

By-law 2004-350

**A By-Law of the City of Greater Sudbury to Provide for the
Licensing and Regulation of Various Businesses**

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By-law 2004-350

A By-Law of the City Of Greater Sudbury to Provide for the Licensing and Regulation of Various Businesses

WHEREAS pursuant to the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, a City may pass By-laws for licensing, regulating and governing businesses;

NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY ENACTS AS FOLLOWS:

PART I - DEFINITIONS

1. Unless otherwise specifically defined in any Part of this By-law for the purposes of this By-law;

“Business” shall mean a trade, business or occupation and includes the sale or hire of goods or services on an intermittent or one-time basis, the showing for the purpose of sale or hire of samples, patterns or specimens of any goods and an activity or thing a local municipality may license but does not include,

- (a) a manufacturing activity or an industry, except to the extent that it sells its products or raw material by retail;
- (b) the selling of goods by wholesale; or
- (c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources; and

for purposes of this definition a business shall be deemed to be carried on within the City if any part of the business is carried on within the City even if the business is being carried on from a location outside the City;

“City Engineer” shall mean the General Manager of Public Works or a person delegated by him or her for the purposes of this By-law;

“Council” means the Council of the City of Greater Sudbury or, where a hearing body of Council has been designated by Council for such purpose, means the hearing body of Council;

“dwelling unit” shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway or stairway inside the building, and in which all occupants have access to all the habitable areas and facilities of the

unit; and which is occupied and used or capable of being occupied or used as a single and independent housekeeping establishment;

“Medical Officer of Health” shall mean the Sudbury and District Health Unit Medical Officer of Health or a person delegated by him or her for the purposes of this By-law;

“owner” with respect to a premises licensed under this By-law shall mean the registered owner of the land on which the premises is situated and includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land;

“owner” with respect to a trade, business or occupation licensed under this By-law shall mean the person, company or partnership that carries on the trade, business or occupation and whose name appears on the licence issued by the City for such trade, business or occupation pursuant to this By-law;

“person” shall include an individual, a partnership, a firm or a corporation;

“Police Chief” shall mean the Chief of the Police of the City of Greater Sudbury Police Services or any police officer of that Service;

“sidewalk” means any public walkway, or portion of a highway between the curb line or the lateral line of a roadway and the adjacent property line; and

“User Fees By-law” means the City’s Miscellaneous User Fee By-law in effect from time to time, being By-law 2015-266, as amended or replaced from time to time.

PART II - GENERAL PROVISIONS

2.-(1) The City’s Manager, By-Law Enforcement Service shall be the Issuer of Licences under this By-law. For greater clarity, the City’s Manager, By-law Enforcement Services shall be responsible for the enforcement of this By-law. The City Clerk and those persons designated under the City’s Appointment By-law as Citizen Service Deputy Clerks and Licencing Officers for the purpose of issuing business licences from time to time shall be responsible for the administration of this By-law and may exercise any of the powers hereunder through the office of the City Clerk.

(2) The Issuer of Licences may delegate the performance of any one or more of his or her functions under this By-law to one or persons from time to time as occasion requires and may impose conditions upon such delegation and may revoke such any such delegation.

- (3) All of the regulations contained in this Part of this By-law shall apply to all licences required under the provisions of this By-law.
- (4) 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 his or her person while conducting the activity for which the licence was issued.
- (5) Applications for all licences issued under the provisions of this By-law and applications for the renewal of such licences:
 - (a) shall be made to the Issuer of Licences on forms to be provided; and
 - (b) when received by the Issuer of Licences, will be stamped with the date and processed in the order in which they are received.
- (6) 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 "A" of this By-law;
 - (b) proof of age;
 - (c) where indicated on Schedule "A", a criminal record check of the applicant, dated within 1 year of the date of the application; and
 - (d) any other document or information as may be required in any other Part of this By-law.
- (7) Every application will be subject to approvals from such municipal or provincial departments or agencies as indicated on Schedule "A" and such other municipal or provincial departments or agencies as the Issuer of Licences deems necessary.
- (8) 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.
- (9) The Issuer of Licences may revoke a licence which is voluntarily surrendered by the holder for revocation.

(10) 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, except as specifically provided for herein.

(11) Any application, comment, recommendation, information, document or thing in the possession of the Issuer of Licences pursuant to the provisions of this By-law shall be made available by the Issuer of Licences 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 Issuer of Licences, 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*, R.S.O. 1990, Chapter M.56, as amended;

(12) Subject to subsection 2(13) of this By-law, any member of the Greater Sudbury Police Services or any person designated by Council 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.

(12.1) Enforcement fees shall be payable in accordance with the provisions of the User Fees By-law then in effect.

