341**
LODGING HOUSE	$111.80		$83.70	$300.00		$23.94	$21.95	$33.15	**$575**
MOBILE FOOD VENDOR - Class 1	$111.80					$23.94	$21.95	$33.15	**$191**
MOBILE FOOD VENDOR - Class 2	$111.80					$23.94	$21.95	$33.15	**$191**
MOBILE FOOD VENDOR - Class 3	$111.80					$23.94	$21.95	$33.15	**$191**
MOBILE FOOD VENDOR - Class 3 (Kitchen)	$111.80			$150		$23.94	$21.95	$33.15	**$341**
MOBILE SIGN LESSOR	$111.80					$23.94	$21.95	$33.15	**$191**
OLD GOLD DEALER	$111.80					$23.94	$21.95	$33.15	**$191**
PERSONAL SERVICE	$111.80					$23.94	$21.95	$33.15	**$191**
PET SHOPS	$111.80					$23.94	$21.95	$33.15	**$191**
PLUMBING WORK - Contractor	$111.80					$23.94	$21.95	$33.15	**$191**
PLUMBING WORK - Master	$111.80					$23.94	$21.95	$33.15	**$191**
PUBLIC HALL	$111.80		$83.70	$300.00		$23.94	$21.95	$33.15	**$575**
PUBLIC PARKING LOT	$111.80					$23.94	$21.95	$33.15	**$191**
RETAIL/RESALE/PAWNBROKERS	$111.80					$23.94	$21.95	$33.15	**$191**
SALVAGE YARDS	$111.80				58.65	$23.94	$21.95	$33.15	**$249**

(Replaced by By-Law 149-2021, dated September 27, 2021)

Schedule A1 To By-law No. 395-2004

ADULT ENTERTAINMENT PARLOURS

1. For the purposes of this schedule, a licence applied for by or issued to a dancer shall be referred to as a "dancer licence," and such persons shall comply with all provisions of this Schedule applicable to attendants, except where otherwise specifically provided.

2. Application requirements.

   (1) On every application by an individual person for an owner's, operator's or attendant's licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the office of the Licence Commissioner and shall complete the forms provided and shall furnish to the Licence Commissioner such information as the Licence Commissioner may direct.

   (2) In the case of an adult entertainment parlour owned or operated by a partnership, the attendance required under Subsection 2(1) of this section shall be by one of the partners, and in the case of an adult entertainment parlour owned or operated by a corporation, such attendance shall be by an officer of the corporation.

   (3) Every applicant for an owner's licence shall, at the time of making his or her application, file with the Licence Commissioner a list showing the names of all operators and attendants providing services in his or her adult entertainment parlour and all such persons intended or expected by him or her to be employed or to provide services in his or her adult entertainment parlour and shall thereafter maintain a list showing at all times the names of all operators and attendants providing services in his or her adult entertainment parlour; and such owner shall, upon a request made to him or her by the Licence Commissioner, any Inspector or Compliance Officer, produce the list, brought up to date as of the time of the request, by such officer.

   (4) On every application for an owner's, operator's or attendant's licence by an individual or by a corporation, the applicant shall state:

      (a) If the applicant is an individual, the date of birth; and
      (b) If the applicant is a corporation, the date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the corporate applicant or in any of the corporations referred to in Section 3 of this article.

   (5) Every applicant referred to in this section, and every shareholder, partner or other person referred to in this section, shall file with or produce to the Licence Commissioner proof of his or her age by producing 2 pieces of government of Canada or government of Ontario issued identification or one piece of foreign government issued identification and Canadian government authorized working papers with at least one piece containing photo identification and birth date. The Licence Commissioner shall not issue a licence unless satisfied that every such person is of the full age of 18 years.

3. Application for licence by corporations.

   (1) Every corporation applying for an owner's or operator's licence shall file with the Licence Commissioner at the time of its application a certified or Notarial copy of its letters of incorporation or other incorporating document, together with an annual return in a form supplied by the Licence Commissioner, which annual return shall contain a list of all the shareholders of the corporation.

(2) Where the shares in a corporation applying for an owner's or operator's licence are held in whole or in part by another corporation, the corporation so applying shall file with the Licence Commissioner an annual return in a form supplied by the Licence Commissioner, which annual return shall contain a list of all of its shareholders; and if such annual return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation, then the said applicant shall also file such an annual return in respect of such third corporation listing its shareholders, and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the shares of the applicant corporation.

(3) All annual returns required by Subsection (2) of this section shall be filed with the Licence Commissioner at the same time as the filing of the application for the licence.

(4) Every owner or operator which is a corporation shall, in every year, on or before the time at which it applies for the renewal of its licence, file with the Licence Commissioner an annual return on a form supplied by the Licence Commissioner.

(5) Where a corporation is the holder of an owner's or operator's licence or licenses, the corporation shall forthwith notify the Licence Commissioner in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and of any such transaction involving the shares of any corporation referred to in Subsection (2).

(6) Where, as a result of the transfer of existing shares or by the issue of new shares of a corporation, the Licence Commissioner has reasonable grounds to believe that the corporation may not be entitled to the continuation of its licence in accordance with this Schedule, the Windsor Licensing Commission may determine whether the licence or licenses should be revoked or have conditions placed on it.

(7) Where the controlling interest in a corporation holding one or more owner's or operator's licenses is sold, transferred or acquired, such licence or licenses shall be terminated forthwith, and the Licence Commissioner may issue a new licence or new licenses upon payment of the prescribed fee. The Windsor Licensing Commission may refuse to issue a new licence or licenses if it determines that it is not in the public interest so to do.

(8) Where the shares of a corporate owner or operator are held in whole or in part by another corporation, such other corporation shall file with the Licence Commissioner at the same time as the owner or operator an annual return as provided in Subsection (4) of this section; and if the shares in such other corporation are in turn held in whole or in part by a third corporation, then such third corporation shall likewise file such an annual return in respect of such third corporation and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the corporate owner or operator.

(9) For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.

4. Application for licence by partnerships.

(1) Persons associated in a partnership applying for an owner's or operator's licence shall file with its application to the Licence Commissioner a declaration in writing signed by all members of the partnership, which declaration shall state:

(a) The full name of every partner and the address of his or her ordinary residence;
(b) The name or names under which they carry on or intend to carry on business;
(c) That the persons therein named are the only members of the partnership; and
(d) The mailing address for the partnership.

(2) If any member of a partnership applying for a licence is a corporation, such corporation shall be deemed to be a corporation applying for an owner's or operator's licence; and if such licence is issued to the partnership, such corporation shall, for the purposes of the said section, be deemed to be a corporation which holds an owner's or operator's licence.

(3) It shall be the duty of every member of a partnership to advise the Licence Commissioner immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Licence Commissioner.

(4) Where, by reason of any change in the membership of a partnership, the Licence Commissioner has reasonable grounds to believe that the partnership is not entitled to the continuation of its licence in accordance with this Schedule, the Windsor Licensing Commission may, in its discretion, determine whether the licence or licenses should be revoked or terminated and whether or not a new licence should issue to the partnership as newly constituted.

5. Declaration to be filed when name of business indicates plurality of members.

(1) Every person applying for an owner's, operator's or attendant's licence who carries on or intends to carry on his or her business in or relating to an adult entertainment parlour under a name or designation other than his or her own name or under his or her own name with the addition of the expression "and company" or some other expression indicating a plurality of members in the firm shall, at the time of the making of his or her application, file with the Licence Commissioner a declaration, which declaration shall state:

(a) His of her full name and the address of his or her ordinary residence;
(b) Any name or designation under which he or she carries on or intends to carry on business, and the date when the name or designation was first used by him or her;
(c) That no other person is associated with him or her in partnership;
(d) The date of his or her birth; and
(e) The mailing address for his or her business.

(2) A person to whom this section relates shall notify the Licence Commissioner immediately of any change in any of the particulars required to be filed with the Licence Commissioner under Subsection (1) of this section.

6. Legal name to be used in application; use of other name or designation.

(a) Every owner, operator or attendant applying for a licence must use his or her own legal name in making such application, and subject to Subsection (c) of this section, no such licence shall be issued to any person in any name other than his or her own legal name.

(b) No owner, operator or attendant shall carry on business under any name or designation other than his or her own, unless he or she has filed with the Licence Commissioner a notice of his or her intention to use such name or designation, and no person shall use any name or designation in respect of an adult entertainment parlour or of any trade, business or occupation carried on therein without first notifying the Licence Commissioner of such name or designation intended to be used and having such name endorsed upon his or her licence in accordance with Subsection C of this section.

(c) Every owner, operator or attendant intending to use some name or designation other than his or her own may, at the time of the issue of his or her licence, or at the time at which he or she files with the Licence Commissioner notice of intention to use such name or designation, have endorsed on his or her licence such name or designation.

7. Every application for an owner's or operator's licence shall be submitted by the Licence Commissioner to the Medical Officer of Health and to Windsor Police Services and may also be referred to any other government official for a report; and where any such report is negative or unfavourable to the applicant, the applicant shall be furnished with a copy of such report and shall have the right to appear before the Windsor Licensing Commission for a hearing to determine whether or not the application should be granted notwithstanding such report.

8 Licensing requirements of owners and operators.

(1) No owner or operator may open for business unless its owner is licensed as such under this Schedule.

(2) Documentation concerning ownership of property.
   (a) Every person applying for an owner's licence shall file with the Licence Commissioner documentation satisfactory to the Licence Commissioner demonstrating the applicant's right to possess or occupy the premises used by him or her as an adult entertainment parlour; and if such person is not the registered owner or owner in fee simple of the property upon which the adult entertainment parlour is located, such person shall file with the Licence Commissioner at the same time a copy of his or her lease, if any, and of any other document constituting or affecting the legal relationship between the said applicant and the said registered owner or owner in fee simple of the real property.
   (b) For the purpose of this subsection, "registered owner" means the owner registered on title in the local Land Registry Office.

(3) A separate owner's licence shall be taken out in respect of each adult entertainment parlour.

(4) Where an owner does not personally operate his or her adult entertainment parlour, every person operating such adult entertainment parlour shall obtain a licence so to do, but nothing herein relieves such an owner from the requirement that he or she obtain a licence as owner of such adult entertainment parlour.

(5) An owner or operator may, subject to the provisions of this Schedule, if his or her licence as an owner or operator is so endorsed by the Licence Commissioner, perform the services of an attendant in the adult entertainment parlour of which he or she is the owner or operator.

(6) An owner who operates his or her own adult entertainment parlour shall notify the Licence Commissioner of this fact at the time he or she obtains his or her licence, and his or her licence may be endorsed accordingly upon payment of the appropriate licence fee, and he or she shall notify the Licence Commissioner and have the said endorsement amended before engaging any operator to operate his or her adult entertainment parlour.

9. Regulations concerning owners and operators.

(1) No owner of an adult entertainment parlour or premises shall permit any person other than a licensed operator to operate such adult entertainment parlour.

(2) No owner or operator shall permit the provision of services upon or at his or her adult entertainment parlour or pursuant to the operation by him or her of an adult entertainment parlour by any person other than a licensed attendant or other person licensed or authorized by or under this Schedule so to do.

(3) No owner shall permit any person, other than an employee of such owner or a person with whom the owner has contracted, to operate his or her adult entertainment parlour or to provide services in his or her adult entertainment parlour.

(4) No attendant or other person shall provide services in any adult entertainment parlour unless the owner of the said adult entertainment parlour and the operator, if any, is duly licensed as owner or operator respectively under this schedule.

(5) No operator not being the owner of an adult entertainment parlour shall operate the said adult entertainment parlour unless the owner of the said adult entertainment parlour is duly licensed as owner under this Schedule.

(6) No operator may operate an adult entertainment parlour unless he or she first notifies the Licence Commissioner of the name of the owner whose adult entertainment parlour he or she intends to operate and has endorsed upon his or her licence the said owner's name accordingly, and every operator before operating any other adult entertainment parlour shall notify the Licence Commissioner of his or her intention so to do and have his or her licence endorsed accordingly.

10. A copy of every written contract of service, contract for services or other document constituting or pertaining to the relationship between owner and operator of an adult entertainment parlour or between owner or operator and an attendant providing services at an adult entertainment parlour shall be filed with the Licence Commissioner, and the original of any such document shall be made available for inspection at any time by the Licence Commissioner upon request, and shall be retained by the owner or operator for a period of six months after its termination.

11. Every owner, operator or attendant who changes his or her address shall, within two days after such change, attend at the office of the Licence Commissioner and notify the Licence Commissioner of such change of address and produce his or her licence for the change to be entered thereon.

12. Sale, lease or other disposition of adult entertainment parlour.

(1) No owner's licence shall be transferred, and if an owner sells, leases or otherwise disposes of his or her adult entertainment parlour or the premises or part thereof upon or in which an adult entertainment parlour is operated to any person, his or her licence in respect of such adult entertainment parlour or premises shall, notwithstanding any other provision of this Schedule, terminate.

(2) Subject to Subsections (4) and (5) hereof, the Windsor Licensing Commission may in its discretion issue a new owner's licence to the purchaser, lessee or other person obtaining an interest in an adult entertainment parlour or the premises or part thereof upon or in which an adult entertainment parlour has been operated subject also to the following conditions:

(a) That the new applicant qualify under all of the other provisions of this Schedule, and that he or she comply with all of the requirements of this Schedule relating to him or her;
(b) That the new applicant file with the Licence Commissioner the documents relating to ownership and to his or her right to possess or occupy the adult entertainment parlour, all as required by section 8 of this Schedule;
(c) That the applicant and the vendor file with the Licence Commissioner an executed copy of a written agreement between the parties containing all the details of the dealings between the parties in respect of such adult entertainment parlour or premises.

(3) Any person making false or intentionally misleading recital of fact, statement or representation in any such agreement or declaration required by Subsection (2) hereof shall be in violation of the provisions of this Schedule.

(4) Notwithstanding Subsections (1) and (2) hereof, the Windsor Licensing Commission may in its discretion refuse to issue a licence or licenses to a purchaser, lessee or other person obtaining an interest in an adult entertainment parlour in a transaction under this section when the Windsor Licensing Commission is of the opinion that it is not in the public interest, that such new licence or licenses should be issued, and the Windsor Licensing Commission shall, upon demand from any party to the transaction, deliver written reasons for such decision.

(5) Upon the sale, lease or other disposition of an adult entertainment parlour, every operator's licence issued in respect of such adult entertainment parlour shall terminate, and the Licence Commissioner may, subject to the provisions of this Schedule, permit the purchaser, lessee or other person obtaining an interest in such adult entertainment parlour to operate the adult entertainment parlour by an endorsement to that effect upon an owner's licence issued to him or her or may issue a new operator's licence to any person previously licensed as an operator in respect of such adult entertainment parlour.

13. No person shall use or permit to be used any premises or part thereof used as an adult entertainment parlour to be used as a dwelling or for sleeping purposes.

14. Bookkeeping requirements; itemized bill; receipt.

(1) Every owner who operates an adult entertainment parlour business and every operator thereof shall keep proper records and books of account of all business transacted in, by or in respect of the adult entertainment parlour operated by him or her. The name and licence number of every attendant providing services in the said adult entertainment parlour, including the date of commencement and the date of termination of such services.

(2) Every owner to whom Subsection (1) relates and every operator shall keep such books and records as are required by that subsection for at least one year after the information required by that subsection is entered therein, and the Licence Commissioner shall at all times have access to such records.

15. Regulations for operation of adult entertainment parlours.

(1) Every owner who operates an adult entertainment parlour and every operator of an adult entertainment parlour shall, in the operation of the adult entertainment parlour, comply with, and ensure compliance with, the following regulations:

(a) The premises shall be provided with adequate light and ventilation.
(b) The premises and all fixtures and equipment therein shall be regularly washed and kept in a sanitary condition.
(c) The premises shall be equipped with an effective utility sink.
(d) Adequate toilet and washroom accommodation shall be provided, and there shall be separate such rooms for males and females.
(e) Washrooms shall be equipped with:
    i. An adequate supply of hot and cold water;
    ii. An adequate supply of liquid soap in a suitable container or dispenser;
    iii. Hot air dryers or individual clean towels for the use of each person using the washing facilities; and
    iv. A suitable receptacle for used towels and waste material.

(f) No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with an adult entertainment parlour.

(g) In all shower-bath rooms, if any, and in all sauna-bath rooms, if any:
    i. The floors shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
    ii. All surfaces and attached accessories of the bath or shower enclosure must be self-draining;
    iii. All showers must have removable cleanable drain covers; and
    iv. Floor surfaces both within and without the enclosures shall be of a non-slip type.

(h) Common foot baths shall not be provided on the premises.

(i) Duck-boards or cocoa matting shall not be used in the shower, bath or steam room, and only liquid or powdered soap shall be used in the shower room.

16. No owner or operator shall permit any services to be given, performed, provided or received in any adult entertainment parlour in breach of any of the regulations contained in this Schedule.

17. Signs and advertising.

    (1) Every owner and operator shall display the Adult Entertainment Parlour licence in a c onspicuous place in or on the said premises.

    (2) No person other than a licensed owner or operator may use the phrase “licensed,” “Windsor-licensed,” or any words indicating the provision of the services at an adult entertainment parlour in pursuance of or in connection with any business, trade, or occupation carried on in an adult entertainment parlour in the City of Windsor unless the owner of the premises and every person operating such business and every attendant engaged in providing services at such premises has been duly licensed so to do by the Licence Commissioner.

    (3) No owner or operator of an adult entertainment parlour shall place or permit to be placed any sign, or any other advertising devise on any premises occupied by an adult entertainment parlour, save and except a sign or any other advertising device containing the words "Adult Entertainment Parlour", and the name under which the business is operated provided such name does not include any of the following words:

        "Nude", "naked", "topless", "bottomless", "sexy", "lap dancing" or any other word or any picture, symbol or representation having like meaning or implication.

    (4) All advertising must comply with the requirements of the Windsor Sign By-law.

18. List of services and fees.

    (1) Every operator of an adult entertainment parlour and every owner who operates his or her own adult entertainment parlour shall file with the Licence Commissioner a copy of a list of all services provided at the said adult entertainment parlour and of the respective fees charged for services including admission fees and any other payment charged in respect of entry to the adult entertainment parlour, and, if any charge be based on a computation of time, the hourly rate shall be shown on such lists.

    (2) No operator, owner or attendant shall charge, demand, ask for or require, or permit to be charged, demanded, asked for or required for any services, provided at an adult entertainment parlour any amount other than that set out in a list filed with the Licence Commissioner, or amendments thereto also filed with the Licence Commissioner.

    (3) No operator, owner or attendant shall provide services at or in respect of an adult entertainment parlour other than those permitted by endorsement by the Licence Commissioner on the licence of the owner of the adult entertainment parlour all as described on a list filed with the Licence Commissioner, or amendments thereto also filed with the Licence Commissioner.

    (4) Every owner and every operator shall post a copy of the list of services and fees referred to in this section in a conspicuous place in the interior of the adult entertainment parlour owned or operated by them plainly visible to any person upon entering the said premises.

19. Every owner, operator and attendant providing services at an adult entertainment parlour, or in attendance at an adult entertainment parlour in pursuance of a trade, business or occupation carried on by the owner or operator of such adult entertainment parlour, shall, upon a request made to him or her by any Inspector or Compliance Officer, Medical Officer of Health, or public health inspector acting under the direction of the Medical Officer of Health, provide his or her name and residential address, and if he or she is licensed under this Schedule in respect of any trade, business or occupation relating to such adult entertainment parlour, he or she shall produce his or her said licence.

20. Other trades, businesses or occupations in adult entertainment parlours.

(1) Subject to this Schedule, before there is carried on in any adult entertainment parlour any business, trade, or occupation for which a licence is otherwise required by this Schedule, the owner of the said adult entertainment parlour shall attend at the offices of the Licence Commissioner and shall apply to have his or her licence endorsed to permit such trade, business or occupation to be carried on in such adult entertainment parlour, and if the Licence Commissioner authorizes such endorsement, the said owner shall pay the applicable licence fee for such a licence.

(1) No owner or operator shall permit any trade, business or occupation for which a licence is required under this Schedule to be carried on in an adult entertainment parlour owned or operated by him or her unless a description of the said trade, business or occupation is endorsed on the owner's licence as provided in this Schedule and unless the owner and every other person required to be so licensed has paid the licence fee applicable to him or her.

(2) Every person shall in carrying on or permitting the carrying on of any trade, business or occupation in an adult entertainment parlour comply with all of the requirements of the by-law relating thereto, including the requirement of licence, if any.

21. Minors.

(1) No person under the age of 18 may be or act as an owner or operator of an adult entertainment parlour or provide any services in an adult entertainment parlour.

(2) No person may provide services in an adult entertainment parlour to a person under the age of 18 years.

(3) No owner or operator shall permit any person under the age of 18 to enter or remain in any adult entertainment parlour owned or operated by him or her.

(4) This section shall not be deemed to prohibit any person from entering or remaining in any premises licensed as an adult entertainment parlour except when services are being provided in such premises.

22. Hours of operation; schedule of hours of operation to be filed; means of access to remain unobstructed.

(1) Every owner who operates his or her own adult entertainment parlour and every operator of an adult entertainment parlour shall file with the Licence Commissioner a schedule showing the hours of business to be observed by him or her in the carrying on of his or her operation of the adult entertainment parlour, which schedule shall state specifically the opening and closing times of the said adult entertainment parlour for each day of the week.

(2) No person shall permit an adult entertainment parlour owned or operated by him or her to be open for business at any time other than the times set forth in a schedule filed with the Licence Commissioner pursuant to Subsection (1) of this section.

(2.1) Notwithstanding subsections (1) and (2), no owner or operator of an Adult Entertainment Parlour located within the area outlined on Appendix "B" to this Schedule shall permit the Adult Entertainment Parlour to be open between the hours of 4:00 a.m. and 8:00 a.m. each day. **(Added by By-Law 101-2011, dated June 7, 2011)**

(3) During the hours of business of an adult entertainment parlour set forth in the schedule filed with the Licence Commissioner in accordance with Subsection (1), or at any time at which an attendant is in attendance at an adult entertainment parlour, it shall be the responsibility of the owner and of the operator, if any, to ensure that the door or doors or other principal means of access into the adult entertainment parlour

by the public shall be kept unlocked and available so that anyone coming into the adult entertainment parlour from the street or other public place may enter therein without hindrance or delay.

(4) Either the owner or an operator licensed in respect of such owner's adult entertainment parlour shall be in attendance at such owner's adult entertainment parlour at all of the times referred to in Subsection (3) of this section and while in attendance the owner or operator must post their name in a conspicuous place in the interior of the adult entertainment parlour plainly visible to any person upon entering the said premise. No owner or operator shall permit an adult entertainment parlour owned or operated by him or her to open for business, or remain open for business, or any attendant to enter or remain therein, or any service to be provided at such entertainment parlour unless this subsection is complied with.

(5) For the purposes of this section, so long as the time commonly observed in the City of Windsor is one hour in advance of standard time, the times mentioned in this section and in this schedule shall be reckoned in accordance with the time so commonly observed and not standard time.

23. When using camera equipment for the purpose of security surveillance every owner or operator shall ensure that signs are posted within the interior of the premise so notifying patrons.

24. Every person shall comply with the provisions of this Schedule applicable to him or her whether or not he or she is licensed under this Schedule.

25. Notwithstanding any provision in this schedule, nothing herein permits the contravention of any provision in this Schedule or in any other by-law of City Council.

26. The number of owners' licenses which may be granted by the Windsor Licensing Commission in respect of adult entertainment parlours are limited by Zoning Bylaw provisions.

27. No owner or operator shall, in respect of any adult entertainment parlour owned or operated by him or her, permit any attendant, while providing services as an attendant, to touch, or be touched by, or have physical contact with, any other person in any manner whatsoever involving any part of that person's body.

28. No attendant shall, while providing services as an attendant, touch or have physical contact with any other person in any manner whatsoever involving any part of that person's body.

29. No owner or operator of a adult entertainment parlour shall permit any dancer, while providing services as a dancer, to touch or be touched by or have physical contact with any other person in any manner whatsoever involving any part of that person's body

30. No owner or operator shall permit any portion of the premises, where services are performed, provided, or received, to be obstructed from the view of any patrons or attendants. **(Amended by By-law 153-2011, dated August 29, 2011)**

31. **(Deleted by By-law 153-2011, dated August 29, 2011)**

32. An operator of a licenced adult entertainment parlour shall post in an area accessible and visible to patrons and employees, a notice in the form attached hereto as Appendix "A", in a prominent place in the adult entertainment parlour.

33. Notwithstanding sub-section 151 (1) of The Municipal Act, no adult entertainment parlour shall be operated,
(1) on the east side or west side of Ouellette Avenue between Eugenie Street and Riverside Drive;
(2) on the north side or south side of Ottawa Street between Howard Avenue and Walker Road.

APPENDIX "A"

NOTICE

Section 167 of the Criminal Code provides that it is an offence for an Owner, Operator or Manager to allow an immoral, indecent or obscene performance, and it is also an offence for any person to participate as a performer in such a performance. "Obscene" for the purposes of the section, refers to the dominant characteristic of the performance being the undue exploitation of sex.

Patrons should be aware that the touching of any dancer may constitute an assault under the provisions of the Criminal Code.

HEALTH NOTICE

Sexually transmitted diseases, including AIDS, Chlamydia, Genital Warts, Gonorrhea, Herpes, Pubic Lice and Scabies may be contracted during any type of genital or skin contact. The risk of infection increases with the number of persons with whom you have contact.

For information please call the Windsor-Essex County Health Unit at 258-2146, Ext. 2191 or 2541.

The above information is being posted for the information of patrons, performers and staff under the authority of City of Windsor Licensing By-law 395-2004.

APPENDIXB
DOWNTOWN BUSINESS IMPROVEMENT AREA

SCHEDULE A2 TO BY-LAW NO. 395-2004

AUCTIONEERS

1.0 Application and Definitions

1.1 This Schedule governs the licensing of auctioneers.

1.2 In this Schedule:

(a) "Auctioneer" means a person conducting an auction;

(b) "Auction" means a publicly-held sale where goods are sold to the highest bidder;

(c) "Estate Sale Auction" means a publicly-held sale used to dispose of the majority of goods owned by a person who recently just died, or who must dispose of his/her property to facilitate a move, where the aforementioned goods are sold to the highest bidder **(Added By-law 148-2010, dated September 13, 2010).**

1.3 This Schedule does not apply to:

(a) a sheriff or bailiff offering for sale any goods or chattels seized under an execution or distrained for rent;

(b) an auction of unclaimed property held by or on behalf of Windsor Police Services; or,

(c) a municipal tax sale held pursuant to the *Municipal Act, 2001* or any successor legislation thereto; or,

(d) any person engaging in the business of operating community sales of livestock pursuant to a licence issued under the Livestock and Community Sales Act, R.S.O. 1990 c. L.22.

2.0 Licenses and Applicants

2.1 An applicant for a licence under this Schedule must be an individual, and must be at least eighteen (18) years of age.

2.2 An applicant for a licence under this Schedule shall be required to complete any and all documentation required by the Licence Commissioner, provide identification as required, and pay any fees prescribed by this Bylaw.

2.3 No licence will be issued unless the premises upon which the applicant proposes to conduct the auction(s) within the City comply in all respects with the City's zoning, building and property standards by-laws.

2.4 Any auctioneer licensed under this Schedule shall keep his or her licence on his person while conducting any auction within the City and shall produce same for inspection upon request by the Licence Commissioner or designate or any other person charged with inspection or enforcement powers under this by-law.

2.5 Licenses shall not be transferable.

2.6 Licenses shall be issued in respect of a single auction, to be held at one (1) location, and shall be valid for a period not exceeding one (1) day.

2.7 Notwithstanding section 2.6 herein, any person auctioning used goods or conducting estate sale auctions shall be allowed to apply for one (1) annual licence to govern the

conduct of auctions they hold within a twelve (12) month period and the fee for such licence shall be equal to the fee paid for individual non-estate sale auctions, or auctions of unused goods pursuant to this schedule **(Added By-law 148-2010, dated September 13, 2010).**

3.0 General Terms

3.1 No person shall conduct an auction without a licence issued under this Schedule.

3.2 No auctioneer shall conduct or permit to be conducted any mock auction, or knowingly or willingly permit to be made any misrepresentations as to the quality or value of any goods offered for sale by the auctioneer.

3.3 Every auctioneer shall prominently display his or her name, business address and City of Windsor Business Licence number on the premises of every auction conducted by the auctioneer and in every public advertisement of any nature of auctioneer.

3.4 No auctioneer shall:

(a) do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he or she pays for any goods auctioned;

(b) act in concert with any other person or persons with the intention or purpose to raise or stimulate bids, including those persons commonly known in the trade as “beaters”, “boosters” or “shills”;

(c) sell or offer for sale any goods on a reserve bid basis without first having announced clearly to those in attendance at the auction of the fact of such reserve bid; or,

(d) advertise for sale prior to the auction any goods which will not be available for sale at the time, date and location of the auction.

4.0 Records

4.1 Every auctioneer shall keep proper books of account of the business transacted by him or her as an auctioneer, which books shall include:

(a) the name(s) and address(es) of the owner(s) of the goods to be sold;

(b) a description of the goods to be sold sufficient to allow the goods to be identified;

(c) the price for which the goods may be sold; and,

(e) the name(s) and address(es) of the purchaser(s) of any goods sold.

4.2 Upon request by the Licence Commissioner or anyone else charged with inspection or enforcement powers by this By-law, the auctioneer shall present the required records for inspection

4.3 After the sale of any good, the auctioneer shall forthwith, account for the proceeds of the sale, and shall pay the proceeds to the person or persons entitled to them less the auctioneer’s legal commissions and charges, and in the event that no sale is made of any of the goods offered for sale, upon payment of the auctioneer’s legal commission and charges, the auctioneer shall return such goods to the person or persons entitled to receive them on demand, provided that this section shall not in any way affect or invalidate the claim of any auctioneer for goods warehoused with him or her, and on which he or she had made advances.

SCHEDULE A3 TO BY-LAW NO. 395-2004

AUTOMOBILE SERVICE STATIONS

1. No licensee shall store or park or allow to be stored or parked thereat, any trailer used for human habitation while so stored or parked.

2. No licensee shall use or permit their premises to be used, for the purpose of wrecking or storing motor vehicles that are no longer operable, except in an enclosed building for vulcanizing tires or tubes.

3. No licensee shall permit the engine of a motor vehicle to run while in any building, whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes.

4. No licence shall be issued to an applicant for a automobile service station unless and until the Licence Commissioner has been furnished with satisfactory proof that:

   (1) where applicable, Technical Standards and Safety Authority has reported in writing that the premises comply with the provisions of the Technical Standards and Safety Act, 2000 for the handling of liquid fuels and propane.
   (2) The Fire Chief has reported in writing that the premise complies with the Ontario Fire Code.

5. Every owner or operator shall erect, maintain and repair at their own expense, screening fences to visually separate areas and to block off views of storage areas, and to provide that the screening fence be continuous except at driveway entrances or where lines of sight are required for traffic safety purposes.

6. No licensee shall use or permit to be used as a waiting lane any area or any public right-of-way which would hinder the flow of traffic on the public highway.

7. Every owner or operator must keep the service station and any sidewalk or street upon which the premises abut, in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other foreign substances derived from the licensed premises or resulting from the use of the licensed premises.

8. Every owner or operator must keep and maintain all washroom facilities in a clean and sanitary condition.

9. Every owner or operator must park all motor vehicles on the licensed premises and in a neat and orderly manner.

10. Every owner or operator must ensure that lighting fixtures used are of a type and are arranged so that they do not cause nuisance or distraction to passing traffic or adjoining properties.

SCHEDULE B1 TO BY-LAW NO. 395-2004

BILL DISTRIBUTOR

1. No bill distributor in the pursuance of a trade, business or occupation shall distribute any handbill, circular or other paper (other than a newspaper or magazine) within the City of Windsor by depositing the same in or upon motor vehicles parked or standing in any public place or by handing the same to pedestrians or others on streets, highways, roads or on any sidewalks, boulevards or footpaths adjacent thereto in the City of Windsor unless otherwise approved by the Windsor Licensing Commission.

2. All handbills, circulars and other printed matter delivered by or on behalf of a bill distributor to residential or other premises shall be deposited in the mailbox or slot provided for the delivery of mail to such premises or handed directly to an occupant of such premises.

3. No person in distributing such handbills, circulars or other papers shall cross over private property except by means of the paved or usual path provided for such purpose.

SCHEDULE B2 TO BY-LAW NO 395-2004

BED AND BREAKFAST AND GUEST HOUSE ESTABLISHMENTS

1.0 Application and Definitions:

1.1 This Schedule governs the licensing of:

(a) Bed and Breakfast establishments; and,

(b) Guest House establishments.

1.2 In this Schedule:

(a) "Bed and Breakfast" or "Guest House" means a home-based business for the temporary accommodation of the traveling public located within a single detached dwelling which is occupied on a full-time basis by the owner of such single detached dwelling or the principal shareholder (or one of them if more than one shareholder holds the greatest number of shares) of the corporation registered as the legal owner of the building, including during the time the Bed and Breakfast or Guest House is in operation, and shall contain at least one (1) bedroom for the exclusive use of the owner and at least two (2) accessory guest rooms for use in the Bed and Breakfast or Guest House operation, and shall mean and include any Bed and Breakfast or Guest House legally established under any predecessor by-law, but shall not include a Lodging House or a Hotel;

(b) "Hotel" shall mean a building or part of a building or group of buildings used for the purpose of providing sleeping accommodation for the traveling public, and shall include a motel or motor hotel, but shall not include a Lodging House, Bed and Breakfast or Guest House; and,

(c) "Keeper" shall mean the person who has day-to-day responsibility for the operation, upkeep and maintenance of the Bed and Breakfast or Guest House on behalf of the owner, and the owner and Keeper may be one and the same person.

2.0 General Terms

2.1 No person shall own, operate, permit to be operated nor act as Keeper of a Bed and Breakfast or Guest House establishment in his or her dwelling without a licence issued under this Schedule.

2.2 Where a licence has been issued under this Schedule, the Keeper shall abide by all terms and conditions attached to the license as well as all requirements under this Schedule or this By-law with application to the Bed and Breakfast of Guest House establishment at all times.

3.0 Application for a Licence or Renewal of a Licence Governed by this Schedule

3.1 In this section, "Bed and Breakfast or Guest House" shall be deemed to include proposed Bed and Breakfast or Guest House establishments, in the case of an applicant in the first instance. Applicants for Bed and Breakfast or Guest House licenses or renewals shall provide the following to the Licence Commissioner:

(a) name and address of the applicant;

(b) address of the Bed and Breakfast or Guest House;

(c) maximum number of occupants and number of rooms available for the purposes of the Bed and Breakfast or Guest House;

(d) particulars of parking to be provided for the guests of the Bed and Breakfast or Guest House;

(e) number of separate showers, bathtubs (with or without showers), wash basins, water closets and sinks in the Bed and Breakfast or Guest House;

(f) two (2) copies of a floor plan of the Bed and Breakfast or Guest House showing measurements of each room proposed to be used for lodging in the Bed and Breakfast or Guest House establishment, including a means of identifying or designating the said rooms either by name, number or physical description, provided that an applicant for renewal shall not be required to submit a floor plan if the specifications remain unchanged from the last submission of a floor plan and provided that the applicant for renewal shall make a written statement that no changes in the floor plan have been made;

(g) the original results of a criminal record check from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days that is satisfactory in form and content to the Licence Commissioner. The criminal record check must be dated no more than thirty (30) days prior to the application for a licence; **(Amended By-law 13-2012 dated January 23, 2012)**

(h) a true copy of the record under the *Business Names Act* of any business names used for the Bed and Breakfast or Guest House establishment as well as a true copy of the Articles of Incorporation issued in respect of any corporate owner - new applicants only, provided that no change of name or corporate structure have been made by an applicant for renewal since the original licensing or the most recent renewal;

(i) proof of general liability insurance for the duration of the license period which insurance shall have a limit of liability of not less than two million dollars ($2,000,000.00) per occurrence for property liability and bodily injury, including death, and further the policy shall contain a provision that the City shall be notified of any intended cancellation of the policy by the insurer no less than fifteen (15) days prior to such cancellation;

(j) a statement from the Medical Officer of Health for Windsor/Essex County, or his or her designate, that the Bed and Breakfast or Guest House establishment and the property on which it stands comply in all respects with the requirements of the *Health Protection and Promotion Act* and any regulations thereunder, and that the Building, the property and the Bed and Breakfast or Guest House establishment meets the minimum standards for public health and does not pose a health hazard;

(k) in the case of an application in the first instance or in the case of a renewal application where a structural or change in location for the Bed and Breakfast or Guest House has been made since the original licensing or most recent renewal, a letter from the City's Chief Building Official, or his or her designate, stating that the proposed Bed and Breakfast or Guest House establishment is in compliance with the *Building Code Act* (Ontario) and with all applicable zoning by-laws

(l) in the case of an application in the first instance, a letter from the City's Chief Fire Official, or his or her designate, stating that the Bed and Breakfast or Guest House establishment comply with the *Fire Protection and Prevention Act* , any regulations thereunder and any other applicable laws, orders, regulations or ordinances;

(m) in the case of an application in the first instance, a letter from the Electrical Safety Authority stating that the condition of the electrical wiring and fixtures

in the Bed and Breakfast or Guest House are satisfactory and setting out any recommendations or requirements in connection therewith; and,

(n) all fees required by this By-law.

3.2 All licenses must be renewed no later than the 31st day of October of every year.

3.3 Upon renewal the licensee shall be required to complete a declaration provided by the Licence Commissioner.

3.4 A licence or renewal can be withheld by reason of the existence of any outstanding orders or unpaid municipal accounts in respect of the property or the operation of the Bed and Breakfast or Guest House.

4.0 Inspections

4.1 Every applicant in the first instance shall be subject to an inspection of the Bed and Breakfast or Guest House by the Licence Commissioner or his or her designate to determine compliance with this Schedule and By-law. Every applicant for renewal may be subject to an inspection of the Bed and Breakfast or Guest House by the Licensing Commissioner or his or her designate to determine compliance with this Schedule and By-law in the discretion of the Licence Commissioner.

4.2 Every Bed and Breakfast or Guest House may be subject to inspections by the Windsor-Essex County Health Unit, Windsor Fire and Rescue Services, or any other body having jurisdiction over the Bed and Breakfast or Guest House.

4.3 A Provincial Offences Officer or By-law Enforcement Officer may, at any reasonable time and upon the production of proper identification, enter into a Bed and Breakfast or Guest House without a warrant to inspect for compliance with the provisions of this By-law and this Schedule.

4.4 No person may obstruct or attempt to obstruct anyone carrying out a lawful inspection under this Section.

5.0 Licence

5.1 Every licence issued hereunder shall contain:

(a) the name and address of the owner of the Bed and Breakfast or Guest House;

(b) the name (if applicable) and address of the Bed and Breakfast or Guest House;

(c) the maximum number of rooms for hire, and the maximum number of occupants permitted in the Bed and Breakfast or Guest House.

5.2 Every Keeper shall display the license issued hereunder in a conspicuous place in the common area of the Bed and Breakfast or Guest House and the licence shall be produced for inspection upon request by the Licensing Commissioner or anyone else given inspection powers under this By-law or Schedule.

5.3 If at any time after the issuance of a licence, the owner ceases to operate a Bed and Breakfast or Guest House, the owner shall within seven (7) days file notice with the Licensing Commissioner, who shall then cause the municipal records to be amended.

5.4 Every Keeper shall ensure that a schedule of rates for the Bed and Breakfast or Guest House be posted in each room to be rented, and such schedule shall also be available upon request to the public, the Licensing Commissioner or his or her designate, or anyone given inspection powers under this By-law or Schedule.

6.0 Records

6.1 Every Keeper shall maintain a current guest register in the form of either sequentially-numbered sheets or a day journal, which register shall contain the following information in respect of each guest staying at the Bed and Breakfast or Guest House:

(a) guest name;

(b) assigned room;

(c) home address;

(d) telephone number;

(e) arrival date;

(f) departure date; and,

(g) make, model and licence plate origin and number of any guest vehicles.

6.2 Upon request by the Licence Commissioner or anyone else charged with inspection powers under this By-law or Schedule, the Keeper shall present the required records for inspection.

7.0 Offences and Penalties

7.1 Every person who contravenes any provision of this By-law or Schedule, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine no exceeding twenty five thousand dollars ($25,000.00) or to imprisonment of a term not exceeding one (1) year, or to both.

7.2 Where a corporation is convicted of an offence, the maximum penalty that may be imposed on the corporation shall be fifty thousand dollars ($50,000.00).

SCHEDULE B3 TO BY-LAW NO 395-2004

BODY MODIFICATION

1.0 Application and Definitions

1.1 This Schedule governs the licensing of Body Modification.

1.2 In this Schedule:

(a) "Body Modification" means a premises, building or part of a building in which persons are engaged or employed in furnishing services and otherwise administering to the individual the personal needs of a person and includes, a tattoo parlour, body piercing establishments, or body scarification establishments.

(b) "Body Piercing" means the practice of inserting ornaments or other items not required for medical purposes into human tissue, not including the ear, with a needle or other implement.

(c) "Scarification" means the practice of cutting or abrading human skin to bring about permanent scarring and includes the placement of implants not required for medical purposes beneath the skin.

(d) "Tattoo" means the practice of permanently depositing pigments not required for medical purposes into human skin by the use of a needle or other implement.

2.0 Licences and Applicants

2.1 No person shall operate a body modification business without holding a current valid licence under the provisions of this by-law for each premises or part of a premises.

2.2 Every person operating a body modification business shall complete a separate application for a licence under the provisions of this by-law for each premises or part of a premises.

2.3 Every person operating a body modification business shall comply at all times with any Government of Canada or Government of Ontario regulations and any guidelines or protocols enforced under Government of Canada or Government of Ontario statutes or regulations that pertain to his/her/its business.

2.4 No holder of a body modification business licence shall employ any person or permit any person to do any body piercing or tattoo/scarification who has a communicable disease, which, in the opinion of the Medical Officer of Health, is injurious, or likely to be injurious, to the health of any person.

2.5 No holder of a body modification business licence shall permit his/her/its employee or any person to do any body modification for a customer or any person who has a communicable disease, which, in the opinion of the Medical Officer of Health, is injurious, or likely to be injurious, to the health of any person.

2.6 Every holder of a body modification licence shall keep the body modification business in a clean and sanitary condition to the satisfaction of the Medical Officer of Health.

2.7 (a) Applicants for Body Modification licences or renewals shall provide a statement from the Medical Officer of Health for Windsor/Essex County, or his or her designate, that the Body Modification establishment and the property on which it stands comply in all respects with the requirements of the *Health Protection and Promotion Act* and any regulations there under, and that the Building, the property and the Body Modification establishment meets the minimum standards for public health and does not pose a health hazard.

(b) Applicants applying for Body Modification licences shall attend a mandatory Health course outlining the potential risks with regards to communicable diseases. Following the course, a test will be conducted and subsequently a certificate issued upon successful completion of said course.

2.8 Applicants for Body Modification licences or renewals shall provide a letter from the City's Chief Building Official, or his or her designate, stating that the proposed Body Modification establishment is in compliance with the *Building Code Act* (Ontario) and with all applicable zoning by-laws.

2.9 Applicants for Body Modification licences or renewals shall provide a letter from the City's Chief Fire Official, or his or her designate, stating that the Body Modification establishment comply with the *Fire Protection and Prevention Act* , any regulations there under and any other applicable laws, orders, regulations or ordinances.

3.0 Inspections

3.1 By the submission of an application, the applicant shall authorize the Licensing Commissioner or his or her designate shall cause an inspection of the Body Modification establishment or proposed Body Modification establishment to be made at a reasonable time to determine compliance with this Schedule and By-law. This inspection shall be required for the initial application only provided the applicant has made no changes, or as required by the Licensing Commissioner.

3.2 Every Body Modification establishment shall be subject to spot checks by Windsor Fire and Rescue Services and the Windsor Essex County Health Unit, and further, that all licensees be subject to take an Educational Workshop offered through the Windsor Essex County Health Unit and then every 5 years thereafter.

3.3 A Provincial Offences Officer or By-law Enforcement Officer may, at any reasonable time and upon the production of proper identification, enter into a Body Modification establishment without a warrant to inspect for compliance with the provisions of this By-law and this Schedule.

3.4 No person shall obstruct or attempt to obstruct anyone carrying out a lawful inspection under this Section.

3.5 All licences must be renewed on or before November 30th of every year.

SCHEDULE C1 TO BY-LAW NO. 395-2004

CARNIVALS AND CIRCUSES

1. Every application for a licence made under this Schedule shall be accompanied by:

   (1) When on Privately owned land open to the public:

      (a) Written approval for the establishment of the carnival from the owner of the lands being used;

      (b) A map detailing the location of the Carnival/Circus on the property;

      (c) A certificate issued by the Windsor-Essex County Health Unit, approving the sanitary facilities to be provided by the applicant.

      (d) Proof of General Liability Insurance showing a minimum of $2,000,000.00 coverage.

      (e) Where the Carnival includes rides or like contrivances:

         (i) a valid and current licence to carry on business in Ontario issued by the Technical Standards & Safety Authority, or its successor; and
         (ii) a valid and current Ontario Amusement Device Permit issued by the Technical Standards & Safety Authority, or its successor, for each ride.

   (2) When on City owned land:

      (a) An agreement signed by Leisure and Recreation Services;

      (b) Where the Carnival includes rides or like contrivances:

         (i) a valid and current licence to carry on business in Ontario issued by the Technical Standards & Safety Authority, or its successor; and
         (ii) a valid and current Ontario Amusement Device Permit issued by the Technical Standards & Safety Authority, or its successor, for each ride.

2. No Person licenced under this By-law and Schedule shall:

   (1) Operate or allow to be operated rides or like contrivances for use by the public in an improper or dangerous manner;

   (2) Emit, cause or permit the emission of sound from the operation of an electronic device or group of connected devices incorporating one or more loudspeakers or other electro-mechanical transducers intended for the production, reproduction or amplification of sound if the sound is clearly audible at a point of reception in a residential area as restricted by the Emission of Sound By-law 6716.

   (3) Subsection 2(2) above does not apply to a Carnival operated in conjunction with a Festival approved by Council of the City.

3. Every Person licenced under this By-law and Schedule shall keep order and, at the Person's own expense, shall keep a sufficient staff of employees or servants to maintain such order.

4. Every licence issued under this By-law shall be valid for the period of time stipulated in the letter referred to in subsection 1(1) of this Schedule or fifteen (15) consecutive days, whichever is less.