(12.2) Any fee payable pursuant to subsection 2(12.1) shall be in addition to:

- (a) any fine levied upon conviction of an offence under this By-law; and
- (b) any costs incurred for remediation.

(12.3) No fee payable pursuant to subsection 2(12.1) shall be waived or cease to be payable in the event that no charge is laid or a charge that is laid does not lead to a conviction.

(13) No person shall obstruct, hinder or in any way interfere with any person designated to enforce this By-law.

(14) Except under the authority of a search warrant issued under *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended a member of the City of Greater Sudbury Police

Service or any person designated by the Council to enforce this By-law shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry may be made only under the authority of a search warrant.

(15) 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.

(16) 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 Issuer of Licences shall notify the applicant of all such reasons.

(17) No licence shall be issued to any person in respect of any premises in which the carrying on or operation of the trade, calling, business or occupation for which the application is being made is in contravention of any By-law of the City or any other law and no licence shall be issued to any person under the age of eighteen years.

(18) A licence issued under the provisions of this By-law shall be valid only for the period of time for which it was issued and shall expire on the date specified in the licence.

(18.1) Except as provided to the contrary in subsection 2(18.3), where a person holding a licence issued under this By-law fails to renew the licence by the expiry date of the licence, the person may be permitted to renew the licence provided the person:

- (a) submits the application for renewal within ninety (90) days after the expiry date in the licence;
- (b) is otherwise entitled to a renewal under this By-law; and
- (c) pays a late renewal administrative fee, in an amount determined in accordance with the User Fee By-law, in addition to the renewal fee otherwise payable.

(18.2) Where a person holding a licence issued under this By-law fails to renew the licence within ninety (90) days of the expiry date in accordance with subsection 2(18.1), the person shall no longer be entitled to renew the licence and shall be required to apply for a new licence, subject to the payment of such fees as may be required for a new application.

(18.3) Subsection 2(18.1) shall not apply to:

- (a) a street sale permit, pursuant to Part III of this By-law;

- (b) a licence issued under Part V of this By-law, required of Hawkers, Pedlars, Itinerant Auction Events, Craft Shows, Antique Shows, Special Sales;
- (c) a licence issued under Part VI of this By-law, required of Places of Amusement – Circuses and Midways, Public Presentation – Not Theatre;
- (d) a licence issued under Part XI of this By-law, required for Motor Vehicle Racing/Motorcycle Racing; or
- (e) a licence issued under Part XIIA of this By-law, required of Itinerant Gold Purchasers.

(19) In the event that the application is refused for any reason or is withdrawn by the applicant prior to the issuance of a licence, a refund shall be made of that part of the application fee which represents the fee for inspections or checks which have not yet occurred, and any portion of the fee that has been designated for By-law enforcement.

- (20) (a) Any business licence application that has not received approvals from all municipal or provincial departments or agencies as indicated on Schedule “A” or as the Issuer of Licences deems necessary, within 90 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 be refused unless the application is referred to the Council under Subsection 2 (22) of this By-law.
- (b) Where it is indicated in Schedule “A” to this By-law, that a criminal record check is required on an application for a licence or for renewal of a licence, the Issuer of Licences may refuse to issue or renew a licence, as the case may be, if the applicant has, or in the case of a partnership applicant, any partner has, during the period of 5 years prior to the date of application been convicted of any offence under the *Criminal Code of Canada*, R.S.C., C-46, or under any other federal statute and, without in any way limiting the generality of the words “other federal statute”, such shall include the *Food and Drug Act*, R.S.C. 1985, C F-27.
- (c) The Issuer of Licences may, in his or her discretion, waive the requirement for a criminal record check, if he or she determines it is appropriate to do so in the circumstances.

(21) Every licensee shall notify the Issuer of Licences within six days of any change in his or her business or home address.

(22) Any applicant, whose application for a licence or renewal of a licence is refused by the Issuer of Licences, may appeal the decision to the Hearing Committee by submitting a written request to the Issuer of Licences and paying an administrative fee in an amount determined in accordance with the User Fee By-law. Upon receipt of the fee and written request, the Issuer of Licences shall notify the City Clerk to schedule a hearing. Notice of the day, time and place of the hearing shall be provided in writing to the applicant at the address in the application for the licence or renewal of the licence. For the purposes of this By-law, the "Hearing Committee" shall refer to the Hearing Committee authorized by the City's Procedure By-law 2011-235, as amended or replaced.

(23) On a hearing before the Hearing Committee, the Hearing Committee may direct the Issuer of Licences to issue or renew the licence, or to not issue or renew the licence based on the requirements of this By-law. The decision of the Hearing Committee shall be final.