SCHEDULE NO. D1 TO BY-LAW NO. 395-2004

DONATION BIN BUSINESS

1.0 LICENCES

1.1 No person shall operate a Donation Bin Business within the City of Windsor without holding a current and/or valid licence issued under this By-law.

1.2 A Donation Bin Business licence may be issued by the Licence Commissioner for one or both of the following classifications:

a) CLASS 1 – Where the Donation Bin Business is a FOR-PROFIT organization that manages the distribution of one or more Donation Bins, including but not limited to the collection of contents, maintenance, and marketing of Donation Bins.

b) CLASS 2 – Where the Donation Bin Business is a NON-PROFIT organization showing proof of CRA charitable registration that manages the distribution of one or more Donation Bins, including but not limited to the collection of contents, maintenance, and marketing of Donation Bins.

1.3 Every Donation Bin that is managed, owned or operated by a Donation Bin Business must be licensed under this By-law and have affixed to it, a valid identification sticker issued by the Licence Commissioner.

1.4 The holder of a Donation Bin Business licence shall ensure that the placement of all Donation Bins does not contravene the City of Windsor Zoning By-law as amended from time to time.

2.0 APPLICATION FOR LICENCES AND RENEWALS

2.1 Upon application, every person applying for a Donation Bin Business licence in the first instance and renewal shall submit the following to the satisfaction of the Licence Commissioner:

a) A "Donation Bin Business" licence application completed in full;

b) A Business Ownership Declaration and supporting documentation identifying that the business is being operated as a Sole Proprietorship, Corporation or Partnership;

c) Two forms of government issued identification for the applicant, one being photo in acceptable form and the other demonstrating proof of status in Canada;

d) Contact information for the business and applicant consisting of address, mailing address, phone number(s), email and emergency contact;

e) Legal municipal address or roll number where each donation bin is to be located, along with a site plan or drawing for the desired placement of each bin on said property;

f) A lease agreement or written letter of understanding/permission from each property owner or a director of a corporation that is the registered property owner providing consent to place a bin on their property. The agreement shall also include a clause that both parties understand their responsibility to ensure that the Donation Bin(s) and surrounding areas of the bin are to be maintained in a manner that does not contravene any City of Windsor By-law or be kept

in a manner to cause a public nuisance and further, an understanding that either party may be responsible for costs incurred by the City for any work undertaken to correct a contravention upon the expiration of a work order;

g) Proof of Canada Revenue Agency (CRA) charitable registration if applicable;

h) Payment of the applicable licence fees set out under this By-law.

3.0 DONATION BIN BUSINESS RESPONSIBILITIES

3.1 Every holder of a Donation Bin Business licence must comply with the following operational standards as prescribed by the Licence Commissioner and ensure the following:

a) That the appropriate licences and Donation Bin stickers have been issued by the Licence Commissioner prior to operating the Donation Bin Business;

b) That the placement of any Donation Bin is not within the prohibited zone classes of residential or manufacturing according to the City's Zoning By-law;

c) That the placement of a Donation Bin is not placed on any property without a lease agreement or the prior written consent of the registered property owner as prescribed under Section 2 (2.1) (f) of this Schedule;

d) That the placement of a Donation Bin is not in any other location other than as shown in the site plan or drawing provided to the Licence Commissioner;

e) Ensure compliance with the advertising and signage requirements for Donation Bins as prescribed by the Licence Commissioner;

f) Ensure that the Donation Bin is appropriately placed on a hard surface and located on the premise so as not to interfere with sight triangles, on-site circulations of vehicular or pedestrian traffic, required setbacks, parking, landscaping and other applicable requirements imposed on the property as part of any development approval to the satisfaction of the City;

g) Ensure that the Donation Bin and the surrounding areas of the bin are kept and maintained in a manner to prevent any public nuisance including but not limited to the accumulation of garbage and debris.

4.0 DONATION BIN REQUIREMENTS

4.1 Every Donation Bin shall:

a) Be of metal construction with a self-closing deposit/hatch. Any other points of entry into the Donation Bin must be locked at all times when the Donation Bin is unattended;

b) Be "licensed" under this By-law and have affixed to it, a sticker issued by the Licence Commissioner bearing an identifying number, the licence year and bin classification. The sticker shall be affixed and maintained in a conspicuous part of the Donation Bin satisfactory to the Licence Commissioner throughout the period for which the licence is valid;

c) Display the name of the operator and the associated charity, community organization or religious institution, if applicable. The sign face being no smaller than 30 centimeters x 10 centimeters (11 inches x 3 inches) and of contrasting colour.

5.0 ENFORCEMENT AND WORK ORDERS FOR NON COMPLIANCE

5.1 An Inspector or Compliance Officer may enter upon any land at any reasonable time to determine if the licensee is complying with the provisions of this Schedule and all City By-laws.

5.2 Where a Donation Bin or the surrounding areas of the bin are found to be in contravention, an Inspector or Compliance Officer may issue the appropriate work order prescribed under any City By-law to the licensee and/or the property owner if applicable.

5.3 Upon the expiration of a work order and where the contraventions still exist, the City may take any action to conduct the necessary work to correct the contravention up to and including the removal of the Donation Bin.

5.4 All costs of completing any work to bring a Donation Bin and the surrounding areas of the bin into compliance will be recovered by invoice at the licensee's expense. If applicable, and in the case of an unlicensed abandoned bin, the cost will be recovered at the property owner's expense through their municipal property taxes.

5.4 The Licence Commissioner at his or her discretion may refer a licensee associated with a Donation Bin Business to the Windsor Licence Commission for suspension, revocation or imposition of conditions on all licences associated with the Donation Bin Business.

6.0 RELATING TO CLASS 2 DONATION BIN BUSINESSES (NON-PROFIT)

6.1 At the time of application for a Class 2 Donation Bin Business licence, the applicant must provide proof satisfactory to the Licence Commissioner of registration with the Canada Revenue Agency (CRA) as a non-profit charitable organization.

6.2 The business licence fees prescribed under Schedule 1 of this By-law for a Donation Bin Business and Donation Bin shall be reduced by fifty percent (50%) for all Class 2 Donation Bin Business licence applications.

SCHEDULE E1 TO BY-LAW NO. 395-2004

OWNERS AND OPERATORS OF ENTERTAINMENT LOUNGES

1. No person shall operate an Entertainment Lounge without first obtaining a licence.

2. This Schedule does not apply to businesses licensed under the Hospitality Services schedule to this by-law.

3. All Entertainment Lounges are subject to the smoking restrictions for "Adult Recreation Establishments" as outlined in the Smoking By-law.

4. **(Repealed B/L 49-2010, dated March 22, 2010)**

5. Every application for an Entertainment Lounge licence shall be accompanied by an Inspection Report as required by the Medical Officer of Health and such application shall be accompanied by plans showing the location and extent of the premises, the use to be made of each floor, apartment and room and of adjoining rooms or connecting floors and the position of equipment, water supply, toilet conveniences and means of disposal of waste. The Inspection Report must have been completed within the last 12 months.

6. Every application submitted to the Licence Commissioner will be circulated to the Fire Chief or his designate for a letter of compliance with the provisions of the Fire Code made under the Fire Protection and Prevention Act, and will state the maximum occupancy load for the Entertainment Lounge.

7. Every application submitted to the Licence Commissioner will be circulated to the Chief Building Official, for a letter of compliance indicating that the proposed Entertainment Lounge operation is a permitted use at the specific location.

8. Every owner of an Entertainment Lounge shall display in a prominent place in the entrance way to the Entertainment Lounge and on the inside wall of each room adjacent to the entrance of the room, a placard issued by the Fire Chief or his designate stipulating the maximum occupancy for each room.

    (1) The licensee must post their "Safe Food Counts" rating, issued by the Windsor-Essex County Health Unit, in a conspicuous place, clearly visible to the members of the public prior to entering. **(Added B/L 118-2010, dated July 26, 2010)**

9. Every owner of an Entertainment Lounge shall display in a prominent place in the entrance way to the Entertainment Lounge signage as required under the City of Windsor Smoking By-law.

10. Every licensee of an Entertainment Lounge which is located so as to cause the frequent forming of queues for the purpose of gaining entrance to such place, shall have a uniformed attendant present whenever any such queue is formed, for the purpose of regulating such queue and prohibiting undue obstruction or encumbering of any exit door, walkway, driveway, street or highway by such queue. All queuing on the public right of way is subject to approval in writing by the Manager of Permit Services for manner and placement of stanchions.

11. Every owner shall keep the premise clean and orderly and maintained in all respects reasonably suitable for the purpose for which they are used, and in particular, shall be kept suitably lighted and ventilated during the hours of business including the half hour before and after close of business.

12. No snow or ice shall be allowed to accumulate on any fire escape or other means of egress in such a manner or to such an extent as to create any unnecessary danger.

13. All electrical installations shall be in full compliance with the Ontario Electrical Safety Code.

14. The issue of every licence for an Entertainment Lounge shall be subject to the following conditions:

    (1) An Inspector or Compliance Officer or any other person designated by the municipality may enter the Entertainment Lounge at all reasonable times in order to inspect such Entertainment Lounge and to enforce the provisions of this By-law.

    (2) An Inspector or Compliance Officer or any other person designated by the municipality may, at any time, order the evacuation of an Entertainment Lounge when the occupants of the Entertainment Lounge are, in his opinion, endangered by a hazardous condition, and the inspector or other such designated person may enter the place at any time in order to ascertain such condition.

15. Every owner or operator shall also comply with the *Building Code Act*, the *Fire Protection and Prevention Act*, fuel safety standards regulated by the Technical Standards and Safety Authority and the Ontario Electrical Safety Code as they may be amended from time to time.

16. Subject to section 3.11 of the General Provisions to this by-law no owner's licence shall be transferred, and if an owner sells, leases or otherwise disposes of his Entertainment Lounge or the premises or part thereof upon or in which an Entertainment Lounge is operated, to any person, his licence in respect of such Entertainment Lounge or premises shall, notwithstanding any other provision of this By-law, terminate.

17. Every licensee shall fully comply with all requirements as outlined in the, but not limited to, Property Standards By-law, Noise By-law, Sign By-law and Littering By-law.

18 Every licensee of an Entertainment Lounge must close all doors and windows according to the following schedule:

    (a) From Sunday through Thursday, all doors and windows must be completely closed by 9:00 o'clock p.m., and shall remain completely closed until 5:00 o'clock a.m. on the following morning. **(Substituted B/L 49-2010, dated March 22, 2010)**

    (b) On Fridays, Saturdays and only on the Sundays that fall on the eve of a statutory holiday, all doors and windows must be completely closed by 11:00 o'clock p.m., and shall remain completely closed until 5:00 o'clock a.m. on the following morning. **(Substituted B/L 67-2006, dated April 3, 2006) (Substituted B/L 49-2010, dated March 22, 2010)**

    (c) Unless otherwise indicated, all times mentioned refer to Eastern Standard Time. **(Added B/L 49-2010, dated March 22, 2010)**

19. Every person who operates an Entertainment Lounge that includes bill posters, advertising sign posters, as means of advertising their premises shall distribute or cause distribute in such a fashion that is secure and does not cause litter. Any deposit on the public highway or right of way shall be the person's responsibility to remove.

20. Every person who operates an Entertainment Lounge that includes distributing handbill or other circulars shall not do so unless properly licensed by the municipality.

21. Every person who operates an Entertainment Lounge shall comply with all other federal and provincial legislation.

22. Every licensee may be subject to additional fees or charges that directly relate to the enforcement of this or other related bylaws.

23. Every holder of a licence issued under this Schedule who serves food or beverages for consumption on the premises in other than an enclosed building, or who provides a parking area for his customers shall:

(1) erect and maintain a fence or wall or separation, approved by the Chief Building Official of the Corporation of the City of Windsor, around the area in which such food or beverages are served and around such customer parking area, of sufficient construction and design to prevent the escape of litter onto the public street and onto other premises. Such fence or wall shall comply with all municipal by-laws applicable thereto, and shall allow openings for necessary ingress and egress to and from the premises and such parking area; provided that the Licence Commissioner may, in special circumstances, relieve the licence-holder from the necessity of fencing all that portion of his premises and such parking area not required for the said openings, which face on the public street, where a satisfactory method of preventing otherwise the escape of litter is employed, provided, however, that a fence wall or barrier constructed around a sidewalk cafe need not comply with the Fence By-law.

(2) provide adequate supervision of the premises and parking areas at all times to curb, control and prevent littering, rowdyism, and unnecessary noise; and

(3) be responsible for picking up daily and disposing properly of litter which has escaped from his premises or such parking area to the public street or alley, or unto private property, unless prohibited by the owners thereof.

24. An Entertainment Lounge licence issued under this Schedule will only be extended to patios on municipal property where licence holder is in compliance with all provisions of their patio agreement.

25. All licensees must ensure that all staff that prepare and handle food must possess a Food Handlers Certificate issued by the Windsor Essex County Health Unit.

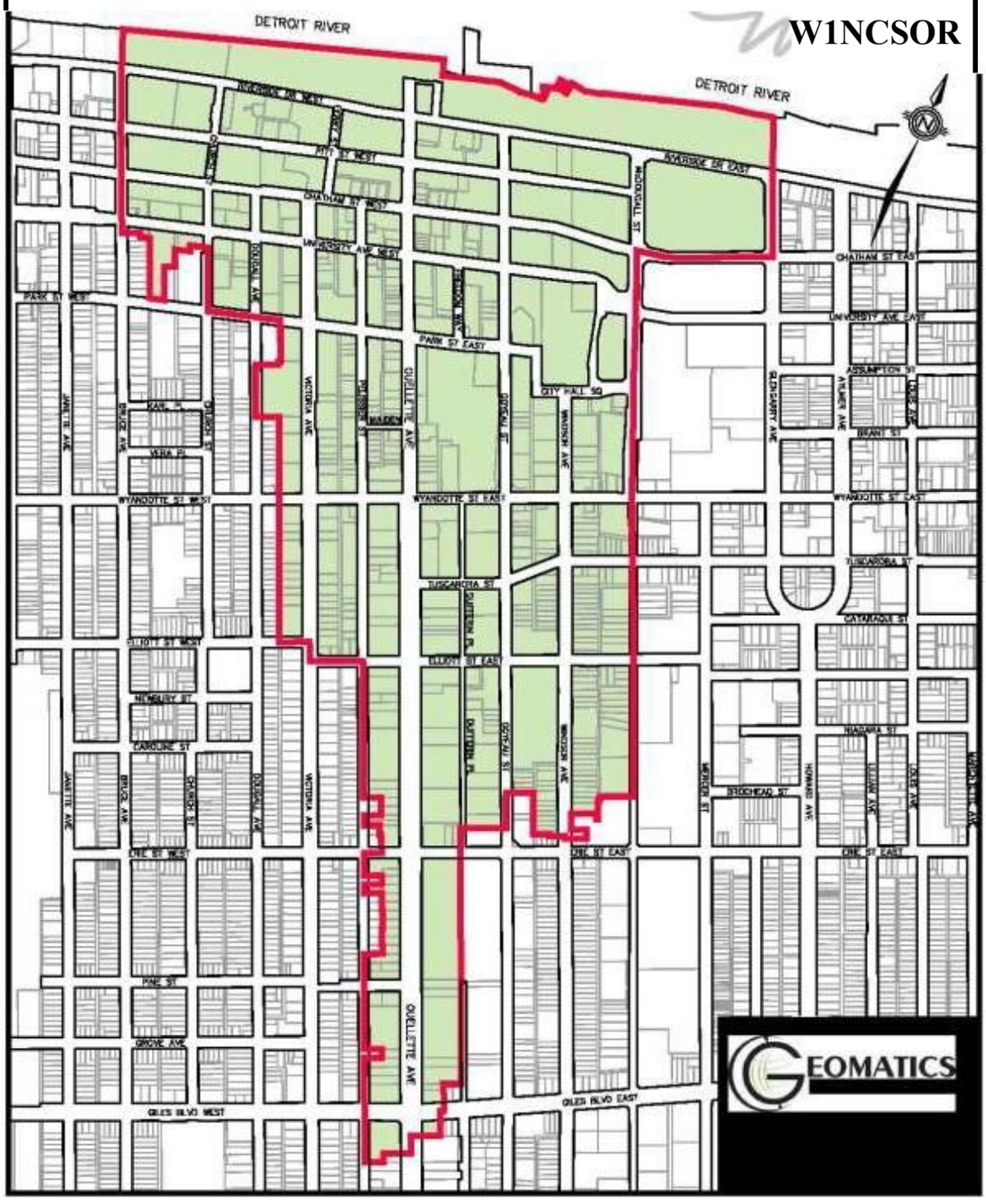
26. No person who operates an Entertainment Lounge will encourage or permit contests, events or entertainment that is designed to appeal to erotic or sexual appetites or inclinations without being licensed as an Adult Entertainment Parlour which includes contest, events or entertainment of which a principal feature or characteristic is the nudity or partial nudity of any person. For the purposes of this clause "partial nudity" shall mean less than completely and opaquely covered:

- human genitals or human pubic region;
- human buttocks; or,
- female breast below a point immediately above the top of the areola.

27. In Entertainment Lounges where food is being prepared no licence shall be issued to an applicant until the Licence Commissioner has been furnished with a reported from the Director of Environmental Services showing that the premises are suitable for the purposes on the licence application with respect to compliance with Sewer Use By-Law as amended from time to time.

28. No owner or operator of an Entertainment Lounge located within the area outlined on Appendix “A” to this Schedule shall permit the Entertainment Lounge to be open between the hours of 4:00 a.m. and 8:00 a.m. each day. **(Added by By-Law 101-2011, dated June 7, 2011)**

APPENDIX A
DOWNTOWN BUSINESS IMPROVEMENT AREA



SCHEDULE E2 TO BY-LAW NO. 395-2004

ESCORTS/PERSONAL SERVICES

1. Every Personal Service Agent shall have a permanent place of business in the City of Windsor, and the name of a local contact person shall be provided to the Licence Commissioner.

2. On every application for an escort licence or personal service agent licence by an individual or by a corporation, the applicant shall state:
    a) If the applicant is an individual, the date of birth; and
    b) If the applicant is a corporation, the date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the corporate applicant.

3. Every applicant referred to in Section 4 of this schedule, and every shareholder, partner or other person referred to in this section or in sections 1, 2, or 4 of this schedule, shall file with or produce to the Licence Commissioner proof of his or her age, if required to do so, and no such licence shall be issued unless Licence Commissioner is satisfied that every such person is of the full age of 18 years.

4. No Personal Service Agent nor Escort shall advertise or solicit for services without the publication of the municipal business licence number in any advertisement or solicitation for services.

5. No Personal Service Agent shall dispatch or refer any person for the provision of personal services unless the individual has an Escort Licence from the City of Windsor.

6. Every Personal Service agent shall maintain a register of all licensed Escorts being dispatched or referred by the agent, which shall include but not be limited to, the date, time, name of escort, and address of where the escort is to attend and further these records be retained for a one year period, and shall furnish the register on demand to any police officer or Compliance Officer if requested.

7. Every Personal Service Agent shall notify the Licence Commissioner of any change in the address of the Personal Service Agent and/or change in the name of the local contact person.

8. A licensee shall not allow his or her licence to be used by any unlicensed person for the purpose of falsely representing that the licensing provisions of this by-law have been lawfully satisfied by an unlicensed person.

9. Every person carrying on the business of a Personal Service Agent shall maintain all telephone lines used in connection with the business on the premises named in the licence, and such telephone lines shall not be call-forwarded to premises located in any location outside of the municipality.

10. Every person licensed under this schedule shall produce his or her licence when requested to do so by a Police Officer or Compliance Officer.

SCHEDULE NO. F1 TO BY-LAW NO. 395-2004

FOOD STORE

1. No licence will be issued to an operator of a Food Store until the Licence Commissioner has been furnished with satisfactory proof of the following:

   (1) The Medical Officer of Health has reported in writing that the premises are suitable for the purposes on the licence application and meet all sanitary conditions.

2. Every applicant shall comply fully with the requirements of the *Health Promotion and Protection Act* and any other Provincial or Federal statute governing the storage, processing, display and sale of food.

3. Every operator of a food store shall ensure that the food store is constructed and maintained in a state of repair and cleanliness satisfactory to inspectors, and maintained free from every condition which may be dangerous to health, may injuriously affect the sanitary operation of the establishment or may injuriously affect the wholesomeness of the food prepared, stored or sold.

4. Every operator of a food store shall comply fully with the *Milk Act* regulating the storage, handling and sale of milk and other dairy products.

   (1) The licensee must post their "Safe Food Counts" rating, issued by the Windsor-Essex County Health Unit, in a conspicuous place, clearly visible to the members of the public prior to entering. **(Added B/L 118-2010, dated July 26, 2010)**

5. Every operator of a food store shall ensure that refuse from the operation of the food store is placed in a proper container for disposal which meets the requirements of the Property Standards By-law and Collection of Refuse By-law or any specific requirement of Building & Development Department or approved site plan.

6. Every operator of a food store shall provide sufficient on-site trash receptacles for the use of customers to contain all refuse and shall take steps necessary to ensure that the containers are emptied on a regular basis and disposed of in accordance with Clause 5 of this Schedule.

7. Every operator of a food store shall take all steps necessary to ensure that all parking, pedestrian and landscaped areas are kept free of any refuse, litter or debris originating from the business, and to clean up any such refuse, litter or debris promptly from both the property controlled by the business and surrounding public and private property and the public right-of-way.

8. (a) Every operator of a food store where meals or meal portions, including ice cream other frozen confectionaries, are prepared and sold over a counter for consumption within the building or structure or off the premises shall obtain a hospitality services Lunch Counter licence as outlined in Schedule H4 to this bylaw.

   (b) If the operator of a Food Store prepares and sells only hot dogs heated on a roller-type grill, the operator shall be exempt from obtaining a Lunch Counter licence.
   (Amended by By-law 34-2012, dated March 19, 2012)

SCHEDULE NO. H1 TO BY-LAW NO. 395-2004

HAWKER - PEDLAR

1. The following classes of "Hawker" or "Pedlar" are hereby established:

   Class 1 - "Temporary Vending Site Operator" shall include:

   (1) the sale of goods such as, but not limited to, flowers, and fresh produce, for a one to seven day period from one specific location such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot where the use is permitted in accordance with the City's Zoning By-law.

   (2) the sale of fireworks for a one to ten business day period from one specific location such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot where the use is permitted in the Zoning By-law. All sales shall comply with the provisions set forth in the Fireworks By-law.

   Class 2 - "Seasonal Sales" shall include temporary businesses such as, but not limited to, gardening product sales and Christmas tree sales for one period of up to three months from one specific location such as, but not limited to, a parking lot or a vacant commercial lot and may include the use of a temporary structure such as a greenhouse or sales office where the use is permitted in accordance with the City of Windsor's Zoning By-law.

   Class 3 - "Door-to-Door Sales" shall include any business, person or organization that has sales conducted on his/her or its behalf by door-to-door solicitation.

   Class 4 - "Door-to-Door Sales Person" shall include any person involved with the sale of goods on a door-to-door basis including sales persons or agents and any person supervising or managing the sale or sales persons.

   Class 5 - "General" shall include any "hawker" or "Pedlar" excluding classes 1 to 4 as defined in this section.

2. Notwithstanding section 3.11 of General Provisions to this by-law, the licence of an employee of a Hawker or Pedlar requiring their own licence is transferable to another employee upon the return of the original licence issued by the Licence Commissioner and upon the completion of an application form by the new employee.

3. Notwithstanding any other section of this by-law, a person is not required to be licensed under this Schedule for the purposes of offering for sale or selling goods, wares or merchandise to the public at such flea market, craft show, antique or collectible show, or trade show.

4. No person shall carry on hawking and peddling except during the times between 8:00 o'clock a.m. and sunset.

5. Every person issued a photo identification card must wear the card so that it is visible to the consumer.

6. Every person applying for a Class 3, 4, or 5 hawker licence shall submit the original results of a criminal record check from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days that is satisfactory in form and content to the Licence Commissioner. In the case of a renewal, the criminal record check must be dated no more than one (1) year prior to the date of the application for a licence renewal. For new applications, the criminal record check must be dated no more than thirty (30) days prior to the application for a licence. **(Amended By-law 13-2012 dated January 23, 2012)**

7. No person shall obstruct or permit to be obstructed, any highway, lane, or public place with their vehicle, or permit any such vehicle to stop, rest, or remain upon any highway, lane, or public place.

8. No person shall erect or place any booth, stand, stall or other like contrivance on any highway, lane, or public place for the purpose of hawking and peddling.

9. No person operating as a Hawker or Pedlar shall operate in the following designated Business Improvement Areas in the City of Windsor.

(1) City Centre Business Improvement Area;
(2) Ottawa Street Business Improvement Area;
(3) Historic Olde Walkerville Business Improvement Area;
(4) Erie Street Business Improvement Area;
(5) Sandwich Business Improvement Area;
(6) Ford City Business Improvement Area;
(7) Wyandotte Towne Centre Business Improvement Area;
(8) Olde Riverside Business Improvement Area;
(9) Pillette Village Business Improvement Area.

10. Notwithstanding section 2 of this schedule, a Hawkers and Pedlars Licence shall not be required for hawking, peddling or selling goods, wares or merchandise:

(1) to wholesale or retail dealers in similar goods, wares or merchandise; or
(2) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, who pays business tax in the City in respect of premises used for the sale of such goods, wares or merchandise; or
(3) local retailers are exempt from obtaining a Hawker or Pedlar's licence and paying a licence fee for "day sales" or "seasonal sales" if the temporary selling activity is an extension of the existing business at that location; or
(4) local farm growers are exempt from obtaining a hawker or Pedlar's licence and paying a licence fee for "day sales" or "seasonal sales" if the produce they are selling is being sold from their own property and has been grown and harvested by them.

11. Every applicant for a Class 1 – Temporary Vending Site Operator and Class 2 – Seasonal Sale Licence must provide at the time of application:

(a) a letter, approved by the Licence Commissioner, signed by the property owner authorizing them to sell from the proposed location and acknowledging that the property owner's general liability insurance covers the temporary vending site activities; OR

(b) a copy of and maintained public liability and property damage insurance in a form (containing endorsements naming the property owner as an additional named insured and providing a cross-liability clause), in the amount of TWO MILLION ($2,000,000.00) DOLLARS and satisfactory to the City Solicitor, and file a certified copy of the insurance policy with the City Clerk of the Corporation prior to the commencement of operations.
(Added By-law 147-2007 dated July 30, 2007.)

12. All structures at a temporary vending site shall be erected to the satisfaction of the Chief Building Official.

13. In a prosecution for a breach of this schedule, the onus of proving that he does not, for any of the reasons mentioned in section 11 of this schedule, require to be licensed, is upon the person be prosecuted.

14. No person licensed, or required to be licensed, as a "hawker" or "Pedlar" shall carry on the business of a hawker or Pedlar in any public park in the City except by way of permit issued in accordance to the City of Windsor's Parks By-law as amended.

15. Registered charitable organizations shall be required to obtain a hawker or Pedlar licence for “day sales” or “seasonal sales” but shall be exempt from paying the appropriate licence fee for events deemed permitted by the Licence Commissioner.

16. No licensee shall erect signs or display goods on any public property including any public road allowance. Signs are not permitted to be erected on, but not limited to, light standards, hydro poles, traffic signal poles, trees, fences or street furniture. (All signs shall conform to the Windsor Sign By-law)

17. A licensee selling goods for human consumption other than fresh fruit and vegetables from a temporary vending site shall comply with all health regulations and shall submit a clearance from the Windsor-Essex County Health Unit.

18. (i) No storage, display or sales area shall be located within 3 meters of a street right-of-way, unless the aggregate size of storage, display area and/or sales area is less than $10m^2$.

    (ii) No building or other structure shall be located within 6 meters of the intersection of two street rights-of-way.

    (iii) An on-site location plan and dimensional plot plan shall be submitted and approved prior to the issuance of a licence. Conformity with the approved location and dimensional plan shall be mandatory.

    (iv) To permit temporary vendors in outdoor markets in BIAs. Notwithstanding the prohibition of temporary vendors, a Class 1, Hawker/Pedlar shall be permitted in an outdoor market.
    (Added By-law 147-2007 dated July 30, 2007.)

SCHEDULE H2 TO BY-LAW NO. 395-2004

HEATING CONTRACTORS AND MASTER HEATING INSTALLERS

1. Every application for a license or renewal hereunder shall be in writing on such forms approved by the License Commissioner, and shall be signed by the applicant and verified by Statutory Declaration if so required, and shall be accompanied by payment of the prescribed fee.

2. (1) There shall be three (3) classes of Master Heating Installer's Licenses:

Class A - for the installation, adjustment and repair of oil and gas burning equipment used for heating or cooling purposes within the scope of work as defined in the *Technical Standards and Safety Act, 2000* for Gas Technician Certificate holders;
Class B - for the installation, repair and adjustment of steam and hot water heating systems within the scope of work as defined in the *Trades Qualification and Apprenticeship Act* for the trade of Steam Fitter.
Class C - for the installation, repair and adjustment of warm air heating systems of all kinds within the scope of work as defined in the *Trades Qualification and Apprenticeship Act* for the trade of Sheet Metal Worker.

(2) The holder of a Class B or C licence is also entitled to carry out the works prescribed under a Class A licence.

(3) Not withstanding 2(2) a Heating Contractor that employs two tradespersons where one has a Steamfitter certificate and/or the Sheet Metal Worker certificate and the other has the Gas Technician Certificate the name of the tradesperson holding the Gas Technician Certificate will be identified on the municipal licence for a Class B or C Master Heating Installer.

MASTER HEATING INSTALLER

CLASS A

3. (1) No person shall be licensed as a Master Heating Installer under this By-law and Schedule unless:

(a) that person holds a Gas Technician Certificate issued by the Ministry of Consumer and Business Services' Technical Standards and Safety Authority;
(b) proof from the Heating Contractor of public liability and property damage insurance is provided showing a minimum of 2,000,000.00 coverage;
(c) in the case of a new applicant, the applicant submits the original results of a criminal record check from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days that is satisfactory in form and content to the Licence Commissioner. The criminal record check must be dated no more than thirty (30) days prior to the application for a licence **(Amended By-law 13-2012 dated January 23, 2012)**;
(d) that person is self employed or employed by a licenced Heating Contractor; and
(e) that person produces on request, documentation in support of the requirements set out in subsections 3(2) and 3(3).

CLASS B

(2) Where a person is an applicant for a Class B Master Heating Installer's Licence, then in addition to the requirements contained in subsections 3(1) (a), (b), (c), and (d), the applicant shall not be licensed under this By-law and Schedule unless that applicant also holds a Certificate of Qualification as a Steam Fitter, issued by the Ministry of Training, Colleges and Universities subject to the Trades

Qualification and Apprenticeship Act.

The holder of a Class B licence is also entitled to carry out the works prescribed under a Class A licence where a Gas Technician Certificate is held or in conjunction with a second tradesperson as identified in 2(1) and 2(3) of this schedule.

CLASS C

(3) Where a person is an applicant for a Class C Master Heating Installer's Licence, and the person will be performing sheet metal work, in addition to the requirements contained in subsections 3(1) (a), (b), (c), and (d), the applicant shall not be licensed under this By-law and Schedule unless the applicant also holds a Certificate of Qualification for sheet metal work issued by the Ministry of Training, Colleges and Universities subject to the Trades Qualification and Apprenticeship Act.

The holder of a Class C licence is also entitled to carry out the works prescribed under a Class A licence where a Gas Technician Certificate is held or in conjunction with a second tradesperson as identified in 2(1)(3) of this schedule.

4. Where self-employed, a Master Heating Installer may operate as a Heating Contractor provided that applicant for the licence or renewal has a current Certificate of Clearance as provided by the Workplace Safety and Insurance Board of the time of application if the applicant employs workers;

5. The provisions of this By-law and Schedule shall not apply to the repair and maintenance of a heating system and related equipment where the repair and maintenance is done by:
   (1) A person who is an owner or tenant, where the equipment is contained within the premises occupied by the owner or tenant; or

   (2) A person who is a full time employee of a property owner or tenant, and who is engaged by the property owner or tenant for maintenance of heating equipment within the premises of the property owner or tenant.

6. A person licenced as a Master Heating Installer under this By-law and Schedule shall not:
   (1) Be in the employ of, or act on behalf of, a Heating Contractor other than the one for whom the licensee is licensed as shown on the licence issued under this By-law and this Schedule; or

   (2) Cause or permit an apprentice or helper or other unqualified person to perform any heating works or install any heating material or appliances except as an assistant to and under the direct personal supervision of a licensed Master Heating Installer or a provincially certified journeyman continuously employed on the same contract or job, who is under the direct supervision of a Master Heating Installer.

HEATING CONTRACTOR

7. No person shall be licensed as a Heating Contractor under this By-law and Schedule unless:
   (1) That person is licensed as a Master Heating Installer or employs at least one licensed Master Heating Installer on a regular, full-time basis; and

   (2) provides proof of public liability and property damage insurance is provided showing a minimum of 2,000,000.00 coverage;

   (3) **Deleted B/L 71-2006, dated April 18, 2006**

8. A person licenced as Heating Contractor under this By-law and Schedule shall not perform or permit to be performed any heating work which is not under the direct personal supervision of a Master Heater employed on the same contract or job who is under the direct supervision of a Master Heater.

9. Every licensed Heating Contractor performing or engaging in heating work within the limits of the Corporation of the City of Windsor shall ensure that:

(1) all vehicles used by them in the course of business bear on both sides of each vehicle, in letters and numbers not less than 2.5 centimetres in height, the license number issued to them by the License Commissioner, and must contain the wording "Windsor License No.", all clearly legible at a distance of six (6) metres.

(2) all local media advertising material including any published advertisement in a newspaper, periodical, directory, or other publication used for advertising purposes by such contractor shall bear in clearly legible letters and figures, the same inscription as required by subsection (1) herein.

10. A person licensed as a Heating Contractor or Master Heating Installer under this By-law and Schedule shall not:

(1) Permit the use of the licensee's name by any other person, either directly or indirectly, for the purpose of obtaining a permit to do any work as a Master Heating Installer or Heating Contractor; and
(2) Perform any work which requires a licence or permit unless a licence or permit is first obtained.

11. No Heating Contractor or Master HVAC licensed under this Schedule shall allow their name to be used for the purpose of obtaining a heating permit or certificate of compliance for any heating work unless the work described in such permit or certificate has been or will be performed by them or under their supervision.

12. Every Heating Contractor or Master HVAC licensed hereunder shall, upon changing business address, give written notice thereof, including all particulars, to the License Commissioner within thirty (30) days of such change.

13. No Heating Contractor licensed to carry on business shall advertise or promote to carry on such business under any name other than the name endorsed upon their license.

14. Every Heating Contractor or Master HVAC performing heating work shall employ only certified and licensed Journeymen, in possession of a valid Certificate of Qualification and apprentices indentured under the Ministry of Training Colleges and Universities for the type of work being performed.

15. (1) every Heating Contractor or Master HVAC licensed under this Schedule, while engaged in any heating work upon any building or structure, shall obtain and post upon the exterior of such building or structure, or in a conspicuous manner therein, the permit issued by the Chief Building Official, or designate in respect of such, and upon completion of such work obtain a certificate of compliance from the Chief Building Official.
(2) Every application for permit shall include the Heating Contractor's signature and the Master HVAC holder’s signature if not the same person.

16. The Licence Commissioner shall refer all complaints to the Windsor Licensing Commission where a final inspection has not been requested by the Heating Contractor applying for renewal, for the year prior to application, concerning work performed on the complainant’s property.

SCHEDULE H3 TO BY-LAW NO. 395-2004

OWNERS OF HOLISTIC CENTRES AND HOLISTIC PRACTITIONERS

1. In this Schedule, "proof of carrying on a trade, business or occupation as a holistic practitioner" means any document satisfactory to the Windsor Licensing Commission, including a lease or printed advertisement, which clearly specifies the type of holistic services provided by the applicant and the date or dates upon which such holistic services are or have been provided by the applicant.

2. A separate owner's license shall be taken out in respect of each holistic centre.

3. Every applicant for an owner's, or a holistic practitioner's licence, or for the renewal thereof, the applicant shall:

   (1) attend in person and not by an agent at the offices of the Windsor Licensing Commission and shall complete the prescribed forms and shall furnish to the Windsor Licensing Commission such information as the Windsor Licensing Commission may require.

   (2) In the case of a holistic centre owned by a partnership, the attendance required under subsection (1) of this section shall be by one of the partners and in the case of a holistic centre owned by a corporation such attendance shall be by an officer of the corporation.

   (3) submit the original results of a criminal record check from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days that is satisfactory in form and content to the Licence Commissioner. In the case of a renewal, the criminal record check must be dated no more than one (1) year prior to the date of the application for a licence renewal. For new applications, the criminal record check must be dated no more than thirty (30) days prior to the application for a licence. **(Amended By-law 13-2012 dated January 23, 2012)**

4. Persons associated in a partnership applying for an owners' licence shall file with their application to the Windsor Licensing Commission:

   (1) a declaration in writing signed by all the members of the partnership, which declaration shall state:

      (a) the full name of every partner and the address of his or her ordinary residence;

      (b) the name or names under which they carry on or intend to carry on business;

      (c) that the persons therein named are the only members of the partnership; and

      (d) the mailing address for the partnership.

   (2) If any member of a partnership applying for a licence is a corporation, such corporation shall be deemed to be a corporation applying for an owner's or operator's licence; and if such licence is issued to the partnership, such corporation shall, for the purposes of the said section, be deemed to be a corporation which holds an owner's or operator's licence.

   (3) Every member of a partnership shall advise the Windsor Licensing Commission immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Windsor Licensing Commission.

   (4) Where, by reason of any change in the membership of a partnership, the Windsor Licensing Commission has reasonable grounds to believe that the partnership is not entitled to the continuation of its licence in accordance with this by-law, the Windsor Licensing Commission may, in its discretion, determine whether the licence or licenses shall be revoked or terminated and whether or not a new licence should issue to the partnership as presently constituted.

5. Every corporation applying for an owner's licence shall:

   (1) file with the Windsor Licensing Commission at the time of its application a certified or Notarial copy of its letters of incorporation or other incorporating document, together with an Annual Return in a form supplied by the Windsor Licensing Commission, which Annual Return shall contain a list of all of the shareholders of the corporation.

   (2) where the shares in a corporation applying for an owner's licence are held in whole or in part by another corporation, the corporation so applying shall file with the Windsor Licensing Commission an Annual Return in a form supplied by the Windsor Licensing Commission , which Annual Return shall contain a list of all of its shareholders, and if such Annual Return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation then the said applicant shall also file such an Annual Return in respect of such third corporation listing its shareholders, and so on until then the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the shares of the applicant corporation.

   (3) Every owner which is a corporation shall, in every year, on or before the time at which it applies for the renewal of its licence, file with the Windsor Licensing Commission an Annual Return on a form supplied by the Windsor Licensing Commission.

6. Where a corporation is the holder of an owner's licence or licenses, the corporation shall:

   (1) notify the Windsor Licensing Commission in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and of any such transaction involving the shares of any corporation referred to in subsection (3).

   (2) Where, as a result of the transfer of existing shares or by the issue of new shares of a corporation, the Windsor Licensing Commission has reasonable grounds to believe that the corporation may not be entitled to the continuation of its licence in accordance with this by-law, the Windsor Licensing Commission may determine whether the licence or licenses shall be revoked or have conditions placed on it.

   (3) Where, by a transfer of existing shares, or by an issue of new shares, the controlling interest in a corporation holding one or more owner's licenses is sold, transferred or acquired, such licence or licenses shall be terminated forthwith, and the Windsor Licensing Commission may issue a new licence or new licensee upon payment of the prescribed fee. The Windsor Licensing Commission may refuse to issue a new licence or licenses if it determines that it is in the public interest so to do.

   (4) For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.

7. Every person licensed as a holistic practitioner shall be required to obtain a new photo licence every two (2) years or sooner, if there is a significant change in appearance as determined by the Licence Commissioner.

8. Every applicant for a holistic practitioner's licence shall submit the following with the application:

   (1) a certificate, diploma or other documentation satisfactory to the Windsor Licensing Commission, certifying that such applicant has, in respect of the holistic services intended to be offered or provided by such applicant, successfully completed a course of training at an educational institution in Canada that is, within the meaning

of section 118.5 of the *Income Tax Act*, defined as;

(a) a university, college or other educational institution providing courses at a post-secondary school level, or

(b) certified by the Minister of Human Resources Development to be an educational institution providing courses, other than courses designed for university credit that furnish a person with skill for, or improve a person's skills in, an occupation.

(2) proof that he or she is a certified member in good standing of a complementary health care organization; and that he or she has demonstrated acceptance and practice of the procedures, practices and ethics of the complementary health care organization of which the applicant is a member.

9. Demonstration of the nature and purpose of a complementary health care organization shall be made by filing with the Windsor Licensing Commission particulars in writing providing details of:

(1) documentation or instruments creating the organization;

(2) the names of its principals and officers, members and employees;

(3) every kind of holistic service which is the subject matter or interest of the organization, and a full description of the nature of the service;

(4) a short history summarizing the organization's activities and achievements to date;

(5) an outline of the procedures and practices pursued by the organization and its members;

(6) a copy of the organization's code of ethics;

(7) the nature of the holistic services provided by the organization and its members, and of the qualifications required to provide every such service;

(8) a list of criteria for membership in the organization, and a list of its members to be provided, upon the request of the Windsor Licensing Commission for the purposes of verification of an individual's standing in said organization, from time to time as may be necessary;

(9) a list of courses and qualifications recognized or provided by the organization; and

(10) information confirming that the organization meets the definition of a "complementary health care organization".

9. The filing of any record or documents with the Windsor Licensing Commission referred to in subsections 8(1-10) of this Schedule may be made by the complementary health care organization in respect of its members.

10. Every applicant for a licence shall file with the application particulars of the information to be used or contained in any sign, pamphlet, handbill, newspaper, radio or television broadcast or to be otherwise displayed, distributed, announced or published by any means whatever for the purpose of advertising.

11. Every applicant for a holistic practitioner's licence shall file with or produce to the Windsor Licensing Commission proof of his or her age, if required to do so by the Windsor Licensing Commission, and no such licence shall be issued unless the Windsor Licensing Commission is satisfied that every such person is of the full age of eighteen years.

12. Every person applying for a licence as a holistic centre or holistic practitioner and who carries on or intends to carry on business under any name or designation other than his or her own name shall:
    (1) at the time of the making of the application, file with the Windsor Licensing Commission a declaration, which declaration shall state:

        (a) his or her full name and address of ordinary residence; and

        (b) any name or designation under which he or she carries on or intends to carry on business, and the date when the name or designation was first used by him or her.

    (2) notify the Windsor Licensing Commission immediately of any change in any of the particulars required to be filed with the Windsor Licensing Commission under subsection (1) of this section.

13. An application for an owner's licence may be submitted by the Windsor Licensing Commission to the Medical Officer of Health, and to the Chief of Police and may also be referred to any other government official for a report and where any such report is negative or unfavourable to the applicant, the applicant shall be furnished with a copy of such report and shall have the right to appear before the Windsor Licensing Commission for a hearing to determine whether or not the licence should be granted, notwithstanding such report.

14. An owner may, subject to the provisions of this By-law, provide holistic services in the holistic center of which he or she is the owner if his or her licence as an owner is so endorsed by the Windsor Licensing Commission.

15. No owner shall permit any holistic service to be provided or offered upon or at his or her holistic center by any person other than a licensed holistic practitioner.

16. No holistic practitioner shall provide or offer holistic services in any holistic center unless the owner of the said holistic center is duly licensed as an owner under this By-law.

17. Every owner or holistic practitioner who changes his or her address shall, within two days after such change, attend at the offices of the Windsor Licensing Commission and notify the Windsor Licensing Commission of such change of address.

18. Every owner shall keep proper records and books of account of all business transacted in, by, or in respect of his or her holistic center and these books shall:

    (1) give the amount of gross receipts for all services performed or provided in the said holistic center, the name and licence number of every holistic practitioner or other person performing services in the said holistic center including the date of commencement and the date of termination of such services the amount of salary or commission paid to each holistic practitioner, in respect of such holistic center or holistic center business.

    (2) every owner shall keep all books and records as are required by subsection (1) for at least one year after the information required by that subsection is entered therein, and the Windsor Licensing Commission and any person designated by the Commissioner shall at all times have access to such records.

19. Immediately before any holistic services are provided in a holistic center, the holistic practitioner shall:

    (1) give to the customer an itemized bill for such services, listing the holistic services to be provided and the price to be paid for each.

    (2) Upon payment of the bill referred to in subsection (1), the customer shall be given a written receipt for the full amount paid.

(3) ensure that the bill and receipt required by subsections (1) and (2) contain the name and Windsor licence number of the holistic practitioner who provided the holistic services and the name, address and Windsor licence number of such owner.

20. Every owner shall ensure that the bill and receipt required by section 20 are provided to every customer of the holistic center and shall retain and keep a copy of each such bill and receipt for at least one year after the services referred to therein are performed, and the Windsor Licensing Commission shall at all times have access to the such copies.

21. Every holistic practitioner that provides services outside of a holistic center shall ensure that all advertisements used in respect of such services clearly states the number of the licence issued to such owner under this By-law.

22. Every owner shall ensure that all advertisements used in respect of such owner's holistic center clearly states the number of the licence issued to such owner under this By-law.

24. Every owner shall, in respect of each holistic center for which he or she holds a licence, procure a policy of insurance endorsed to the effect that the Windsor Licensing Commission will be given at least ten days' notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring , in at least the amount of $2,000,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Windsor Licensing Commission.

25. Every owner shall, in the operation of his or her holistic center comply with, and ensure compliance with, the following regulations:

(1) The premises and the fixtures and equipment therein shall be regularly washed and be kept in a sanitary condition;

(2) Adequate toilet washroom accommodation shall be provided, and shall be equipped with:

(a) an adequate supply of hot and cold water.

(b) an adequate supply of liquid soap in a suitable container or dispenser;

(c) hot air dryers or individual clean towels for the use of each person using the washing facilities; and

(d) a suitable receptacle for used towels and waste material.

(3) If showers or saunas are provided on the premises, the following regulations shall apply:

(a) the floors shall be disinfected at least once a week with a disinfecting solution;

(b) all surfaces and attached accessories of the bath or shower enclosure must be self-draining;

(c) all showers must have removable cleanable drain covers; and

(d) floor surfaces both within and without the enclosures shall be of a non-slip type.

(4) Bathtubs or whirlpool baths provided on the premises are subject to inspection by the Medical Officer of Health and the following regulations shall apply:

(a) a grab-bar or other convenient support shall be provided unless the walls of the tub or whirlpool bath enclosure are 0.61 metres in height or higher;

(b) at the bottom of the tub or whirlpool bath enclosure shall be of a non-slip type; and

(c) the water serving all bathtubs, showers and hand basins used by patrons shall not have a temperature exceeding 49 degrees Celsius and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device.