(24) The Issuer of Licences, or, where there is a referral to the Hearing Committee, the Hearing Committee, may suspend, revoke or refuse to issue any licence that may be issued under the provisions of any part of this By-law:

- (a) for any reason that would disentitle the holder to a licence if he or she were an applicant;
- (b) where the holder of the licence is in breach of a condition of the licence or of this By-law;
- (c) if a report is filed subsequent to the date of the issuance of the licence or 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;
- (d) if the conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the business in accordance with the law or with honesty and integrity; or
- (e) if, in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the business will not be carried on in accordance with the law or with honesty and integrity.

(25) Where the Issuer of Licences refuses to issue or to renew a licence, suspends or revokes a licence, he or she shall give notice to the affected applicant or to the affected holder of the licence, as the case may be, and to such other persons, civic departments, boards,

commissions, authorities or agencies as appear to have an interest in the refusal to issue, the suspension or the revocation as the case may be;

- (26) The notice under subsection 2 (25) of this By-law shall:
- (a) contain the reasons for the refusal to issue or renew, the suspension or the revocation; and
 - (b) inform the affected applicant or the affected holder of the licence that he or she is entitled to refer the matter to the Hearing Committee for its consideration upon making a written request for such referral.
- (27) The Hearing Committee:
- (a) upon written request of an applicant, whose application for a licence or renewal of a licence has been refused, or whose licence has been suspended or revoked by the Issuer of Licences, shall afford the affected applicant or the holder of the licence an opportunity, at the meeting, of making submissions in respect of the matter that is the subject of the Hearing Committee proceedings;
 - (b) shall afford any person, civic department, board, commission, authority or agency given notice under subsection 2 (25) of this By-law and in attendance at the meeting, an opportunity to make submissions in respect of the matter that is the subject of the Hearing Committee's proceedings;
 - (c) may close a portion of the meeting to the affected applicant or licence holder only for the purposes of receiving confidential legal advice;
 - (d) may close all or a portion of the meeting to the public if the Hearing Committee 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 meeting be open to the public;
 - (e) shall give due consideration to the submissions made to it;
 - (f) shall, by resolution, take such action to refuse to issue or renew a licence, to suspend or to revoke the application or licence, or not to refuse to issue or renew or to suspend or revoke the application or licence, as the Hearing Committee considers proper in the circumstances; and
 - (g) shall give written notice of its decision to the Issuer of Licences, to the applicant or to the licence holder, and to any person, civic department, board, commission,

authority or agency in attendance at the meeting, together with the reason(s) for its decision.

(28) Where two or more persons carry on or engage in partnership in any of the trades, callings, businesses or occupations set out in this Part, the licence may be issued in the name of one partner only, but when the application for licence is made, the name and address of each member of the partnership shall be set out therein.

(29) No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of a licence shall be the property of the City of Greater Sudbury.

(30) No licence issued shall be transferred to another person, or be valid at any designated place except as indicated thereon, except on application in writing to the Issuer of Licences and with the written consent of the Issuer of Licences who shall not be bound to give such consent.

(31) The transfer fee in all cases shall be in the amount set out on Schedule "A".

(32) A fee in an amount determined in accordance with Schedule "A" shall be charged for the replacement of any licence through loss by the licensee by any means other than revocation.

(33) The licences for the several trades, callings, businesses and occupations set out in this By-law shall, unless they are earlier revoked, expire in each year at the end the day on December 31st.

(34) The sums of money set out in Schedule "A" of this By-law are hereby fixed as the fees for licences and which shall be paid before the issue or renewal of any licence. Unless otherwise specified, the fees shown are for the current calendar year or the portion thereof unexpired on the date of the application.

(35) Commencing January 1st, 2006, these fees shall be automatically adjusted for inflation on that day and on January 1st in every year by the City Treasurer based on the September to September increases (or decreases) in the Consumer Price Index, and rounded up or down as the Treasurer deems appropriate, and provided further that the Treasurer may consider previous Index changes, and previous fee adjustments or non-adjustments, and the Treasurer shall inform Council of these annual adjustments, and this By-law shall be deemed to have been amended accordingly.

(36) Schedules "A" to "E" are attached hereto and form a part of this By-law.

(37) This By-law does not apply to municipal facilities.