(5) Every table, mat or other surface upon which persons lie or sit while being given or provided with a holistic service shall be clean and in good repair, and shall have a top surface of impervious material.

(6) Every table, mat or other surface referred to in subsection (5) hereof shall, before any person receives a holistic service thereon, be covered with a fresh, clean individual paper or cloth sheet.

(7) Every sheet or towel shall, immediately after being used by any person, be deposited in a receptacle reserved for that purpose and shall not be utilized again for any purpose before being freshly laundered.

25. Every owner shall provide safekeeping services:

(1) any customer may deposit his or her valuables or other property for safekeeping and any customer who presents his or her property for safekeeping shall be given a receipt specifying the nature of the property so entrusted.

(2) Every owner and holistic practitioner shall take due care of all property delivered or entrusted to him or her for safekeeping and return it to its owner upon demand.

26. Every owner shall keep his or her licence issued in respect of that holistic center posted in a conspicuous place in the interior of the said premises at all times during the currency of the licence.

27. Every holistic practitioner who provides or offers holistic services in a holistic center shall keep his or her licence prominently displayed in the interior of such holistic center at all times during the currency of the licence.

28. No person other than a licensed owner or practitioner may use the phrase “licensed”, “Windsor-licensed”, “holistic service”, or “licensed holistic service” or any words indicating the offering of holistic services or facilities of a holistic center in pursuance of or in connection with any business, trade, or occupation carried on in a holistic center in the City of Windsor unless the owner of the premises and every holistic practitioner engaged in performing or offering holistic services in, upon or at such premises, has been duly licensed so to do under this by-law.

29. Every owner shall:

(1) file with the Windsor Licensing Commission a copy of a list of all services offered or provided in, upon or at his or her holistic center, and of the respective fees charged for such services, and, if such charges be based on a computation of time, the hourly rate shall be shown on such list.

(2) post a copy of the list of services and fees referred to in this section in a conspicuous place in the interior of the holistic center plainly visible to any person upon entering the said premises.

30. No owner or holistic practitioner shall:

(1) charge, demand, or request any payment for any services offered or performed in a holistic center except in accordance with the list filed with the Windsor Licensing Commission under subsection 29(1).

(2) offer or provide any holistic service in a holistic center, or perform any services, except in accordance with the list filed under subsection 29(1).

31. Every owner and holistic practitioner shall, upon a request made by the Windsor Licensing Commission or any peace officer, by-law enforcement officer, Medical Officer of Health, or public health inspector acting under the direction of the Medical Officer of Health, provide his or her name and residential address, and if licensed under this By-law, he or she shall produce his or her said licence.

32. No owner shall open his or her holistic center for business or permit the same to be or to remain open for business or permit any holistic service or services of any kind to be provided or offered in the said holistic center at any time between the hours of 10:00 p.m. and 7:00 a.m.

33. No owner or holistic practitioner shall take, consume or have a liquor or a drug in his or her possession in a holistic center, nor shall the use of liquor or a drug by such person be apparent while in a holistic center.

34. Every owner and holistic practitioner shall, while engaged in his or respective trade, business or occupation in a holistic center be properly dressed, neat and clean in his or her person and civil and well behaved to members of the public.

35. (1) In this section, “specified body areas” means:

(a) in the case of a female person, her breasts; and

(b) in the case of all persons, the pubic, perineal and peritoneal areas.

(2) No holistic practitioner shall, while providing services as a holistic practitioner, touch in any manner whatsoever the specified body areas of any person.

(3) No owner shall permit any holistic practitioner providing services as a holistic practitioner, to touch in any manner whatsoever, the specified body areas of any person.

(4) No holistic practitioner shall provide or offer to provide holistic services upon any person unless such person’s specified body areas are completely and opaquely covered.

(5) No owner shall permit any holistic practitioner to provide or offer to provide any holistic services upon any person unless such person’s specified body areas are completely and opaquely covered.

(6) No holistic practitioner shall provide or offer to provide any holistic services except while wearing clean, opaque clothing fully covering his or her specified body areas.

(7) No owner shall permit any holistic practitioner to provide or offer to provide any holistic services except while wearing clean, opaque clothing fully covering his or her specified body areas.

SCHEDULE NO. H4 TO BY-LAW NO. 395-2004

ESTABLISHMENTS PROVIDING HOSPITALITY SERVICES

1. This Schedule shall apply to all Restaurants, Take-out Restaurants and Lunch Counters including restaurants licensed to sell liquor under the *Liquor Licence Act* of Ontario of the classes of hospitality defined in this by-law.

2. This Schedule does not apply to establishments licensed under the Entertainment Lounge Schedule to this by-law meaning a building or structure or part thereof where patrons are provided with entertainment, in the form of live and/or pre-recorded music and a dance floor, and may include in combination therewith the sale of alcoholic beverages to its patrons for consumption therein or within a physically defined open air sit down area located on the same lot therewith, but does not include a public hall, hospitality services establishment, adult entertainment parlour, casino or other establishments that use mechanical or electronic game machines to be used for the purpose of gambling.

3. No person shall operate an establishment in any of the following classes without first obtaining a licence:

   Hospitality Food Service
   Hospitality Food Service/Ancillary Liquor Service
   Hospitality/Mixed Use (Food/Liquor) Service
   Hospitality Liquor Service/Ancillary Food Service
   Lunch Counter

4. The provisions of this Schedule shall not apply to Class 1 or Class 2 Lodging Houses licensed under the provisions of this by-law.

5. Every licensee under this schedule shall keep the premises in a sanitary condition and conduct the business in a sanitary manner in accordance with the provisions of the *Health Protection and Promotion Act* and/or any other regulations of the Windsor-Essex County Health Unit.

   (1) The licensee must post their "Safe Food Counts" rating, issued by the Windsor-Essex County Health Unit, in a conspicuous place, clearly visible to the members of the public prior to entering. **(Added B/L 118/2010, dated July 26, 2010)**

6. All restaurants and other food handling establishments shall use durable, hard-sided and animal-proof garbage containers for food and other waste materials. **(Substituted B/L 118/2010, dated July 26, 2010)**

7. Every licensee will operate the premise in a manner that complies with Noise By-law #6716 restrictions.

8. Applicants for a licence under this Schedule shall be required to file an Inspection Report as required by the Medical Officer of Health of the Windsor-Essex County Health Unit and such application shall be accompanied by plans showing the location and extent of the premises, the use to be made of each floor, apartment and room and of adjoining rooms or connecting floors and the position of equipment, water supply, toilet conveniences and means of disposal of waste. The Inspection Report must have been completed and approved within the last 12 months.

9. The application for a licence under this schedule shall be accompanied by the proper fee for the category of hospitality licence appropriate to the premises.

10. No person licensed under this schedule shall knowingly allow an employee to be engaged in the business if the person knows that such employee suffers from any communicable or contagious disease.

11. Every holder of a licence issued under this Schedule who serves food or beverages for consumption on the premises in other than an enclosed building, or who provides a parking area for his customers shall:

    (1) erect and maintain a fence or wall or separation, approved by the Chief Building Official, around the area in which such food or beverages are served and around such customer parking area, of sufficient construction and design to prevent the escape of litter onto the public street and onto other premises. Such fence or wall shall comply with all municipal by-laws applicable thereto, and shall allow openings for necessary ingress and egress to and from the premises and such parking area; provided that the Licence Commissioner may, in special circumstances, relieve the licence-holder from the necessity of fencing all that portion of his premises and such parking area not required for the said openings, which face on the public street, where a satisfactory method of preventing otherwise the escape of litter is employed, provided, however, that a fence wall or barrier constructed around a sidewalk cafe need not comply with the Fence By-law.

    (2) provide adequate supervision of the premises and parking areas at all times to curb, control and prevent littering, rowdyism, and unnecessary noise; and

    (3) be responsible for picking up daily and disposing properly of litter which has escaped from his premises or such parking area to the public street or alley, or unto private property, unless prohibited by the owners thereof.

12. A hospitality licence issued under this Schedule will only be extended to patios on municipal property where licence holder is in compliance with all provisions of their patio agreement.

13. All licensees must ensure that all staff that prepare and handle food must possess a Food Handlers Certificate issued by the Medical Officer of Health.

14. No licence shall be issued to an applicant until the Licence Commissioner has been furnished with a report from the Executive Director of the Environmental Services Department showing that the premises are suitable for the purposes on the licence application with respect to compliance with Sewer Use By-Law.

SCHEDULE L1 TO BY-LAW NO. 395-2004

LODGING HOUSES

Licencing

1. In this Schedule,

(1) **"Operator"** shall mean the person to whom a licence is issued under this Schedule and a licence may be issued to a person who alone or with others, operates, manages, supervises, runs or controls a lodging house;

(2) "**physical restraints"** shall mean and include devices, materials, or equipment that are attached or adjacent to a person and that prevent free bodily movement to a position of choice.

2. A lodging house licence may be issued by the Licence Commissioner for one or both of the following classifications:

(1) CLASS 1. Where the operator provides no assistance to the resident in caring for their health and for their personal needs, including washing, dressing or eating.

(2) CLASS 2. Where the operator provides assistance to the resident in caring for their health and for their personal needs including washing, dressing or eating.

3. (1) No operator of a lodging house shall admit, re-admit or transfer into that lodging house any person who is or should be deemed eligible for placement in a Long-Term Care Facility as an insured person under the *Health Insurance Act*.

(2) Where a person is a resident of a lodging house and subsequently is deemed eligible for placement in a Long-Term Care Facility, such person may remain until a place is available in a Long-Term Care Facility provided that the services of a licensed, registered nurse is made available to such person as directed by the person's attending physician.

(3) Each lodging house operator shall as they become aware of lodging home clientele being in need of placement in a Long-Term Care Facility, make sure the resident is referred for assessment by Placement Co-ordination Services.

(4) The operator shall ensure that an assessment of the functional ability of each resident be done by a direct care giver on an approved form at least every six (6) months. A record of such assessments shall be kept in the resident's personal file and be brought to the attention of the attending physician.

(5) The operator shall ensure that all residents of lodging houses have an annual review by a physician which includes an examination of physical and mental status and assessment of functional ability in order to determine appropriate placement, and if as a result of the medical review, a person is found to require a higher level of care than can be provided in the lodging house but is not eligible for placement in a Long-Term Care Facility (e.g. transients and visitors), or the client (or family) refuses appropriate placement recommended by the physician or Placement Co-ordination Services, then such person may remain in the lodging house, provided that:

(a) the services of a licence registered nurse is made available to such persons if directed by the person's attending physician, and

(b) the resident's status is reviewed by the physician monthly to determine the level of care needed and being received, and to make further recommendations regarding placement.

4. No person dependent on a wheelchair shall reside in a lodging house unless such accommodation is wheelchair accessible in respect to entrance/exist, bedroom, bathroom, and dining room.

PART I

RELATING TO OPERATORS OF ALL LODGING HOUSES

5. Every applicant for a licence to operate a Lodging House shall include in their application a statement setting forth:

(1) name and address of the applicant and the owners;

(2) address of lodging house for which licence is sought;

(3) in the event that the applicant does not intend to reside in the City of Windsor, they shall file a "Consent of Agent" (Form 2).

(4) maximum number of occupants and number of rooms available for purposes of the lodging house;

(5) number of separate showers, bathtubs (with or without showers), washbasins, water closets and sinks in the premises;

(6) number of meals to be served each day to each occupant and location and capacity of premises to be used for dining purposes;

(7) a floor plan in duplicate of such premises showing measurements and designation of each room, provided that it shall not be necessary to submit such floor plan if the application is for a renewal of a licence held in the previous year for the same premises, and if such application states that there has been no change in the number, location, size and use of the rooms in such premises since the time of issue of the former licence.

6. No licence shall be issued to an operator of a lodging house until the Licence Commissioner has been furnished with the following:

(1) a letter from the Chief Building Official or their representative stating that the building and structure is in compliance with the requirements of the *Building Code Act,* and the lands intended to be used by the applicant as an operator comply with the relevant Zoning By-law of the City of Windsor;

(2) verification from the Chief Fire Official that the building and structures intended for use by the applicant as an operator comply with the *Fire Protection and Prevention Act*, and any other applicable regulations; and

(3) a letter from the Medical Officer of Health stating that the facilities in the building to be used as a lodging house comply with the provisions of the *Health Protection and Promotion Act*, and regulations passed there under as amended from time to time; and

(4) a letter from Electrical Safety Authority stating that the condition of the electric wiring and electrical fixtures in such building are satisfactory, and setting out any recommendations in connection therewith; and

(5) the original results of a criminal record check for the applicant and agent of the lodging house, from each jurisdiction in Canada in which the applicant and agent have been resident during the prior 365 days that is satisfactory in form and content to the Licence Commissioner. The criminal record check must be dated no more than thirty (30) days prior to the application for a licence. **(Amended By-law 13-2012 dated January 23, 2012)**

8. Every licence issued hereunder shall set out:

(1) name and address of the operator;

(2) name of the operator's agent and their address, who will reside permanently in the City of Windsor, where the operator does not reside in the City of Windsor;

(3) address of licensed premises;

(4) maximum number of occupants and number of rooms available.

9. If, at any time after the issuance of a licence the operator, or their agent as the case may be, cease to reside in the City of Windsor, the operator shall within seven (7) days of such cessation file with the Licence Commissioner the signed consent on the form attached hereto as Appendices "A" and "B" of some other person who is a permanent resident of the City of Windsor, as agent of the operator. Upon receipt of such consent the Licence Commissioner shall issue a certificate indicating the change aforesaid. The operator and the agent shall forthwith notify the Licence Commissioner in writing of a change of the residence address or telephone number of the operator and agent.

10. Every licence and certificate issued hereunder shall be displayed in a prominent place in the main entrance way of the premises for which they are issued and such licence shall not be transferable.

11. Where the operator has appointed some person as agent and the signed consent of such person has been submitted to the Licence Commissioner as aforesaid, such person shall for the purposes of this by-law be deemed to have full authority to act as agent of the operator in the operation of the licensed premises, and shall be equally responsible with the operator for any violation of the regulations contained herein.

12. No person licensed to operate a lodging house under this Schedule shall permit a person to occupy for sleeping purposes, any cellar or any space used as a lobby, hallway, closet, bathroom, laundry, stairway or kitchen in compliance of the Property Standards By-law as amended.

13. No person licensed to operate a lodging house under this Schedule shall permit a room used for sleeping purposes to have less than 64.5 square feet per person for single occupancy and 43 square feet for multiple occupancy. The minimum height of the room shall be 7'-7" over at least 50% of the required area or 6'-11" over all of the required area. Any part of the floor having a clear height of less than 4'-7" shall not be considered in computing the required floor area.

14. No person licensed to operate a lodging house under this Schedule shall permit a room to be used for sleeping purposes unless it contains a window or window openings directly to the outside air, having an area equal to or not less than 5% of the floor area of the room and having an unobstructed openable ventilation area to the outdoors of 1.5 square feet per occupant, unless such room is otherwise ventilated by mechanical means in accordance with the regulations made under the *Building Code Act 1992*, and any regulations passed there under.

15. No person licensed to operate a lodging house under this Schedule shall permit any cooking appliances of any kind and no gas or oil-fire heating appliances other than those specifically designed and authorized by the regulations made under The *Building Code Act 1992*, to be installed or maintained in any room used for sleeping purposes save and except decorative appliances.

16. No person licensed to operate a lodging house under this Schedule shall permit the use of physical restraints upon any person who is a resident in the lodging house.

17. The operator shall maintain the lodging house in a clean, safe and sanitary condition at all times, and without limiting the generality of the foregoing, shall:

(1) keep the cellar or basement of the building well drained and ventilated;

(2) keep the lodging house weatherproof and free from dampness;

(3) keep all heating equipment in good repair;

(4) remove all rubbish, garbage, ashes, any flammable material and other debris and shall ensure that the premises are kept free of vermin, insects, and other pests;

(5) not permit the use of any bathroom for laundry purposes; and

(6) maintain heat in the premises in compliance with the provisions of the Property Standards By-law of the Corporation of the City of Windsor as may be amended from time to time.

18. A bedroom for a resident in a lodging house shall be furnished so that:

(1) all beds are at least 0.9l metres apart;

(2) no part of any bed overlaps an unprotected source of heat, a window or a door;

(3) each bed is sheltered from draft; and

(4) each bed is provided with an individual light that is suitable for reading.

(5) Where the lodging house is established after September 1st, l982, the operator shall ensure that the bedrooms shall be furnished in a manner so that each bed is not more than two deep from a window.

19. A secure area in the lodging house shall be provided for the personal belongings of the resident if necessary.

20. Food preparation areas must comply with the Food Premises regulations made under the *Health Protection and Promotion Act*.

21. The Chief Building Official, the Medical Officer of Health, the Chief of Police the Licence Commissioner and the General Manager of Social Services where the facilities lodge residents under a lodging house agreement, or their appointed representatives, shall be permitted to enter any lodging house at any reasonable time for the purpose of inspecting the premises and/or records referenced in this by-law, and no person shall prevent or obstruct any of such officials from so entering the premises and shall notify the Licence Commissioner of any major deficiencies.

22. The operator shall post in a conspicuous location in the Lodging house, a sign provided by the Licence Commissioner that shall describe the principle services provided by the lodging house, and which sign shall indicate whether the lodging house possesses a Class 1 or Class 2 lodging house licence.

23. All new applications for a lodging house shall be of barrier free design in accordance with the *Building Code Act,* and the regulations passed there under.

FIRE SAFETY:

24. (1) The operator shall ensure that a fire safety plan is prepared, approved and implemented in accordance with Section 2.8 Emergency Planning of the Ontario Fire Code.

(2) The operator shall ensure that an annual inspection is conducted to:

(a) ensure compliance with the Ontario Fire Code and any other applicable regulations;
(b) review the fire safety plan for updating and compliance.

25. The operator shall have the heating equipment and chimneys inspected at least once every twelve (l2) months between June and September to ensure that they are safe and in good repair.

26. Rules shall be prepared and posted and remain posted in a conspicuous place in the "main hall" of the lodging house governing the smoking of tobacco and the said rules shall provide that such smoking is prohibited in a bedroom, except when supervision is provided.

27. All vertical shafts, dumb waiters, laundry chutes, rubbish chute and every other shaft shall be enclosed with material having a fire-resistance rating in accordance with the *Building Code Act 1992*.

PART II

RELATING TO OPERATORS OF CLASS TWO LODGING HOUSES

ADMISSION AND OPERATING PROCEDURES

28. (1) on admission of a person to the lodging house, the operator shall arrange for the preparation of a personal record, which shall contain the following:

(a) Resident's name, age, and date of birth;
(b) Date of admission;
(c) Immediate previous place of residence;
(d) Name, address and telephone number of attending personal physician, if any;
(e) Date when illnesses are reported to physician;
(f) Dates when resident is seen by physician and the name of the physician;
(g) Dates of any admission to hospital following registration as a resident; and
(h) Name address and telephone of a relative or close friend who can be contacted in event of sickness or an emergency;

(2) The operator shall establish a procedure and practice satisfactory to the Licence Commissioner for the safe administration and application of medication to the residents for whom the medication is prescribed. The following procedures must be included:

(a) Any medication prescribed by the physician must remain in the original container bearing the resident's name;

(b) An operator will ensure that medications are taken by the correct person from the individually labelled containers;

(c) A daily record shall be prepared for each resident taking medication and shall specify the name of the medication, the dosage and the times it is to be given. The staff person giving the medication shall sign or initial on this record in the appropriate time slot each time the medication is given.

(d) Medication required to be given by intramuscular or intravenous injection shall only be given by a registered nurse or duly qualified physician with a current Ontario licence;

(e) All medication shall be kept in a securely locked cabinet unless such medication is in the sole possession of the resident.

(3) (a) every occurrence of fire, assault and injury, or communicable disease which in the opinion of the attending physician requires medical treatment, shall be reported to the Licence Commissioner within 24 hours of the occurrence or where the occurrence takes place on a Saturday, Sunday or holiday on the next business day.

(b) All incidents or complaints of sexual assault be reported immediately to the Windsor Police Service and to the Licence Commissioner within 24 hours of the occurrence or where the occurrence takes place on a Saturday, Sunday or holiday on the next business day.

(4) (a) the operator of every lodging house shall provide staff for the lodging house at the ratio of one staff equivalent for each seven residents during each twenty-four hour period. For the purpose of this section "staff equivalent" means a person working for not fewer than eight (8) hours during a twenty-four (24) hour period. The hours worked by part-time staff working fewer than eight hours in a twenty-four hour period may be used collectively in determining the staff ratio. A staff person shall be on duty at all times of the day other than the night shift and two (2) staff persons shall be on duty during the night shift which is defined as follows:

- 11:00 o'clock p.m. to 7:00 o'clock a.m. the next following morning, or
- 12:00 o'clock midnight until 8:00 o'clock a.m. the next morning.

(5) (a) Notwithstanding the foregoing section, the minimum staffing shall not apply to the following transitional facilities:

(i) Hiatus House, 250 Louis Avenue
(ii) House of Sophrosyne, 1771 Chappell

(6) (a) when a resident is suspected of suffering from an illness which is not under medical care, the operator or staff member shall contact a physician within 24 hours;

(b) with the consent of the attending physician, the operator shall ensure that the services of a Licensed Registered Nurse is engaged, where there is no Registered Nurse on staff, whenever a resident is confined to bed for more than forty-eight hours;

(c) if there is no attending physician, the operator shall ensure that the services of a Licensed Registered Nurse be engaged where there is no Registered Nurse on staff, whenever a resident is confined to bed for more than forty-eight (48) hours.

(7) (a) the operator shall post or cause to be posted, in a place readily accessible and conspicuous to residents, menus for one whole week. Menus shall be posted seven days in advance of the date on which the meals are to be served and any changes shall be marked on the posted menus before the preparation of the meal is started.

(b) all menus specified in (a) above shall be retained in chronological order in a file in the Lodging Home for a period of not less than 90 days from the date of preparation.

(8) (a) the operator shall provide or cause to be provided to the resident, food having adequate nutritional value in accordance with the daily requirements as outlined in the current Canada's Food Guide, and having energy value which is adequate to maintain the average weight of each resident.

(b) the operator shall provide or cause to be provided to the resident, not less than three meals daily comprised of breakfast, lunch and dinner which are well-balanced in accordance with Canada's Food Guide.

(c) the three meals referred to in (b) above shall be provided at reasonable times convenient to the resident, with the evening meal not being served before 4:30 p.m. in the evening. **(Amended by By-Law 220-2011, dated December 5, 2011)**

(d) the operator shall provide or cause to be provided to the resident healthful snacks and fluids each day and evening. Healthful snacks and fluids are foods and fluids from one of Canada's Food Guide food groups.

(e) the operator shall provide or cause to be provided an adequate supply of:

(i) perishable foods to meet the needs of the resident for at least a twenty-four hour period, and

(ii) non-perishable foods to meet the needs of residents for at least a three day period.

(f) the operator shall provide or cause to be provided special diets or nutritional supplements to a resident when these special diets or supplements are ordered in writing by a physician or a registered professional dietician.

(g) the operator of a lodging home shall, at least once a year, employ the services of a registered professional dietician consultant, with expertise in food service, management, menu planning, quantity food preparation, and preparation of special diets, to review menus and assist lodging home staff with the management of their food service system.

(9) the operator shall provide not less than 4.5 square metres (50 square feet) of amenity area for each resident with not less than 50 percent of the required amenity area to be located within the lodging house and for the purpose of this by-law, amenity area shall mean landscaped open space and indoor recreational areas readily accessible to all residents of the building and may include up to 50 percent of the dining area required.

(10) the operator shall provide a dining room or rooms with a minimum of l0 square feet of space per resident accommodations no less than 50 percent of the authorized capacity of the lodging house.

(11) the operator shall make provision for regular visiting hours for friends and relatives of the residents, at any reasonable time.

(12) the operator shall ensure that all rooms be provided with illumination to an average level at floor or tread level to the following standards in accordance with the *Building Code Act:*

(a) l6l.45 lux (l5 foot-candles) continuous lighting in all corridors, halls, at floor level;

(b) 2l5.28 lux (20 foot-candles) continuous lighting in all stairways, landings;

(c) (i) l07.64 lux (l0 foot-candles) in all bedrooms
(ii) 376.74 lux (35 foot-candles) at bed reading position;
(d) l076.4 lux (l00 foot-candles) for drug cabinets;
(e) (i) 322.92 lux (30 foot-candles) in general kitchen;
(ii) 538.2 lux (50 foot-candles) on range tops and kitchen work surfaces;
(iii) 753.48 lux (70 foot-candles) on kitchen sink;
(f) 322.92 lux (30 foot-candles) in washrooms;
(g) 322.92 lux (30 foot-candles) in games rooms;
(h) l07.64 lux (l0 foot-candles) plus local lighting in living room;
(i) 322.92 lux ((30 foot-candles) in laundry rooms.

(13) Every operator will make every attempt to see that a resident is reminded of and assisted in attending

(a) scheduled outpatient clinics for injectible psychotropic medications;

(b) other scheduled medical rehabilitation appointments;

(c) other therapeutically beneficial programs.

(14) Every operator shall ensure that the staff interact in a manner consistent with the principles of psychiatric rehabilitation and that ongoing education, training and consultation is available to members of the staff.

29. Every operator shall provide or keep in operation, a voice call system which is easily accessible on each floor above the first or main floor to a central station staffed twenty-four hours a day.

30. Every operator shall maintain a register in which is recorded the time and date of departure from and return to the licensed premises, of each resident provided that no person shall be forced to sign said register on entering or leaving the premises.

31. (1) Every operator shall ensure that any person working in a lodging house for the purpose of providing direct care to residents shall,

(a) be eighteen (l8) years of age or over;
(b) produce evidence that they/she has completed Grade Ten in an Ontario Secondary School or evidence of equivalent standing.

(2) Every operator shall ensure that any person working in a lodging house in any capacity:

(a) has obtained a current certificate from their/her physician certifying that they/she is free from communicable disease and fit to work in a house.
(b) has had a test for Tuberculosis prior to commencing employment and thereafter every twenty-four months. The test shall be a Tuberculosis Skin Test (Mantoux Test 5 T.U. P.P.D.) and any recommended subsequent x-rays. The results of the test shall be filed with the operator and be available for inspection by the Medical Officer of Health or their representative.

32. The operator of every lodging house shall provide opportunities for, and shall encourage chronically disabled residents to participate in one or more of the following community programs:

1. Alzheimer Society of Windsor and Essex County;
2. Association for Persons with Physical Disabilities of Windsor & Essex County;
3. Canadian Mental Health Association (CMHA);
4. Community Living Windsor (CLW)

5. Consumer-Survivor Alliance of Windsor and Essex County (C-Saw);
6. Harmony in Action;
7. Hotel-Dieu Grace Hospital – Hotel Dieu Site;
8. Regional Mental Health Care-St. Thomas;
9. Salvation Army Windsor Community and Recreation Centre;
10. Schizophrenia Society of Ontario (SSO);
11. Windsor-Essex County Family YMCA;
12. Windsor Regional Hospital – Western Campus (WRH)."

33. The operator of every lodging house shall make every effort to ensure that transportation is available and shall, by appropriate means, provide the following services for chronically disabled residents:

(1) Freedom of movement from, and access to the lodging house during all reasonable hours as provided to all other residents in the home;

(2) The operator of a lodging house shall make every effort to ensure that transportation as necessary is available to all residents in order that they may come to and from private social activities and also to participate in recreational and therapeutic programs;

(3) Counselling by a registered or public health nurse, or other appropriate health official, in behavioural attitudes upon the recommendation of the Medical Officer of Health;

(4) Referral and transportation to an appropriate mental health professional for counselling where, in the opinion of a physician or the Medical Officer of Health, a resident requires such counselling;

(5) When counselling is required, a private location shall be provided for the counselling.

34. The operator, wherever practical, shall ensure that transportation to all community programs, facilities and services is to be by public transit system so as to encourage independence and personal growth.

35. Every operator shall, within twenty-four (24) months of the coming into force of this section, arrange for the enrolment of a member of their staff in a course of training as a co-ordinator of services for chronically disabled residents, if and when introduced by St. Clair College or any other educational institute in the City of Windsor, with the following objectives:

(1) to design the recreational program around the residents' interests and desires;

(2) to provide time-filling activities that will offset the 85 uncommitted hours that each retired person has each week;

(3) to offer residents the opportunity to explore intellectual and cultural pursuits;

(4) to encourage the residents to accept responsibility for the planning and organizing of their own activities;

(5) to offer a social program that opens the door of the home to outside community, thus permitting the residents to become a part of the community activity and also to act as a host and extend hospitality to friends and the community;

(6) to provide opportunities for renewal and refreshment of mind and body

36. That the Code of Ethics attached to this schedule as Appendix "C" be adopted by all operators of a lodging house**.**

TYPE of LICENCE(S): **DATE:** _____
LODGING HOUSE - CLASS I

CITY OF WINDSOR - APPLICATION FORM
APPENDIX "J" - PART I

Name of Applicant:	
Residence Address:	
Address of Lodging House:	

IF THE APPLICANT DOES NOT RESIDE IN THE CITY OF WINDSOR, COMPLETE BELOW.

A PERSON OVER 21 YEARS WHO WILL RESIDE PERMANENTLY IN THE CITY OF WINDSOR AS AGENT OF THE APPLICANT.		
NAME:		
ADDRESS:		**WINDSOR, ONTARIO,**
POSTAL CODE		**Phone No. (519)**

Maximum Number of Occupants			
Number of Rooms available for Occupancy			
Separate Showers:		**Waterclosets:**	
Bathtubs (with or without showers):		**Sinks:**	
Washbasins:			

MEALS	**Maximum # of Meals Served**	**Location**	**Seating Capacity of Room**
Breakfasts			
Lunches			
Dinners			

I am attaching a floor plan in duplicate showing measurements and designation of each room, or if the application is for renewal of licence, I hereby confirm that there has been no change in the number, location, size and use of the rooms in the above premises since the issue of licence for the year _____.

_____
Applicant's Signature and Title

PART II - Consent of Agent for Keeper of Lodging House

I, _____ hereby consent to act as agent for _____ the keeper of a dodging house at _____ _____ and I confirm that I reside permanently in the City of Windsor at _____ _____

- **I hereby acknowledge that as agent for the said keeper I am responsible for the operation of the said lodging house.**
- **I shall forthwith notify the Licencing Commissioner of the Corporation of the City of Windsor in writing of any change of my residence address and telephone number.**
- **I am familiar with the regulations contained in By-law Number To be Specified governing lodging homes and I understand that I may be prosecuted for violation thereof.**

Agent's Signature: _____

LODGING HOUSE
CLASS II ONLY: **DATE:** _____

CITY OF WINDSOR - APPLICATION FORM
APPENDIX "K" - PART I

Name of Applicant(s):	
Address of Lodging House:	
Mailing Address:	

IF THE APPLICANT DOES NOT RESIDE IN THE CITY OF WINDSOR, COMPLETE BELOW.

A PERSON OVER 21 YEARS WHO WILL RESIDE PERMANENTLY IN THE CITY OF WINDSOR AS AGENT OF THE APPLICANT.			
NAME:			
ADDRESS:			
WINDSOR, ONTARIO		**POSTAL CODE**	
PHONE NO.:	**(519)**		

Maximum number of Occupants:		**# of Rooms available for Occupancy:**	
# of persons you will employ:		**Working hours per day each staff:**	
The number of "staff equivalents" represented by all persons on staff			
NOTE: For the purpose of this section, a Staff Equivalent means a person working for not fewer than eight(8) hours during a twenty-four (24) hour period.			
Separate Showers:		**Waterclosets:**	
Bathtubs (with or without showers):		**Sinks:**	
Washbasins:			
Number of Meals to be Served to Each Occupant Each Day			

Seating Capacity of Rooms Used for Meal							
Room	**Capacity**	**Room**	**Capacity**	**Room**	**Capacity**	**Room**	**Capacity**

Outdoor Recreation Area		**Indoor Recreation Area**	
Location:		**Location:**	
Size:		**Size:**	

Please attach a floor plan in suitable form to be duplicated showing measurements and designation of each room. If the application is for renewal of licence, please sign the certificate below.

_____
Applicant's Signature & Title

RENEWALS ONLY

I hereby confirm that there has been no change in the number, location, size and use of the rooms in the above premises since the issue of licence for the year _____.

_____
Agent's Signature

SEE OVER FOR PART II-CONSENT OF AGENT →

LODGING HOUSE
CLASS II ONLY: **DATE:** _____

CITY OF WINDSOR - APPLICATION FORM

APPENDIX "K"

PART II - Consent of Agent for Keeper of Lodging House

I, _____ **hereby consent**

to act as agent for _____

the keeper of a lodging house at _____

and I confirm that I reside permanently in the City of Windsor at:

_____ :

- **I hereby acknowledge that as agent for the said keeper I am responsible for the operation of the said lodging house.**
- **I shall forthwith notify the Licence Commissioner of the Corporation of the City of Windsor in writing of any change of my residence address and telephone number.**
- **I am familiar with the regulations contained in By-law Number 395-2004 governing rooming houses and I understand that I may be prosecuted for violation thereof.**

_____

Agent's Signature

Appendix "C" to Schedule L1
of Licensing By-law No.

CODE OF ETHICS

1. We will maintain the highest standards of integrity in all of our dealings with residents, families, employees and suppliers.

2. We will deal honestly, openly and fairly with our residents and their families.

3. We will uphold the principle of appropriate and adequate compensation for the services provided.

4. We will provide adequate, safe and pleasant facilities and serve our residents to the best of our ability, having regard for the total physical, emotional and spiritual needs of our residents.

5. We respect the rights of our residents as individuals.

6. We will employ staff with good moral character and satisfactory experience, competency and compassion.

7. We will further ensure that at all times, our staff is courteous and respects the dignity of our residents, their relatives and the general public.

8. We will comply with relevant municipal and provincial regulations governing our industry and work toward improvement in regulations to ensure the best interests and well being of our residents.

9. We will avoid all conduct or practice likely to discredit the long-term residential care industry.

SCHEDULE M1 TO BY-LAW NO. 395-2004

RELATING TO MOBILE SIGN LESSORS

1. Every licensee shall obtain and maintain public liability insurance in the minimum amount of $2,000,000.00 and shall furnish evidence thereof satisfactory to the Licence Commissioner.

2. Every licensee shall ensure that the placement of all mobile signs does not contravene the City of Windsor Sign By-law as amended from time to time.

SCHEDULE M2 TO BY-LAW NO. 395-2004

MOBILE VENDORS OF FOOD

PART I - GENERAL

1. No licensee may sell food from any highway, public park or other public place without prior permission from the Licence Commissioner.

2. A Mobile Vendor of Food may operate one of the following classes of vehicles:

   Class 1: shall include tricycle type ice cream vehicles propelled by muscular power which only sell ice cream, ice products and/or other frozen dairy products.

   Class 2: shall include a vehicle with dimensions not exceeding 66.04 centimeters (26 inches) in width and 152.4 centimeters (60 inches) in length.

   Class 3: shall include any vehicle from which food is sold for consumption by the public including, but not limited to, cars, trucks and trailers.

3. (1) The vehicle from which foods are sold shall be of a type approved by the Licence Commissioner.

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

   (3) The floor and walls of such vehicle shall be of impervious material, free of holes, cracks or crevices, and the surface shall be readily washable and shall be kept in clean and in good condition.

   (4) Only single-service disposable cups, plates, containers, forks, spoons, and serviettes provided in dispensers approved by the Licence Commissioner or individually wrapped shall be used in the sale of all foods.

4. The vehicle shall be equipped with either:

   (1) a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or

   (2) a disposable litter container which shall be replaced daily;

   (3) and such containers shall be used for the disposal of all refuse.

5. No licensee shall allow an employee to be engaged in the business if there is knowledge that such person suffers from any communicable or contagious disease.

6. All milk sold shall be kept in dry storage at a temperature no higher than 5 degrees Celsius (40 Fahrenheit) and shall be sold only in individual, disposable containers.

7. All sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies and other similar foods shall be wrapped and sold in individual servings.

8. The date of preparation shall be clearly and legibly marked as such on or affixed to the wrapper of all sandwiches sold.

9. The licensee must post their “Safe Food Counts” rating, issued by the Windsor-Essex County Health Unit, in a conspicuous place, clearly visible to members of the public. **(Added by By-law 118-2010, dated July 26, 2010)**

10. The licensee shall maintain foods which are intended to be served by being heated at a temperature of not less than 66 degrees Celsius (150 Fahrenheit), and such foods

shall be kept at such temperature after once being so heated.

11. All foods sold shall be clean, fresh and wholesome.

12. Every licensee shall take out a separate licence for each vehicle owned by them, and the plate issued in respect of such licence shall be securely affixed to the rear of the vehicle.

13. No licensee shall operate in a prohibited area.

14. No licensee shall erect any booth, stand, stall, or other like contrivance or place the same on any highway, lane or public place for the purpose of selling any foods.

15. All applicants for a licence shall submit any vehicle utilizing propane for heating or refrigeration for testing and approval at least once per year or when requested by the Licence Commissioner in writing.

16. (1) All applicants for Mobile Vendors of Food Licences or renewal of a Mobile Vendors of Food Licence and all persons operating a licensed cart for hotdog sales shall complete a Food Handler Training Course provided by the Windsor-Essex County Health Unit and shall produce a Food Handler Certificate in addition to the certificate of clearance for the vehicle.

(2) Drivers/salespersons operating catering vehicles are exempt from the requirement of attending a Food Handling Course provided that all food offered for sale from a catering vehicle is pre-packaged except for beverages.

17. All licensees and persons operating licensed vehicles shall carry an identification card with a photograph to be produced upon demand by a Inspector or Compliance Officer to ensure that the operator has received a Food Handler Certificate.

18. All licensees shall ensure that all vehicles are equipped with a fire extinguisher having a 2A or 3A-10BC rating affixed to the body of the vehicle.

19. All licensees shall ensure that all vehicles shall have a No Smoking Sign prominently displayed on the front of the vehicle.

20. All licensees shall ensure that no person shall smoke within a radius of 3 metres (10 feet) from a vehicle.

21. Every licensee shall ensure that all vehicles are removed from the public right-of-way or approved vending zone during all times when the vehicle is not being used for business purposes.

22. All licensees shall obtain an endorsement on the licence from the Licence Commissioner or designate, to identify all other ancillary equipment which may be placed on the public right-of-way and used in conjunction with the vehicle including refuse containers, beverage coolers and pay the prescribed fee for each ancillary equipment as set out in Schedule 1 of this By-law.

23. All licensees shall ensure that all vehicles visibly display the name, address, phone number and licence number of the licensee on each side of the vehicle in letters at least 10 cm (4in.) in height.

24. All applicants for vehicle licences must present a certificate of inspection by the Windsor-Essex County Health Unit.

25. All licensees shall ensure that no prepared foods are sold nor offered for sale at a time later than 24 hours if prepared by the mobile vendor, or no later than the date code established by the manufacturer of the prepared food, whichever is greater, and all food served shall be clearly date-coded on the exterior packaging and the licensee shall maintain records regarding the supply and preparation of the food to be made available for inspection by an Inspector or Compliance Officer upon request.

26. All licensees shall ensure that no foods are prepared, wrapped or unwrapped by an employee in or at the vehicle.

27. No licensee shall operate or permit the operation of a vehicle in a prohibited area or on the sidewalk of the following areas save and except a Class 1 type vehicle:

(1) Ottawa Street from Pierre Avenue to Windermere Avenue;

(2) Wyandotte Street East from McDougall to Gladstone Avenue;

(3) City Centre Business Improvement Area unless approval is obtained from a representative of the Public Works Department to operate at one of the following locations subject to the licensee paying a fee for the location as set out in Schedule 1 of this by-law and entering into an agreement containing the terms of the licence and the payment of a licence fee for the use of the licensed area:

(a) East of Ouellette Avenue at the pedestrian access in the middle of the block between Viale Udine and Riverside Drive;

(b) Ouellette Avenue on the west side of the middle of the block between Chatham and Pitt adjacent to the Post Office;

(c) Chatham Street East on the north side between 44 Chatham Street East and the Place Goyeau Parking Garage abutting the green space;

(d) Park Street East on the north side immediately east of Ouellette Avenue; and

(e) Ouellette Avenue on the east side immediately south of Wyandotte Street East.

(f) City Hall Square West on the east side immediately north of the east City Hall driveway;

(g) west side of Ferry Street, 20 feet north of Pitt Street;

(h) ~~Wyandotte Street East on the north side immediately west of Windsor Avenue~~; **(deleted by By-law 134-2007, dated July 16, 2007.)**

(i) ~~University Avenue East on the north side immediately east of Goyeau Street;~~ **(deleted by By-law 134-2007, dated July 16, 2007.)**

(j) South side of Chatham Street at the east limit of the Court House, and

(k) **DELETED BY BY-LAW 137-2005, dated May 30, 2005**

(l) ~~Southeast corner of Tuscarora and Ouellette Avenue~~. **(deleted by By-law 221-2011, dated December 5, 2011)**

(m) Ouellette Avenue on the east side immediately south of Elliott Street East. **(Added by By-law 137-2005, dated May 30, 2005)**

(4) the area bounded by Tecumseh Road on the north, Chilver on the West, Vimy on the south and Turner on the east, unless a licence is obtained from the Commissioner of Works to operate on the north side of Lens Avenue between the entrances to the Metropolitan Hospital Parking Lot, subject to the licensee entering into an agreement containing the terms of the licence, and payment of a licence fee for the use of the licensed area.

(5) Bounded on the west by Huron Church, on the north by University Avenue West, on the south by Union Street, and on the east side by Randolph Avenue.

(6) Within 304 metres (1000 feet) of the Lakeview Park Marina complex and restaurant.

28. Every licensee operating a vehicle on the sidewalks of any area of the City shall comply with the following conditions:

(1) Not permit the vehicle to be operated within 4.5 metres (l5 feet) of an intersection and safe crossing;

(2) Not permit the vehicle to be operated within 30 metres (l00 feet) of the entrance to a restaurant, or concession facilities operated by Leisure and Recreation Services;

(3) Not permit the vehicle to be operated within 6 metres (20 feet) of the entrance of any building, and the following facilities operated by Leisure and Recreation Services:

(a) Willistead Manor
(b) Mackenzie Hall
(c) Municipal Arenas
(d) Municipal Community Centres
(e) Lakeview Park Marina
(f) Coventry Park
(g) Windsor Stadium
(h) Mic Mac Park
(i) Dieppe Park
(j) Sand Point Park
(k) Jackson Park
(l) Reaume Park
(m) Ganatchio Trail
(n) Civic Terrace
(o) Ford Test Track
(p) John Ivan Complex
(q) Jackson Park
(r) Malden Visitor's Centre

(4) Not permit the vehicle to be operated within 6 metres (20 feet) of a bus stop area;

(5) Vehicles shall be prohibited from operating on sidewalks which are less than 3 metres (l0 feet) in width, measured from the curb to the face of the building;

(6) Vehicles shall be prohibited from operating immediately in front of any window or display window of a building.

(7) Vehicles shall maintain an operating distance of 30 metres (l00 feet) from each vending location and at least 30 metres (l00 feet) from a residence.

PART II - RELATING TO CLASS 2 VEHICLES ONLY

The following additional requirements shall apply to Class 2 vehicles as identified in Section 2 of this schedule:

29. No licensee shall operate or permit the operation of a vehicle on any public right-of-way unless the operator has received permission for the location for the vehicle from the Licence Commissioner and signed a standard form of agreement with the Licence Commissioner to grant such permission in accordance with the following procedures.

(1) The Licence Commissioner will accept applications from mobile vendors of food holding valid licences wishing to operate at a location on a municipal sidewalk within the boundaries of the City of Windsor but outside boundaries of the City Centre Business Improvement Area;

(2) The applicant shall provide particulars of the exact location for which the vending zone is requested;

(3) All vending zone applications will be subject to such approvals as the Licence Commissioner deems necessary;

(4) All decisions of the Licence Commissioner with respect to mobile vendor of food site approvals shall be final;

(5) All vending zone applicants who fail to pay the vending zone fee within 30 days of the date of approval by the Licence Commissioner will have such approval revoked by the Licence Commissioner;

(6) The vending zone shall be valid only for the locations(s) for which it was approved and shall not be valid for any other location; and

(7) If there is more than one applicant for a vending zone outside the downtown area and seniority cannot be determined, the Licence Commissioner shall hold a lottery at a time and place to be set by him to assign an application to the vending zone.

30. Any new vending zones to be established in the City Centre Business Area be offered by public tender.

31. Applications for permits for special events shall be submitted to the Licence Commissioner at least 30 days prior to the special event. The Licence Commissioner shall issue permits for special events not to exceed 10 per day.

(1) If more applications are received than the available permits by the 30 day advance date, the Licence Commissioner shall conduct a draw of the applications to allocate the vending zones.

(2) Only vendors licensed in the City of Windsor shall be eligible for a special occasion vending zone.

(3) The Licence Commissioner shall issue an adhesive permit to be affixed by the vendor to the vehicle on the day of the special event, and the approved date or dates shall be endorsed on the permit.

(4) The vendor shall remove the permit following the termination of the validation period;

(5) The fee for a special occasion permit shall be established at $50.00 per day;

(6) The 10 approved locations shall be allocated by the Licence Commissioner or designate in accordance with the order of application and/or the order of the draw if more than 10 applications are received, taking into the consideration the location of restaurants and competing businesses, obstruction of the right-of-way, convenience and safety."

PART III - RELATING TO CLASS 3 VEHICLES ONLY

The following additional requirements shall apply to Class 3 vehicles as identified in this schedule:

32. All licensees shall submit a Ministry of Transportation Safety Standards Certificate in the first year of service, in the third and fifth years of service, and every year thereafter.

33. All licensees shall present their vehicles to the Windsor-Essex County Health Unit for a yearly physical inspection.

34. All licensees shall adhere to the zoning by-law if the vehicle is intended to remain stationary at one location for an extended period.

35. All licensees shall ensure that no attachment shall be affixed and/or attached to any vehicle such as, but not limited to, hydro poles, porches, tents, and overhangs.

36. All licensees shall ensure that food service openings of mobile catering vehicles are located and designed to be at the furthest point possible from the vehicle's exhaust port to minimize such possible contaminants.

37. All licensees shall ensure that the interior of the motor vehicle is clean, dry and in good repair.

38. All licensees shall ensure that the exterior of the motor vehicle is clean, in good repair, free from exterior body damage and has a well maintained exterior paint finish.

39. All licensees shall ensure that the storage shelves within the vehicle are clean and covered with a suitable hard and impervious and anti-corrosive material such as stainless steel, glass or food grade plastic.