PART III - STREET SALE PERMITS

Definitions

3.-(1) In this Part:

“**Designated Site**” means the site assigned to the holder of a Street Sale permit issued under the provisions of this Part of this By-law for the operation of a Refreshment Vehicle or Sales Cart;

“**Refreshment Vehicle**” shall mean any vehicle from which refreshments are sold for consumption by the public and includes, without limiting the generality of the foregoing, French fried potato vendors, mobile canteens, hot dog vendors, ice cream vendors, popcorn vendors, carts, wagons, trailers and trucks, irrespective of the type of motive power employed to move the refreshment vehicle from one point to another;

“**Sales Cart**” means any vehicle, cart or stand from which goods are displayed and sold to the public and includes without limiting the generality of the foregoing, vehicles, cart or stand for the display and sale of watches, jewelry, sunglasses, hats, caps, clothing, toiletries, irrespective of the type of motive power employed to move the sales cart from one point to another;

“**Waste**” includes food, disposable eating utensils, paper, wood, cardboard, plastic, glass or metal products used in the storage, preparation, serving or consumption of the food or beverages offered for sale from a Refreshment Vehicle or packaging in association with a Sales Cart;

No Owner to Allow Operation w/o a Street Sale Permit

(2) No person being the owner of a Refreshment Vehicle or Sales Cart shall operate or authorize or permit the operation of the Refreshment Vehicle or Sales Cart owned by such person on a site located on a sidewalk or any other municipal property within the boundaries of the City without holding a current and valid Street Sale Permit issued under the provisions of this Part of this By-law.

No Operator to Operate Without a Street Sale Permit

(3) No person, whether or not the owner of a Refreshment Vehicle or Sales Cart shall operate the Refreshment Vehicle or Sales Cart on a site located on a sidewalk or any other

municipal property within the boundaries of the City unless a current and valid Street Sale Permit has issued under the provisions of this Part of this By-law for the Refreshment Vehicle or Sales Cart.

Exemption

(4) Despite anything else herein, no Street Sale Permit is required for any activity or undertaking authorized under the Sidewalk Café Program of the City or other Road Occupancy Permit issued under the City's Road Occupancy Bylaw 2011-218, as amended or replaced, or for any activity or undertaking authorized under a Hawkers or Pedlar's licence under the City's Business Licencing By-law, 2004-350, as amended or replaced from time to time.

Application in Writing

(5) Any person being the owner of a Refreshment Vehicle or Sales Cart may apply in writing to the Issuer of Licences for a Street Sale Permit, using forms provided by the Issuer of Licences.

One Permit per Refreshment Vehicle or Sales Cart

(6) An owner shall submit a separate application for a Street Sales Permit for each Refreshment Vehicle or Sales Cart owned by that person and a Street Sale Permit shall apply to only one Refreshment Cart or Sales Cart as the case may be.

Requirements - Application

(7) In addition to the provisions in Section 2 of this By-law, the following shall apply with respect to the application for a Street Sale Permit:

- (a) Every applicant for a Street Sale Permit, shall, in addition to the information required under Subsection 2(6), include with the application:
 - (i) a sketch showing the proposed location for which the applicant wishes a Street Sale Permit. The Sketch shall:
 - be drawn to scale;
 - contain a directional arrow;
 - show the street name of the street to which the application applies, the nearest cross streets and the municipal address of the building closes to the proposed location;
 - the dimensions of the proposed location; and

- in the case of a Street Sale Permit for a Refreshment Vehicle, show the location of any intersection or liquor licensed establishment within 50 metres of the proposed location and any eating establishment or place where foodstuffs are offered for sale within 8 metres of the proposed location;
- (ii) particulars of any previous Street Sale Permit held by the applicant at the proposed or any other location; and
- (iii) a certificate of insurance in the City's standard form, evidencing coverages identified in subsection 3(12);
- (iv) where the operator of the Refreshment Vehicle or Sales Cart is not the same as the owner, the name and contact information of the operator;
- (v) in the case of an application for a Street Sales Permit for a Refreshment Vehicle which uses propane for the preparation or heating of food products, a current safety certificate issued by a certified and registered gas fitter in accordance with the guidelines of the Technical and Safety Standards for the propane components of the Refreshment Vehicle; and
- (vii) such other information or documentation as the Issuer of Licences may require to assess the application.

Refusal to Issue Street Sale Permit

(8) In addition to any reason in Subsection 2(24) for which the Issuer of Licences may refuse to issue a licence, the Issuer of Licences may refuse to issue a Street Sale Permit if the proposed location for the Refreshment Vehicle or Sales Cart;

- (i) is within 6 metres of an intersection with a Highway, including an open public lane;
- (ii) would result in less than 1.5 metres of sidewalk between the proposed site and the adjoining building or sidewalk edge, as the case may be, being available for pedestrian movement;
- (iii) is on an area of sidewalk which is less than 3 metres wide or 3.7 metres wide in those instances where there are curbside obstructions present;
- (iv) may, in the opinion of the Issuer of Licences, interfere with access to Fire Department connections to entrances to adjacent buildings; or
- (v) in any other instance where the Issuer of Licences feels it is appropriate to refuse a Street Sales Permit, based on a consideration of public safety and public nuisance factors.