40. All licensees shall ensure that vehicles from which soft ice cream and related products are sold shall have:

(1) two sinks of adequate size and of non-corrodible material equipped with hot running water;

(2) a tank to receive sink wastes;

(3) a refrigerated cabinet for storage of ice cream mix and other milk products, which cabinet shall be maintained at a temperature no higher than 5 degrees Celsius (40 Fahrenheit) and shall be equipped with an accurate, indicating thermometer;

(4) storage for dry products, sundae toppings, and syrups, which storage shall be easily cleanable and where necessary of a type readily dismantled for cleaning;

(5) all dispensing equipment, whether for dry cones, single service containers, ice cream, syrups or toppings, of sanitary design;

(6) mechanical air-conditioning in the vending and dispensing part of the vehicle;

(7) adequate insulation to prevent fumes from the engine or engines from reaching the vending and dispensing section of the vehicle;

(8) screens or other devices to ensure adequate protection against flies and dust.

SCHEDULE O1 TO BY-LAW NO. 395-2004

DEALERS IN OLD GOLD OR OTHER PRECIOUS METALS

1. Upon receipt of an application for the grant of a licence pursuant to this Schedule, the Licence Commissioner or his/her delegate shall make or cause to be made all investigations that he/she deems necessary or which are required by the Windsor Licensing Commission relative to the application.

2. In the event of a change in the officers and directors of a corporate licensee, the licensee shall notify the Licence Commissioner or his/her designate within thirty days of the change of officers and directors, providing the Licence Commissioner with the names, addresses and birth dates of the new officers and directors.

3. Every person who has received a licence shall act in conformity with the provisions of any applicable federal or provincial Act, any regulation made there under and any applicable by-law.

4. Every person who has received a licence shall allow any Inspector or Compliance Officer or any other person duly authorized to inspect at any reasonable time:
   (1) the premises in respect to which the licence is issued; and
   (2) any vehicles or personal property used in connection with the business.

5. No person shall obtain any old gold from any person who is known to be or appears to be:
   (1) under the age of eighteen years; or
   (2) under the influence of alcohol or a drug.

6. No person shall obtain any old gold between the hours of 11 p.m. one day and 7 a.m. the following business day.

7. No person shall obtain old gold without requesting and being presented with identification containing a photograph and the name of the person selling, exchanging or disposing of the old gold.

8. No person shall alter, sell, exchange, repair, dispose of or in any way part with any old gold obtained until after the expiration of fifteen business days from the date of obtaining the old gold and during those fifteen business days such old gold shall remain on the premises in respect to which the licence is issued and shall be kept in a separate location from any other old gold. Provided that if the old gold were obtained by a licensed dealer from another dealer licensed under this by-law if the other licensed dealer had held the old gold for the requisite fifteen business days.

9. Every person licensed under this Schedule shall keep a book known as “The Old Gold Register”, provided by the Chief of Police, in which shall be entered a record of all old gold obtained.
   (1) The entry shall:
      (a) be in the English language written in ink in a plain, legible hand;
      (b) be made at the time of obtainment or immediately thereafter;
      (c) include the date and hour of the obtainment;
      (d) contain a full description of the old gold, without limiting the generality of the foregoing including materials, size and inscription;
      (e) contain a price paid for the old gold; and
      (f) contain a description of the person from whom the old gold was obtained including the name, address, birth date on the identification presented, the signature of the person and the type of identification presented.

10. Every licensed dealer shall deliver or cause to be delivered at the office of the Chief of Police, not later than 9:00 o'clock in the morning of every week day, a transcript of the purchases of the previous day, accurately copied from the register on blank forms for that purpose.

11. Every person licensed under this Schedule shall photograph every piece of old gold obtained. The photograph shall clearly show each piece of old gold and shall bear an identifying mark to connect it to the item in the register.

12. No person shall act as a dealer while a licence issued under this Schedule is suspended or revoked by the Windsor Licensing Commission.

SCHEDULE P1 TO BY-LAW NO. 395-2004

PET SHOPS

1. Every application for a keeper's licence shall be submitted by Licence Commissioner to the Windsor/Essex County Humane Society for an inspection, and any report received by the Licence Commissioner in response thereto shall be considered in the determination of whether or not the licence should be issued or refused in accordance with this schedule.

2. The Licence Commissioner may require, at any time, an applicant or licensee to file a letter from the Inspector of the Windsor/Essex County Humane Society containing a report of an inspection carried out by him stating whether or not every Pet Shop used or intended to be used for the sale of animals or birds is adequate with respect to construction, size, number of animals that occupy or are intended to occupy the pet shop, drainage, sanitation and cleanliness and that the pet shop is sprayed with chemicals or equipped with other devices to repel and control fleas, flies and rodents and that the pet shop is deodorized by suitable deodorant.

3. Every keeper shall comply with and ensure compliance with the following requirements in the operation of the pet shop kept by him or her:

   (1) Every licensee who operates a licensed pet shop shall keep his or her licence prominently displayed in the interior of such pet shop at all times during the currency of the licence.

   (2) The pet shop shall be maintained at all times in a sanitary, well ventilated, clean condition, and free from offensive odours.

   (3) Every animal and bird shall be kept in sanitary, well-bedded, well-lighted, clean quarters, kept at a temperature appropriate for the health requirements of the type or species of animal or bird housed therein.

   (4) Where the quarters used for the housing of any animal or bird form part of or are physically attached to a building used for human habitation or to which the public have access, such quarters shall have a concrete or other impermeable floor with a drain opening constructed as a plumbing fixture, and such floor shall be thoroughly cleaned and washed with water at least once each day, or more often than once if necessary to keep the said floor clean.

   (5) Every cage or other container used for the keeping or housing of any animal or bird shall:

      (a) Be of adequate size to permit any such animal or bird to stand normally to its full height, to turn around, and to lie down in a fully extended position.

      (b) In the case of a cage or other container used to keep or house only birds, have a removable metal or other impermeable bottom which shall be cleaned daily.

      (c) In the case of all other cages or containers, have a floor of either solid or wire mesh construction or any combination thereof, provided that:

         (i) All spaces in wire mesh shall be smaller than the pads of the foot of any animal confined therein;

         (ii) Any such wire mesh shall be of a thickness and design adequate to prevent injury to any such animal; and

         (iii) Such floor shall be of sufficient strength to support the weight of any such animal.

      (d) Be equipped with receptacles for food and for water, so mounted or situated that they cannot be easily overturned or contaminated and be constructed in such a way that it is not injurious to the animal.

(6) Water shall be provided daily to every animal or bird in sufficient quantity to maintain at all times a potable supply available to such bird or animal.

(7) Animals and birds shall be fed periodically each day in accordance with the particular food requirements of each type or species of animal or bird kept in the said pet shop.

(8) Light in the premises shall be sufficient to permit observation of all birds and animals kept there.

(9) Each cage containing birds shall be of sufficient size and dimensions to enable all birds to have sufficient perch space to permit full extension of their wings in every direction.

(10) All cages, tanks, containers or other enclosures in which animals or birds are housed on the premises shall be located in such a way as to provide maximum comfort to satisfy the known and established needs for the particular species so housed and shall be provided with safeguards to prevent extreme environmental changes and to prevent undue direct physical contact with such birds or animals by the general public.

(11) No more than 20 budgerigars or canaries or 25 finches, nor any combination of more than 25 such birds, shall be contained in a single cage with dimensions smaller than 76.2 centimetres (30 inches) by 40.6 centimetres (16 inches) by 78.7 centimetres(30 inches).

(12) No more than 15 budgerigars or canaries or 20 finches nor any combination of more than 20 such birds shall be contained in a single cage with dimensions smaller than 61 centimetres (24 inches) by 35.6 centimetres (14 inches) by 61 centimetres (24 inches).

(13) Appropriate steps will be taken for the protection of the animals or birds in case of fire.

(14) A suitable exercise area for animals shall be provided and shall be kept in a safe and sanitary condition. **(Added by By-law # 51-2008, March 31, 2008)**

4. The keeper shall ensure that all persons responsible for the care, feeding or cleaning of birds or animals are adequately instructed and supervised in the handling and care of all such birds and animals.

5. No keeper shall:

(1) Keep his or her stock of animals or birds in crowded quarters or cages.

(2) Sell any diseased animal or bird. The following shall deem an animal unfit for sale or release:

(a) Obvious signs of infectious diseases such as distemper, hepatitis, leptospirosis, rabies, or other similar diseases.

(b) Obvious signs of nutritional deficiencies, including rickets or emaciation.

(c) Obvious signs of severe parasitism severe enough to be influencing the general health of the animal.

(d) Obvious fractures or congenital abnormalities affecting the general health of the animal.

(3) Display any animal or bird in a shop or display window except at the rear of such window out of draughts and rays of the sun.

(4) Sell or keep for sale any wild animal or bird or reptile.

(5) Sell any dog or cat for profit. **(added by By-law 120-2020, dated August 24, 2020)**

(6) Charge an adoption fee for any dog or cat adopted in accordance with section 5.1. **(added by By-law 120-2020, dated August 24, 2020)**

5.1 A keeper shall be permitted to acquire, display, keep or offer for adoption a dog or cat obtained from a municipal animal shelter, a registered humane society, a registered shelter or a rescue group prescribed by the Licence Commissioner. **(added by By-law 120-2020, dated August 24, 2020)**

6. Every keeper shall ensure that any animal or bird indicating signs of sickness or disease is examined and appropriately treated within 24 hours of the onset of illness by a veterinarian or other qualified person experienced in the care and treatment of the species concerned and that such animal or bird is kept in a quarantine area, separate from all other birds and animals until such illness has been cured.

7. No keeper shall sell, permit to be sold, offer for sale, offer for adoption or give away any mammal before it has reached the normal weaning age, based on known requirements of that particular species. **(deleted and replaced by By-law 120-2020, dated August 24, 2020)**

8. Incompatible animals of different species shall not be confined or displayed in the same cage.

9. Whenever a keeper completes a not-for-profit sale or adoption of a dog or cat as permitted by this by-law, the keeper shall provide the purchaser or adoptive owner, as the case may be, with a receipt containing the names and addresses of the keeper and the purchaser or adoptive owner, the date of the transaction, the not-for-profit sale price if applicable, and the breed or cross-breed, sex, age and description, including colour and placing of markings, if any, of the dog or cat, and an up-to-date certificate of health from a veterinarian with respect to such dog or cat. **(deleted and replaced by By-law 120-2020, dated August 24, 2020)**

10. Register concerning dogs and cats to be kept as follows: **(deleted and replaced by By-law 120-2020, dated August 24, 2020)**

(1) Every keeper shall keep a register in which shall be entered in the English language, written in ink, in a plain, legible hand, a record of each dog or cat acquired by the keeper. Each entry shall be made at the time each dog or cat comes into the keeper's possession, and shall include, in addition to the date of acquisition, a full description of the dog or cat, together with the name, address and telephone number of the person from whom it was acquired and the cost of acquiring the dog or cat if any. The keeper shall retain the register in respect of each such transaction for a period of not less than 12 months. **(deleted and replaced by By-law 120-2020, dated August 24, 2020)**

(2) Every keeper shall ensure that the aforesaid register is not mutilated or destroyed and shall keep it open to inspection by the Licence Commissioner, at all times during business hours and shall make it available to be removed at any time for inspection or for use in the courts, if necessary. The keeper shall not be responsible for neglecting to make the necessary entries in the said register while it is removed from his or her premises for this reason.

11. Every keeper shall make every reasonable effort to obtain the name, address and description of anyone offering him or her any dog or cat which he or she has cause or reason to suspect has been stolen or otherwise unlawfully obtained, and he or she shall report the facts promptly to the nearest police station. **(Amended by By-law #51-2008, March 31, 2008)**

12. The Medical Officer of Health or his or her designate, the Licence Commissioner and any other person authorized by the Commissioner or his or her designate may inspect any shop or place where animals or birds for use as pets are sold or kept for sale.

(1) Prior to the issuance or renewal of any licence under this Schedule, the Licence Commissioner or his or her designate shall inspect the shop or place where animals or birds for use as pets are sold or kept for sale and shall complete an Inspection Form, in the form and manner specified by the Licence Commissioner, which shall part form of the licence application or licence renewal application. **(Added by By-law #51-2008, March 31, 2008)**

13. A keeper shall ensure that whenever he or she is absent from the pet shop or from the part of the premises used for the keeping or housing of animals or birds, during the business hours of such shop, there is an attendant in charge of and responsible for the care and safe keeping of his or her pet stock.

14. No keeper shall:

(1) Sell or permit the sale of any dyed chick or other dyed live poultry;

(2) Sell or permit the sale of any chick, duckling or other live poultry in quantities fewer than 12 per sale; or

(3) Sell, give away or otherwise dispose of any chick, duckling or other live poultry as a bonus to a sale of, or as part of a sale of, any other goods, products or services.

15. Every Pet Shop in which exotic animals are kept shall provide a sign, clearly visible to the general public, stating that such exotic animals are for display purposes only and are not for sale. The said sign shall be affixed to the cage or enclosure in which the exotic animal is kept, or if such is not practical, the sign shall be within the immediate proximity of the said cage or enclosure.

16. No keeper shall acquire a prohibited dog as defined in the Dog Control By-law for display, sale or adoption. **(deleted and replaced by By-law 120-2020, dated August 24, 2020)**

17. Every licensee of a Pet Shop must enter into a written agreement with at least one Veterinarian to facilitate emergency veterinary treatment and humane euthanasia of any animals kept for sale or display by the Pet Shop, and any such agreement must be made available to the Licence Commissioner, or his or her designate, upon request. **(Added by By-law #51-2008, March 31, 2008)**

18. Where the Windsor Essex County Humane Society places an order on the premises of a Pet Shop or makes a finding of an animal in distress at a Pet Shop and provides such information to the Licence Commissioner, the Licence Commissioner shall provide a report of such information to the Licensing Commission and shall recommend the suspension or revocation of the Pet Shop Licence, in accordance with the procedures set out in Section 3 of By-law 395-2004. **(Added by By-law #51-2008, March 31, 2008)**

SCHEDULE P2 TO BY-LAW NO. 395-2004

PLUMBING WORK

1. The provisions of this schedule shall not apply to work performed by an owner/occupant within the single family dwelling in which they reside, the repair and maintenance of a manufacturing, industrial, or service institution which employs full-time persons regularly engaged in maintaining such equipment in good working order provided that such repair does not alter the extent, capacity, or safety of such system, in which case the terms and provisions of the By-law shall apply.

2. No person shall, within the limits of the City of Windsor, perform any plumbing work or engage in the business or occupation of a plumbing contractor or master plumber unless and until he shall have procured a licence to do so under the provisions of this by-law, and every person so licensed shall be subject to the provisions of this by-law.

3. Notwithstanding the provisions of Section 2, an owner of an existing semi-detached or single family dwelling shall be permitted to carry out the following plumbing work in an existing semi-detached or single family dwelling which he owns or occupies, provided that such work is carried out under the rules and regulations contained in the *Building Code Act,* made under the *Ontario Water Resources Act*, and under the provisions of this by-law:

   (i) the renewal of, or repair to existing systems of drainage piping, potable water lines and hot water heater, provided a permit is obtained from the Chief Building Official;

   (ii) a permit is not required for the repair or maintenance of the working parts of a faucet or valve; the clearance of stoppages; repair of leaks; or replacement of a defective faucet, valve or fixture, providing no change is made in the potable water system and the drainage piping.

4. Every application for a licence hereunder shall be in writing on such forms as may be prescribed from time to time by the Licence Commissioner, shall be signed by the applicant and verified by Statutory Declaration if so required, and shall be accompanied by payment of the licence fee prescribed in Schedule 1 and be accompanied by the following:

   (a) A valid certificate of qualification as a Plumber issued pursuant to the regulations made under *Apprenticeship and Certification Act,* or is otherwise authorized to work at the trade of a Plumber in accordance with the *Trades Qualification and Apprenticeship Act*;

   (b) A mailing and municipal address of the permanent or regular place of business in the Province of Ontario;

   (c) Proof of General Liability insurance, including but not limited to bodily injury, property damage, and completed operations coverage, in the amount of not less than Two Million Dollars ($2,000,000.00) **(Amended By-law 80-2012, dated July 9, 2012)**

   (d) **Deleted B/L 71-2006, dated April 18, 2006**

   (e) All new applicants are required to submit the original results of a criminal record check from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days that is satisfactory in form and content to the Licence Commissioner. The criminal record check must be dated no more than thirty (30) days prior to the application for a licence. **(Amended By-law 13-2012 dated January 23, 2012)**

5. Every Plumbing Contractor and Master Plumber shall ensure that:

(a) all vehicles used by him in the course of business bear on both sides of each such vehicle in letters and numbers not less than 2.5 centimetres in height the licence number issued to him by the Licence Commissioner, bracketed by the words "Windsor Licence No..", all clearly legible at a distance of six metres.

(b) all local media advertising material including any published advertisement in a newspaper, periodical, directory or other publication used by such contractor or Master Plumber in the course of such business bear in clearly legible letters and figures the same inscription.

6. No plumbing contractor shall undertake, perform or engage in any contract for the performance of plumbing work unless he holds a licence for the current year as a master plumber under the provisions of this by-law, or in the alternative, carries on the said work under the supervision and control of a duly licensed master plumber in complete charge of the said work. A Master Plumber licensed under this By-law and Schedule shall not cause or permit an apprentice or helper or other unqualified person to perform any plumbing works or install any plumbing materials or appliances except as an assistant to and under the DIRECT PERSONAL SUPERVISION of a licensed Master Plumber or a provincially certified journeyman plumber continuously employed on the same contract or job who is under the direct supervision of a Master Plumber. Direct Personal Supervision means an inspection by the Master Plumber on a daily basis of all plumbing work performed by an apprentice or helper or other unqualified person.

7. Every plumbing contractor or master plumber licensed under this by-law while engaged in any plumbing work upon any building or structure, shall obtain and post upon the exterior of the front of such building or structure the permit issued in respect of such building, and upon completion of such work shall procure a certificate of inspection from the Building and Development Department.

8. No person licensed under this by-law shall allow his name to be used for the purpose of obtaining a plumbing permit or certificate of inspection for any plumbing work unless the work described in such permit or certificate has been or will be performed by him or under his supervision.

9. (a) Every person licensed under this By-law shall, upon changing his address, give written notice thereof, specifying his new address, to the Licence Commissioner.

(b) A master plumber shall notify the Licence Commissioner forthwith upon ceasing to act as a master plumber for one plumbing contractor and upon commencing to act as a master plumber for another plumbing contractor.

(c) No person licensed as a master plumber shall be in the employ of more than one plumbing contractor at any one time.

10. A partnership of two or more persons desiring to carry on any business or trade for which a licence is required under this Schedule may do so upon each member of the partnership having charge of or superintending the plumbing work of the firm obtaining the appropriate licence, and a corporation may similarly obtain a licence on its behalf in the name of some person named in the application for a licence.

11. Any change in the persons composing a firm or in the person representing a corporation or in the location of a business shall be promptly reported in writing to the Licence Commissioner, and any new licence required by such change shall be forthwith applied for. No new licence shall be required unless the plumbing work of such firm or corporation is to be performed under the supervision of a person not previously licensed under this By-law.

12. Every person licensed under this By-law shall carry on his person the said licence or an official identification card or badge certifying thereto issued by the Licence Commissioner, at all times when performing or engaging in the trade, business or occupation so licensed, and shall produce the same for inspection at the request of any Inspector of Compliance Officer including building inspectors.

13. No person licensed to carry on business under this Schedule shall advertise or promote or carry on such business under any name other than the name endorsed upon his licence.

14. The Licence Commissioner shall refer to the Windsor Licensing Commission all applications for renewal of a master plumbers licence where there is on file, with the Licence Commissioner, a complaint from any person that a final inspection certificate has not been issued by the master plumber applying for renewal of his licence, for work completed on the complainant's property.

SCHEDULE P3 TO BY-LAW NO. 395-2004

PUBLIC HALLS

1. No person shall offer any building or structure or any part thereof for use as a public hall unless the owner thereof is the holder of a licence issued for such purpose by the Licence Commissioner.

2. The owner of a building or structure to be used or offered for use as a public hall shall make application to the Licence Commissioner upon the approved form. Such application shall be accompanied by the appropriate fee and shall include the following documents and information:

   (1) Full particulars of location, size and construction of the hall as may be required.

   (2) A letter from the Chief Fire Official setting out their recommendations as to any safety precautions which should be taken by the owner with respect to such hall.

   (3) A letter from the Chief Building Official as to the sufficiency or insufficiency of the hall, its fixtures and equipment, for the intended use thereof in accordance with the *Building Code Act*.

   (4) Applicants for a licence under this Schedule shall be required to file an Inspection Report as required by the Medical Officer of Health of the and such application shall be accompanied by plans showing the location and extent of the premises, the use to be made of each floor, apartment and room and of adjoining rooms or connecting floors and the position of equipment, water supply, toilet conveniences and means of disposal of waste. The Inspection Report must have been completed within the last 12 months.

   (5) A letter from the Electrical Safety Authority as to the condition of the electric wiring and electrical fixtures in such building and setting out any recommendations in connection therewith.

3. (l) The maximum number of persons (occupant load) to be permitted within a public hall at any one time shall be determined in accordance with the *Building Code Act*.

   (2) A licence shall not be issued for a public hall on any storey higher than the third floor in a building not of fire-resistive construction.

   (3) (a) The owner of a public hall shall display prominently at least two (2) placards indicating the maximum number of persons permitted in the hall, one of such placards to be at or near the entranceway and the other to be inside the hall in the immediate vicinity of the entranceway, and to contain the following words in letters at least two inches (2") high:

   "OCCUPANCY OF THIS HALL BY MORE THAN ..... PERSONS IS DANGEROUS AND UNLAWFUL. LICENCE COMMISSIONER FOR THE CITY OF WINDSOR."

   (4) For the purposes of this section:

      (a) the floor area of a public hall shall be operated and maintained as stipulated in the *Building Code Act*, as amended and the Ontario Fire Code as amended.

4. (l) In every public hall there shall be an unobstructed aisle space in accordance with the *Building Code Act*, as amended.

(2) Aisles shall terminate at a cross aisle, foyer or exit and the width of such cross aisle, foyer or exit shall be at least the required width of the widest aisle plus 50 per cent of the total required width of the remaining aisles that it serves.

(3) Movable seats arranged in rows shall be fastened together in units of not less than four and not more than twelve seats; provided that a row of movable seats shall not contain more than fourteen seats between aisles nor more than seven seats between an aisle and a side wall.

(4) In every public hall having chairs and tables there shall be unobstructed aisle space of:

(a) twenty-two inches surrounding each unit of table and chairs accommodating not more than two persons;

(b) thirty-six inches surrounding each unit of table of chairs accommodating not more than four persons;

(c) forty-four inches surrounding each unit of table and chairs accommodating more than four persons.

(5) Movable seats shall not be permitted in balconies nor galleries having more than one floor level.

(6) All aisles to exits shall be free and clear of any obstructions.

(7) No person shall be permitted to use or occupy any aisle space or exit route for any purpose other than for normal passage to and fro.

5. (l) The minimum number of exits from a public hall shall be in accordance with the *Building Code Act*.

(2) The distance along the nearest path of travel between any seat in a public hall and the nearest exit shall be in accordance with the *Building Code Act*.

(3) The *Building Code Act*, as amended shall be used to determine total width of all required exits.