Refusal to Issue Street Sale Permit – Refreshment Vehicle

(9) In addition to any reason in Subsection 2(24) for which the Issuer of Licences may refuse to issue a licence, and in addition to any reason in Subsection 3(8) for which the Issuer of Licences may refuse to issue a Street Sale Permit, the Issuer of Licences may refuse to issue a Street Sale Permit for a Refreshment Vehicle if the proposed location for the Refreshment Vehicle:

- (i) is within 50 metres or less from the Designated Site of another Refreshment Vehicle;
- (ii) is within 50 metres or less from the entrance to a liquor licensed establishment;
- (iii) is within 50 metres or less from a residential use; or
- (iv) is within a distance of 8 metres or less from the front entrance of an eating establishment or a place where foodstuffs are offered for sale, if the refreshment vehicle offers for sale the similar food products as does the eating establishment or the place where foodstuffs are offered for sale.

Multiple Applications

(10) In the event that more than one application is received for a proposed location for a Refreshment Stand or Sales Cart, the Licence Issuer shall issue the Street Sale Permit to the applicant who held a Street Sale Permit for that location in the prior year, if applicable, and if none of the applicants held Street Sale Permits for that proposed location in the prior year, the Licence Issuer shall issue the Street Sale Permit to the applicant who first submitted a fully completed application for a Street Sale Permit.

Street Sale Permit & Plate

(11) The Issuer of Licences shall issue a Street Sale Permit by inserting the Designated Site, the term of the Street Sales Permit, any conditions of use and by dating and signing. In addition to issuing the Street Sale Permit in the form of a paper certificate, the Issuer of Licences shall provide to the Permit holder, a Street Sale Permit Plate to affix to the Refreshment Vehicle or Sales Cart.

Indemnity – Condition of Street Sale Permit

(12) Whether or not it is specified on the face of the Street Sale Permit, every Street Sale Permit is issued subject to the condition that the Permit Holder:

- (a) indemnify and save harmless the City, its elected and non-elected officials, agents and servants from all causes of action, loss, costs or damages arising from or related to the activity authorized by the Street Sale Permit, whether with or without negligence on the part of the Permit Holder or the officers, agents or servants of the Permit Holder; and
- (b) place and maintain in good standing during the effective period of the Permit, a policy of comprehensive general liability insurance with an insurer licenced in Ontario:
 - (i) with limits of not less than Two Million (\$2,000,000) Dollars per occurrence for bodily injury, death and damage to property including loss of use thereof;
 - (ii) which names the City of Greater Sudbury as an additional insured or as its interest appears; and
 - (iii) contains an endorsement to provide the City with thirty (30) days prior written notice of cancellation of the policy.

Street Sale Permit Expiry

(13) A Street Sale Permit, if not earlier revoked, shall expire at midnight on November 30th in the year in which it is issued, whether or not the expiry date is specified on the Street Sale Permit.

Street Sale Permit - Not Transferable

(14) No person may transfer a Street Sale Permit

Temporary Alternate Designated Site - for Municipal Purposes

(15) Despite anything herein to the contrary, the Issuer of Licences may, in writing, assign an alternate Designate Site to the holder of a Street Sale Permit for a fixed period of time in the event that the Designated Site is required for municipal purposes and during such period the Street Sale Permit shall be deemed to refer to the specified alternate Designated Site. The Issuer of Licences shall provide notice in writing to the holder of the Street Sale Permit at the address for service shown in the application for the Permit. The notice shall advise the holder of the Street Sale Permit of the particulars of the temporary alternate Designated Site, the period of time during which the temporary alternate Designated Site is in effect, and the reason for the temporary relocation of the Designated Site.

Prohibitions / Offences

(16) No person being the holder of a Street Sale Permit and no person operating a Refreshment Vehicle or Sales Cart under the authority of Street Sale Permit, whether or not the holder of the Street Sale Permit shall:

- (a) operate or authorize or permit the operation of a Refreshment Vehicle or Sales Cart of a site other than the Designated Site specified in the Street Sale Permit;
- (b) operate or permit or authorize the operation of a Refreshment Vehicle or Sales Cart during the period from and including December 1st of one year up to and including March 31st of the following year;
- (c) fail to ensure that the name of the Permit Holder is displayed on each side of the Refreshment Vehicle or Sales Cart in letters at least 10 centimetres in height;
- (d) fail to affix or cause to be affixed the Street Sign Permit plate issued under the provisions of this Part of this By-law in a conspicuous place on the Refreshment Vehicle or Sales Cart for which it was issued;
- (e) fail to provide or cause to be provided, an appropriate waste container at the Designated Site to which the Street Sale Permit applies, while the Refreshment Vehicle or Sales Cart is being operated, for the use of the operator, patrons and others;
- (f) fail to remove or cause to be removed, the waste container and all waste from the Designated Site to which the Street Sale Permit applies, by the end of each day of operation at the Designated Site;
- (g) store equipment or supplies or allow or permit equipment or supplies to be stored in contravention of any traffic or parking regulation or By-law;
- (h) fail to maintain in place throughout the term of the Street Sale Permit, a policy of insurance consistent with Subsection 3(12);
- (i) fail to provide to the Issuer of Licences from time to time, as required, a new certificate of insurance, to evidence continuing compliance with the insurance obligations in Paragraph 3(12).

Safety Certification – Propane Components

(17) No person being the owner or operator of a Refreshment Vehicle for which a Street Sale Permit has issued and which uses propane for the preparation or heating of food products, shall operate or authorize or permit the operation of the Refreshment Vehicle without a safety certification of such propane components of the vehicle by a certified and registered gas fitter in

accordance with the guidelines of the Technical and Safety Standards Authority, issued within the previous 365 days.

PART IV - BUILDING TRADES

Definitions

4.-(1) In this Part:

“Building Renovator” means a person in the business of altering, repairing or renovating buildings or structures, or constructing radiation fallout shelters, and includes any person who solicits for such work, or who in any way advertises or holds himself or herself out to the public as doing building renovations or as being a building contractor in renovation work, but does not include a building contractor whose principal business is the construction of buildings or structures;

“Chimney Repairer” means a person engaged in the trade or occupation of repairing chimneys;

“Drain Layer” means a person engaged in the business of repairing or constructing drainage systems from a point one metre (3 feet) from the outer face of the wall of a building to the public sewer or place of disposal of sewage;

“Heating Contractor” means a person engaged in the business of installing warm air, hot water or steam heating equipment of any kind excepting the installation of oil tanks and oil and gas burners, and includes any person who solicits for, or in any way advertises or holds himself or herself out to the public as doing work involving the installation of warm air, hot water or steam heating equipment of any kind excepting the installation of oil tanks and oil and gas burners, or as being a heating contractor, and “heating work” has a corresponding meaning;

“Master Plumber” means a person who is skilled in the planning, superintending and installing of plumbing, is familiar with the laws, rules and regulations governing the same, has a regular place of business in the Province of Ontario and who, himself, herself or by journeymen plumbers under his or her supervision, performs plumbing work;

“Master Steam and Hot Water Heating Installer” means a person who is skilled in the planning, superintending and installing of steam, hot water, vapour and vacuum heating systems and equipment used in connection therewith;

“Master Warm Air Heating Installer” means a person who is skilled in the planning, superintending and installing of all types of warm air heating systems, including air conditioning and ventilation systems in connection therewith;

“Mobile Sign Dealer” means a person who carries on the business of leasing mobile or portable signs as permitted by By-law 88-100 of the former Regional Municipality of Sudbury, as amended or replaced from time to time;

“Plumbing Contractor” means a person engaged in the business of contracting for the making and repairing of plumbing installations, and includes any person who solicits for plumbing work, or who in any way advertises, or holds himself or herself out to the public, as doing plumbing work or as being a plumbing contractor;

“Plumbing” includes any procedure, method, matter or thing referred to or described in the Plumbing Code, being O. Reg. 403/97, Part 7 as amended or replaced thereto from time to time, and “plumbing work” has a corresponding meaning; and

“Sign Painter” shall mean a person who is skilled in or supervises the planning and performing of the duties of Sign Painter, Sign Erector, Bill Poster, Advertising Sign Painter, Bulletin Board Painter, Sign Poster, Billboard Erector or Bill Distributor, who has a regular place of business in the Province of Ontario, and who, by himself or herself or by persons in his or her employ, performs the work of Bill Poster, Sign Painter, Sign Erector, Advertising Sign Painter, Bulletin Board Painter or Bill Distributor.

Issuance of licences

- (2) There shall be taken out by:
 - (a) every building renovator;
 - (b) every chimney repairer;
 - (c) every drain layer and person who installs septic tanks;
 - (d) ~~deleted by By-law 2006-216~~
 - (e) every heating contractor, master steam and hot water installer and master warm air heating installer, other than any person acting as a maintenance person or as an owner who installs on the premises on which he or she resides or on which he or she is erecting as a single family dwelling for himself or herself and in which he or she and his and her family will reside;
 - (f) every person who carries on the business of installing insulation in buildings;

- (g) every plumbing contractor and master plumber other than any person acting as a maintenance person or as an owner who installs on the premises on which he or she resides or which he or she is erecting as a single family dwelling for himself or herself and in which he or she and his or her family will reside;
- (h) every sign painter; and
- (i) every mobile sign dealer;

a licence from the City of Greater Sudbury authorizing them respectively to carry on their several trades, callings, businesses, and occupations in the City Area for which said licence the person obtaining the same shall pay to the City of Greater Sudbury at the time of taking out such licence the fee fixed by this By-law, and no person shall, within the limits of the City Area, carry on or engage in any of the said trades, callings, businesses or occupations until he or she has procured such licence so to do.