(4) No revolving door or any doorway equipped with a turnstile shall be considered as an exit in calculating the exit requirements of any public hall.

(5) Exits from every balcony or gallery in a public hall shall be in accordance with the *Building Code Act*.

(6) Rugs, carpets or other floor coverings shall be secured and maintained so that they will not ruck and will not in any way impede egress.

(7) Mats located at the entrance of the public hall shall be flush with floors or have chamfered or bevelled edges.

(8) Articles which may create any obstruction shall not be located in or adjacent to any path of exit travel.

6. (l) All exit doors equipped with locking or latching devices shall be equipped with panic-type hardware in accordance with the *Building Code Act*.

(2) Hooks, padlocks, chains, draw bolts and locks other than the panic hardware type, shall not be permitted on any exit doors.

(3) On each occasion before a public hall is to be used the owner shall cause all exit doors to be inspected and ensure that they open freely.

7. (l) Exit signs shall be located above every exit doorway and shall be installed in accordance with the *Building Code Act*.

(2) Every exit sign in the main auditorium of a public hall shall be clearly visible from the most distant part of the hall from which there is a clear line of sight.

(3) Emergency power to all exit and emergency lights shall be in accordance with the *Building Code Act*.

(4) Every door leading from the main auditorium of a public hall which does not lead to an exit shall be plainly marked with letters not less than six inches in height, designating the part of the premises to which it leads.

8. (l) Exit widths at any point of any doorway, corridor, chamber, stairway or other passageway in an exit route shall not be less than the width of the exit door leading to such route from the main auditorium nor less than the cumulative width of such exit doors if more than one of such exit as determined by the *Building Code Act*.

(2) Steps in every exit stairway shall have a run of not less than 255 mm (10 inches) and shall have a rise of not more than 200mm (7 7/8 inches) in accordance with the *Building Code Act*.

(3) The surfaces of ramps, landings and treads shall have a non-slip surface and shall conform with the *Building Code Act*.

(4) Every stairway connecting two or more floors in an exit route shall be fully enclosed having no openings other than exit doors. All door openings on such stairways shall open in the direction of exit travel, shall be equipped with self-closures and constructed with material having a fire-resistance rating in accordance with the *Building Code Act*.

(5) When the distance between two floors or between ground level and the next highest floor does not exceed ten feet, an incline ramp may be permitted in lieu of a stairway, provided that such ramp shall have a maximum slope of 1 foot in 10 feet.

(6) All exit stairway enclosures shall provide a protected means of egress to outdoors at grade level such that it would not be necessary to leave the stairway to reach an exterior door. A lobby or foyer may not be used as an exit except in accordance with the *Building Code Act*.

(7) A stairway from the first balcony or gallery above the main floor need not be enclosed provided that it serves only the first balcony or gallery in accordance with the *Building Code Act*.

(8) Space under any stairway shall not be used for storage purposes.

(9) All stairways and landings of combustible material shall have their undersides protected by material having a fire-resistance rating in accordance with the *Building Code Act*.

9. External fire escapes in existing buildings shall be in accordance with the *Building Code Act*.

10. On each occasion before a public hall is to be used, the owner shall cause every external fire escape to be cleared of snow and ice or any obstruction.

11. Exit routes, exits, public corridors, assembly halls and exit stairway lighting shall be interconnected with exit lights referred to in Section 7.1 and shall be in accordance with the *Building Code Act*.

12. False doors, windows, mirrors or other type of decoration which give the appearance of a door or exit where no door or exit exists shall not be permitted.

13. (1) Interior finishes and decorations, such as plaster, wood or tile, fabric, paint, plastic, veneer, or wallpaper, doors, windows and trim, lighting elements in ceilings and carpet material that overlies a floor that is not intended as a finish floor shall have a flame-spread rating and smoke development classification that is in accordance with *Building Code Act*, and Ontario Fire Code, R.S.O. 388/97, as amended.

14. (l) The Chief Fire Official may prohibit smoking, the use of matches, fire-crackers or any other device or thing producing an open flame, in a public hall or any part thereof, and the owner shall post appropriate signs in any part of the hall on the direction of the Chief Fire Official.

(2) In any part of the hall where smoking is permitted, substantial ashtrays or stands of non-combustible material shall be placed in such number and location as may be required by the Chief Fire Official.

15. (l) Every public hall shall be kept clean and clear of rubbish and debris that might create a fire, hazard and unsafe condition.

(2) Metal containers with self-closing covers shall be provided and conveniently placed for the deposit of rubbish and debris and the rubbish and debris contained in the metal containers shall be removed from the building at least once a day.

16. (l) The operator shall have the heating equipment and chimneys inspected at least once every twelve (12) months to ensure that they are safe and in good repair.

(2) Every heating appliance in a public hall shall be protected by proper guards and insulation and shall not be located closer than twenty feet to any exit.

(3) Every mechanical room containing heating equipment shall be separated from the remainder of the building in accordance with the *Building Code Act*.

17. (l) Every public hall shall be equipped with fire protection apparatus and shall be maintained in accordance with the *Building Code Act*, and Ontario Fire Code, R.S.O. 388/97, as amended.

18. Notwithstanding any other provision of this by-law, no licence fee shall be payable in respect of any hall used solely for religious purposes, but every such hall shall comply with this schedule in all other respects.

19. All new applications for a public hall licence shall be of barrier-free design in accordance with the *Building Code Act*.

20. No owner of a building or structure or part thereof used as a Public Hall within the area outlined on Appendix “A” to this Schedule shall permit the Public Hall to be open between the hours of 4:00 a.m. and 8:00 a.m.each day. **(Added by By-Law 101-2011, dated June 7, 2011)**

APPENDIX A
DOWNTOWN BUSINESS IMPROVEMENT AREA

SCHEDULE P4 TO BY-LAW NO. 395-2004

PUBLIC PARKING LOTS

1. Every application for a licence made under this By-law and Schedule shall include:

   (1) The location of the land for which the licence is sought.

   (2) The maximum number of motor vehicles authorized to be parked upon the premises at any one time; and

   (3) The hours during which the premises shall be open for business.

2. Every person licensed under this Schedule shall:

   (1) if they engage in driving, operating, or moving motor vehicles parked or stored at or upon the licensed premises, be the holder of a valid driver's licence issued under the *Highway Traffic Act*, of a class authorizing them to drive a motor vehicle, and shall not employ any such person or permit any employee likewise to drive or operate such motor vehicles unless such person is the holder of such a licence;

   (2) display in a conspicuous place at the entrance to the licensed premises a sign or signs of a design which is not misleading and bearing in letters and figures of uniform size but not less than 7.62 centimetres (3 inches) in height, their rates or charges for parking or storing motor vehicles;

   (3) either by themselves or through one or more employees during normal business hours, maintain constant and vigilant supervision of every motor vehicle parked or stored at or upon the premises; provided that this provision shall not apply in the case of any premises where each motor vehicle can be parked or stored, and locked by the owner or operator thereof in a location from which such motor vehicle can be removed without obstruction from other parked or stored motor vehicles;

   (4) keep the premises free from rubbish and in a clean and neat condition, and keep any sidewalk or street upon which such premises abuts, free from any dirt or other foreign substance derived from such premises or resulting from the use thereof;

   (5) at the time of receiving each motor vehicle for the purpose of parking or storing same at or upon the premises, give or cause to be given to the person from whom the motor vehicle is received a numbered receipt that includes:

      (a) a clear statement of the extent of the responsibility accepted by the licensee in respect to loss or, or damage to, such motor vehicle and contents thereof while parked, stored or otherwise in the care and custody of the licensee or any of the licensee’s employees; and

      (b) the licensee’s name, the location of the licensed premises and the business hours specified on the sign or signs as required by subsection 1(3).

   (6) ensure that all parking spaces are clearly delineated by painted contrasting lines;

   (7) ensure that all parking spaces are readily accessible at all times for the parking or removal of motor vehicles without the necessity of moving any other motor vehicle.

3. No person licensed under this Schedule shall:

(1) remove or cause to be removed any snow from the premises to any sidewalk or roadway upon which such premises abuts;

(2) lend, hire, rent, or cause or permit any employee or other person to lend, hire or rent, any motor vehicle that has been received by them or any of their employees for the purpose of parking or storing same at or upon the licensed premises, or use, or cause or permit any employee or other person to use, any such motor vehicle or any accessory or equipment thereof except for purpose necessarily incidental to parking or storing same, or if the licensee is also licensed to make motor vehicle repairs, necessarily incidental to make repairs thereto;

(3) shall store or park or allow to be stored or parked on the licensed premises for a longer period than 30 minutes any refreshment vehicle used, while so stored or parked, for the purpose of serving refreshments therefrom;

(4) store or park or allow to be stored or parked thereat any trailer used for human habitation while so stored or parked;

(5) either by themselves or through one or more employees during normal business hours park in such a manner as to deny access to exits from the premises.

4. No owner or operator of a public parking lot and no person carrying on a business with which a public parking lot is connected shall tow or cause any motor vehicle to be towed without the consent of the vehicle's owner or operator from a public parking lot unless:

(1) the parking lot is posted with 1 or more signs or notices at each entrance to the parking lot including the following:

(a) contain a statement to the effect that parking of motor vehicles is enforced by towing;
(b) show the rates established in Appendix "A" of the Towing Schedule to the Public Vehicles By-law in respect of the towing, care and storage of a motor vehicle towed from the parking lot and advise that the vehicle owner shall also be liable for administrative fees and/or service charges levied by the Windsor Police Service incidental to the towing of the vehicle.

(2) A sign or notice is deemed to comply with this section if the sign or notice contains the following statements:

(a) that parking is restricted to the vehicles of customers, visitors, patrons, clients, patients or guests; and
(b) that any other vehicle may be towed from the parking lot at the vehicle owner's risk and expense.

(3) A sign or notice is deemed to comply with this section of this schedule if the sign, in addition to the statements mentioned above contains a statement that parking is restricted to a specific duration or to a specified period of any day or to specified days of the week.

(4) A sign or notice mentioned in this schedule shall:

(a) have a minimum area on 1 side of 3.75 square feet;
(b) be constructed of durable, weather-resistant material;
(c) be permanently affixed to a building, structure, post, pole or tree;
(d) be clearly visible at a minimum height of 7 feet and maximum height of 9 feet above the grade of the parking lot; and be positioned so that the sign or notice is clearly discernible in daylight under normal conditions and in darkness under the display of the white light of the low beam of the head lamps of a motor vehicle from any part of the parking lot to which the sign applies.

5. Every owner or operator of a parking lot which has twenty-five (25) or more parking spaces shall provide designated parking spaces for the Handicapped in accordance with the provisions of the Parking By-law.

6. Comply with any and all City of Windsor Zoning By-law requirements including Site Plan Control if applicable.

SCHEDULE R1 TO BY-LAW NO. 395-2004

RETAIL/RESALE AND PAWNBROKERS

1. Every licensee shall produce such licence upon demand by the Licence Commissioner.

2. The licensee of a retail/resale shop:

   (1) shall display the licence therefore in a conspicuous place in the interior of the shop and shall also display the words "LICENSED RETAIL/RESALE SHOP" in large plain letters satisfactory to the Licence Commissioner in a conspicuous place clearly visible from the public street at the front of the shop.

   (2) shall not purchase, take in exchange, or receive any article or thing from a person who appears to be under the age of l8 years, without the written authority of one of the parents or the guardian of such person, save and except that this subsection shall not apply to dealers in trading cards.

   (3) shall not alter, repair, dispose of or in any way part with any goods or articles purchased or taken in exchange by him, until after the expiration of 30 clear days from the date of obtaining the said goods, and during the said period the goods or articles so obtained shall remain on the licensed premises and be kept apart from goods previously purchased, and shall be subject to an inspection at any time by an Inspector or Compliance Officer, who may be accompanied by such other person or persons as in his judgement may be necessary for the identification of goods reported or suspected of having been stolen.

   (4) shall post the by-law requirements including information that the goods may not be repurchased by anyone other than the former owner until the passing of a 30 day period provided the original owner has shown proper identification and the information from the identification was recorded.

3. The Licence Commissioner at his/her discretion, shall require licensees to submit police clearances for all employees and for new employees prior to commencing employment to insure that such employees have not been convicted of any criminal offences related to the following activities:

   - Theft;
   - Possession of stolen property;
   - Break and enter;
   - Narcotics possession; or
   - Sexual assault.

4. Every licenced dealer shall make every reasonable effort to obtain the name, address and description of any person offering him goods or articles of any kind which he has cause to suspect have been stolen, or otherwise wrongfully obtained and shall report promptly the same to the Licence Commissioner and the Chief of Police.

5. Every licenced dealer shall:

   (1) keep a record of all goods purchased, taken in exchange or otherwise acquired in accordance with Appendix "A" attached to this schedule. Such record shall be entered in ink in a plain legible hand on a register form provided by the Chief of Police. Each entry must be made at the time of purchase or immediately thereafter and shall include in addition to the date and hour of purchase, a full description of the article or articles, the price paid therefor, and the name, address and description of the person from whom the purchase was made. In entering bicycles and parts of motor vehicles the name of the maker and the serial number of the bicycle or part, if it is known or can be ascertained, shall be recorded in every case. The Register aforesaid shall remain the property of the Police Department, and the licenced dealer to whom the same is issued shall be responsible to see that it is not mutilated or destroyed. It shall be open to inspection by the Licence Commissioner and Police Officers at all times and may be removed at any time by any police officer to Police Headquarters for inspection or for use in the courts if necessary. Every licenced dealer shall deliver or caused to be delivered at the Office of the Chief of Police, not later than 9 o'clock in the morning of every week day, a transcript of the purchases of the previous day, accurately copied from the Register on blank forms supplied for that purpose.

   (2) Notwithstanding Subsection 5(1) above, the following items shall be exempted from reporting to the Windsor Police Service:

      (a) Any item purchased from another dealer, merchant, manufacturer or wholesaler;
      (b) Any item donated to a recognized non-profit organization;
      (c) Any secondhand household kitchen or laundry appliances;
      (d) Any secondhand furniture excluding audio, video and other electronic devices;
      (e) Any secondhand cookware, glassware and eating utensils that do not contain precious metals;
      (f) Any secondhand clothing or shoes;
      (g) Any secondhand infant's toddler's or children's clothing, appliances, furniture, or safety devices;
      (h) Any item received on consignment;
      (i) Any item for which payment in full is made with a credit or voucher redeemable for merchandise from the dealer.

6. Notwithstanding anything herein contained,

   (1) this by-law shall not apply to persons dealing in used motor vehicles nor to any person who, in the course of operation of a retail business, accepts second-hand goods as part payment on the purchase price of similar, new goods, but who does not otherwise deal in second-hand goods.

   (2) Section 2, subsections (3) and (4), Section 6, subsections (1) and (2) and Section l0 of this schedule shall not apply to any person whose principal business is the processing or refining of scrap metal or other salvaged material purchased or acquired in bulk.

7. Every licensee shall install a video camera/recording system satisfactory to the Licence Commissioner to retain the videotapes for a 30-day period except for resale shops dealing only in clothing.

8. The provisions of the *Pawnbroker's Act*, shall apply to all Pawnbrokers.

9. Every person who is licensed as a Pawnbroker who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to penalty as provided in the *Pawnbrokers Act*.

APPENDIX "A"

Schedule R1:

The following are requirements for reporting to the Windsor Police Service for licensees:

Price Paid	**Transactions Requiring a report to Police**
Regardless of price paid or intended selling price	Unique identifier/serial number Precious metals Precious gems Firearms Bicycles Golf Clubs Snow skis, snow boards
Paid $25 or more or intend to sell for $50 or more	Electronic audio equipment Electronic video equipment Musical instruments Photographic/optical equipment Computers/printers/etc. Cellular phones Outboard motors Inboard drives Powered yard/garden equipment Powered construction equipment
Paid $100 or more or intend to sell for $200 or more	Sporting goods
Paid $150 or more or intend to sell for $300 or more	Architectural elements, lighting fixtures or lamps that are, or contain, stained, etched, leaded, beveled or art glass
Paid $250 or more or intend to sell for $500 or more	Artist signed or artist attributed works of art, other than architectural elements, lighting fixtures or lamps

SCHEDULE S1 TO BY-LAW NO. 395-2004

SALVAGE YARDS

1. In the case of an application for a licence for a salvage yard, the Licence Commissioner or designate shall:

   (1) cause notice to be mailed by regular mail to the owners of all lands lying within three hundred feet (300') of the salvage yard, inviting their comments at least l5 days prior to the date the Licence Commissioner considers the application.

   (2) If an objection is received from persons entitled to notice, the Licence Commissioner shall refer the application to the Windsor Licensing Commission, provided that such notice shall not be necessary where the application is for renewal of a licence held for the previous year.

2. Every licensee shall produce such licence upon demand of any authorized person.

3. The following shall apply to every salvage yard:

   (1) The premises shall be kept in a clean and neat condition and all buildings and other structures shall be kept in good repair.

   (2) Salvage material shall be sorted for separate storage as soon as possible after acquisition.

   (3) Piles or stacks of salvage material shall be adequately separated to prevent spread of fire and shall neither exceed l0 feet in height nor be placed within l0 feet of the boundary of the premises.

   (4) Notwithstanding the provisions of any other by-law, no person shall leave salvage material outside of the area of the salvage yard, and no salvage material shall be stored outside an enclosed building unless the premises are surrounded by a rigid fence, which provides a complete visual barrier and shall,

      (a) have a minimum height of 8 feet (above grade) and a maximum height of 10 feet;

      (b) be constructed of masonry, wood, metal or plastic or any combination thereof and if metal or wood shall be painted a uniform colour;

      (c) consist of new materials only and be kept in good repair.

   (5) The licensee shall make all reasonable efforts to control rodents and other vermin and to eliminate odours.

4. The licensee shall store all salvage material in a manner that does not permit standing water in accordance with the Standing Water By-law.

5. Any authorized representative of the Licence Commissioner, Development Processing Services, Fire and Rescue Services or the Police Service shall be permitted to enter and inspect the premises at any time during regular business hours, and no person shall hinder or obstruct such entry or inspection in any way.

6. Every licensee shall make every reasonable effort to obtain the name, address and description of any person offering him goods or articles of any kind which he has cause to suspect have been stolen, or otherwise wrongfully obtained and shall report promptly the same to the Licence Commissioner and the Chief of Police.

7. No licensee shall permit the wrecking of motor vehicles on the licensed premises unless such licence so specifically authorizes permission to do.

8. Every licensee shall be responsible for the cleaning and removal of any dirt, material, or debris tracked onto public or private property abutting the salvage yard.

9. Every licensee shall:

(1) Keep a record of all goods purchased, taken in exchange or otherwise acquired. Such record shall be entered in ink in a plain legible hand on a register form provided by the Chief of Police. Each entry must be made at the time of purchase or immediately thereafter and shall include in addition to the date and hour of purchase, a full description of the article or articles, the price paid therefore, and the name, address and description of the person from whom the purchase was made. In entering bicycles and parts of motor vehicles the name of the maker and the serial number of the bicycle or part, if it is known or can be ascertained, shall be recorded in every case. Every licensee shall maintain the register aforesaid for a one-year period and shall ensure that it is not mutilated or destroyed. It shall be open to inspection by the Licence Commissioner or his/her designate or Police officers. Further, the Licence Commissioner or his/her designate or any Police officer for investigation purposes may remove the aforesaid record(s).

(2) Notwithstanding Section 9.(1) above, any part, piece or component of a whole unit or whole item that does not have a serial number, vehicle identification number, or any other unique marking or number, shall be exempt from the requirement of being included in the register, provided however, that the said whole unit or whole item has been previously registered with the Chief of Police.

10. Notwithstanding anything herein contained, this by-law shall not apply to persons dealing in used motor vehicles nor to any person who, in the course of operation of a retail business, accepts second-hand goods as part payment on the purchase price of similar, new goods, but who does not otherwise deal in second-hand goods.

SCHEDULE S2 FOR BY-LAW NO. 395-2004

SPECIAL SALES AND PERSONS CONDUCTING SPECIAL SALES

1. Every application for a licence under this By-law and Schedule shall be accompanied by:

   (1) A written statement showing the date upon which the applicant commenced the business now being carried on by them in the city;

   (2) The location of goods, place and date or dates of special sale;

   (3) A detailed list of the goods, wares or merchandise to be offered for sale, including the cost price to the owner thereof and approximate retail value;

   (4) The name and address of persons from whom goods were purchased and the date or dates of purchase;

   (5) Particulars of the ownership of the goods to be sold if they are not owned by the applicant and the relationship, if any between the owner and the applicant;

   (6) Particulars of any damage or other deterioration caused to the goods by fire, smoke, water or any other means;

   (7) Particulars of the information to be included in any sign, pamphlet, handbill or other advertisement to be displayed, distributed, announced, or published by any means before or during the sale.

2. Every applicant shall produce such books, records or other documents or information, as the Licence Commissioner considers necessary to corroborate any of the statements contained in the application.

3. Every application shall be verified by statutory declaration of the applicant in the appropriate form, and if the applicant is not the owner of the goods to be sold, the application shall also be verified by statutory declaration of the owner thereof.

4. This By-law and Schedule does not apply to a sale by or under the authority of:

   (1) A receiver of trustee under the federal *Bankruptcy and Insolvency Act* or a liquidator under the federal *Winding Up and Restructuring Act*;

   (2) A court or a receiver appointed by a court;

   (3) A bailiff, sheriff, executor or administrator; or

   (4) A receiver, liquidator or trustee under any general or special Act.

5. The Windsor Licensing Commission may refuse to issue a licence and may revoke any licence issued under this By-law if:

   (1) Any attempt is made to add or to replenish the goods described in the application or if any attempt is made to substitute other goods, wares or merchandise;

   (2) The sale is advertised or conducted in any manner other than that described in the application or is in any manner calculated to mislead or deceive the public, or contrary to the provisions of this By-law; or

   (3) The applicant refuses to produce any books, documents, records or other information requested by the inspector or refuses to permit the inspector to inspect any goods or premises in accordance with the provisions of this By-law.

6. Every licence shall expire thirty (30) days after the date of issue, provided that a licensee shall be entitled to apply for and receive a licence for such additional thirty-day period or periods as may be necessary to permit the sale of any remaining goods, wares or merchandise described in the original application, but to a maximum of three additional periods only. Such licence shall be granted upon submission by the original licensee to the Licence Commissioner, of a detailed list of such goods, wares or merchandise remaining, verified by declaration in form. The fee for such licence shall be fifty per cent (50%) of the fee which would have been payable with respect to such goods, wares or merchandise on an original application for licence.

7. All advertising material distributed or published relating to a special sale including each radio or television broadcast, shall contain a statement that such sale is held pursuant to this By-law and shall state the licence number and licence expiry date and a similar statement shall be prominently displayed on the premises at which such sale is conducted.

SCHEDULE NO. T1 TO BY-LAW NO. 395-2004

TOBACCONIST

1. No vending machines shall be used for the sale of tobacco products, except in premises licensed by the Alcohol and Gaming Commission of Ontario.

2. Every licensee shall at all times display in a conspicuous place in the premises, a sign or signs advising that tobacco sales to minors is prohibited.

3. Every licensee shall ensure that no person under his or her control sells, gives or furnishes tobacco, cigars or cigarettes contrary to this by-law or Provincial or Federal laws.

4. No person shall sub-divide tobacco packages for sale.

5. The licensee shall display the licence prominently in a place near where tobacco is sold or displayed so that the licence is visible by the public.

6. Every licensee shall be in compliance with the *Tobacco Control Act* and all regulations thereunder.