(3) For the purpose of this By-law, a person who, from a location outside the City Area, carries on the business of licensing Mobile Signs shall be deemed to be carrying on business in the City Area if the person locates or permits the location of his or her Mobile Signs in the City Area.

Production and Inspection

(4) Every person obtaining a licence under this Part when so requested by any customer or by any person authorized by Council, shall produce the licence for inspection.

(5) Any person duly authorized by Council may, at all reasonable times, inspect as much of any house, place or premises as is used for the carrying on of the trade, calling, business or occupation in respect of which any person has or is required to have a licence under this By-law, and the By-law Enforcement Officer is hereby so authorized.

(6) The Issuer of Licences on receipt of applications for master licences is hereby authorized to issue a master licence to any person who can produce the Provincial Certificate of Qualification issued by the Ministry of Colleges and Universities, and prove at least four years' experience in the trade as a qualified tradesman.

(7) Every person applying for or holding a licence under this Part shall, in such application or in carrying on or engaging in the trade, calling, business or occupation in respect of which the

licence is issued, observe, comply with and be governed by the regulations set out in the respective Schedules “B” to “F” inclusive to this By-law which relate to such person.

(8) Every Mobile Sign Dealer licensed under this By-law shall affix to every Mobile Sign leased by him or her within the City Area a plate indicating the dealer’s full name and address.

PART V - HAWKER - PEDLAR, AUCTIONEER, CRAFT SHOWS, ANTIQUE SHOWS, SPECIAL SALES

Definitions

5.-(1) In this Part:

“**Auctioneer**” shall mean a person carrying on the business of selling or putting up for sale, goods, wares, merchandise, or effects by public auction;

“**charitable organization**” shall include any not for profit organization, institution or club within the limits of the City, which has as its mandate, the promotion of charitable, philanthropic, religious, community, athletic, educational or fraternal purposes;

“**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;

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;

“**Itinerant Auction Event**” means an auction conducted by or authorized by a person or business that does not have a permanent business location in Greater Sudbury;

“**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 Greater Sudbury which is subject to property tax in the City;

“**Special sale**” means 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 words 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, but notwithstanding anything herein contained, this By-law shall not apply to any sale by or under the authority of:

- (a) a receiver or trustee under the *Bankruptcy and Insolvency Act (Canada)* R.S.C. 1985, Chapter B-3, as amended or a liquidator under the *Winding-up And Restructuring Act (Canada)* R.S.C. 1985 Chapter W-11, as amended;
- (b) a court or receiver appointed the court;
- (c) a bailiff, sheriff, executor or administrator; or
- (d) a receiver, liquidator or trustee under any general or special Act;

Licence - classes

- (2) The following classes of “hawker” or “pedlar” are hereby established:

Class 1 - “Day Sales” shall include the sale of goods such as, but not limited to, flowers, fresh produce and fireworks, for a one to three 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;

Class 2 - “Temporary Sales” shall include temporary businesses for one period of up to three months from one specific location and may include the use of a temporary structure where the use is permitted in the 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 - "Antique/Collectible Show" shall include the exhibiting or offering for sale, on a temporary basis, at one location, antique or collectible goods, wares or merchandise;

Class 6 - "Craft Show" shall include the exhibiting or offering for sale, on a temporary basis, at one location by craftspeople, goods, wares or merchandise which they themselves have produced;

Class 7 - "Trade Show" shall include the exhibiting or offering for sale, on a temporary basis, at one location by several manufacturers or distributors, goods, wares or merchandise which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer; but, excludes a consumer show open to the public or a trade show open by invitation or registration only, the primary purpose of which is the display of goods and products and not the direct sale of them, and also excludes a consumer show or trade show operating as an integral part of a convention or conference;

Class 8 - "General" shall include any "hawker" or "pedlar" excluding classes 1 to 7 as defined in subsection 5(1).

Operation - without valid licence - prohibited

- (3) No person shall, in the City:
- (a) carry on the business of hawker or pedlar; or
 - (b) be engaged in services to the public in connection with the business of a hawker or pedlar;
 - (c) carry on the business of an auctioneer; or
 - (d) operate a special sale, a craft show or an antique show or operate a place where others may offer for sale and sell goods, wares or merchandise to the public;

without holding a current valid licence for such business, sale or show issued under the provisions of this By-law.

Licence - of employee - transferable

(4) Notwithstanding subsection 2(9) of this By-law, the licence of an employee of a hawker or pedlar requiring his or her own licence shall be transferable to another employee upon the return of the original licence issued by the Issuer of Licences and upon the completion of an application form by the new employee.

Exemption - from licence - other circumstances

(5) Notwithstanding subsection 5 (3) of this By-law, no Hawkers and Pedlars Licence shall be required for hawking, peddling or selling goods, wares or merchandise:

- (a) to wholesale or retail dealers in similar goods, wares or merchandise; or
- (b) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer with permanent facilities in the City in respect of premises used for the sale of such goods, wares or merchandise; or
- (c) if “day sales” or “temporary sales” is an extension of an existing business at that location for an existing local retailer;
- (d) if “day sales” or “temporary sales” is for produce being sold by local farm growers from their own property and has been grown and harvested by them; or
- (e) if “day sales” or “temporary sales” are ancillary to a show, concert or exhibition open to the public, the primary purposes of which are the display or presentation of artistic works and not the direct sale of goods or services.

Public park - permit

(6) 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 under a permit of the City.

Exemption from Licence Fees

- (7) (a) charitable organizations shall obtain a hawker or pedlar licence for “day sales” or “temporary sales” but shall be exempt from paying the appropriate licence fee provided the charitable organization provides evidence satisfactory to the Issuer of Licences that the proceeds of the “day sales” or “temporary sales” shall be used only for charitable purposes within the limits of the City.
- (b) Local licenced retailers shall obtain a hawker or pedlar licence for “day sales” or “temporary sales” if the retailer is operating at an alternate temporary location but shall be exempt from paying the appropriate licence fee.

Partnerships - licensing - application - requirements

(8) Where a licence is applied for under this Part of this By-law by a partnership, the name and address of each member of the partnership shall be given on the application and entered on the licence.

Hours of Operation

(9) No person to whom this Part relates shall engage in or carry on his or her respective trade, business or occupation by passing from house to house or along streets or lanes in the City of Greater Sudbury before 8:00 a.m. or after 9:00 p.m.

Helpers

(10) No such person who is licensed to carry on business, with or from a motor vehicle or wagon, shall employ:

- (a) any person as a helper to assist in peddling from such motor vehicle or wagon who is not licensed to do so; or
- (b) more than three helpers on or in connection with such motor vehicle or wagon.

(11) No person to whom this Part relates, who uses a push cart or other vehicle propelled by muscular power or a motor vehicle or horse-drawn wagon, shall conduct any sales, or stop within 30 metres of any entrance to school grounds or a public park, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a constable or other police officer, or of traffic control sign or signal. This Section shall not apply to sales within a public park which have been authorized in accordance with the City's Parks By-law then in effect.

Special Sales

(12) No person shall sell, offer to sell or advertise for sale in any way any goods by way of special sale unless such person is the holder of a licence issued under this By-law for such purpose.

(13) The applicant for a special sale licence shall produce such books, records or other documents or information as the Issuer of Licences may consider necessary to corroborate any of the statements contained in the application both before and after a licence is issued.

(14) A licence may be refused or revoked if:

- (a) any of the information set forth in the application or statutory declaration of the applicant or owner is false;

- (b) any attempt is made to add to or replenish the goods described in the application or to substitute other goods therefor;
- (c) the sale is advertised or conducted in any manner other than that described in the application or in any manner calculated to mislead or deceive the public, or in a manner contrary to the provisions of this By-law; and
- (d) the applicant refuses to produce any books, documents, records or other information requested by the Issuer of Licences, or refuses to permit the Issuer of Licences to inspect any goods or premises in accordance with the provisions of this By-law.

(15) Every licence issued for a special sale shall expire 30 days after the date of issue, provided that a licensee shall be entitled to apply for and receive a licence for an additional 30-day period to permit the sale of any remaining goods described in the original application.

(16) A licence for an additional 30-day period may be granted upon submission by the original licensee to the Issuer of Licences of a detailed list of goods remaining, verified by declaration, or a list of categories of items, showing both the retail value of each category specified and the total value. The fee for such licence shall be 50% of the fee which would have been payable on the original application for a licence.

(17) All advertising material distributed, displayed or published with respect to a special sale, including each radio or television broadcast, shall contain a statement that such sale is held under the authority of this By-law and shall state the number and expiry date of the licence issued for such sale under this By-law.

(18) The licence shall be permanently displayed on the premises where the special sale is held and a separate licence is required for each location where a special sale is held at more than one location.

(19) It is an offence to fail to produce a licence when asked to do so by a police officer or a By-law Enforcement Officer.

(20) No person shall sell by auction, or in any way offer to sell by auction or advertise for sale by auction any goods by way of an Itinerant Auction Event unless such person is the holder of a licence for an Itinerant Auction Event issued under this By-law for such purpose. The holder of a licence for an Itinerant Auction Event shall not also require an Auctioneer Licence.

(21) Where a person applying for an Itinerant Auction Event licence intends to hold an Itinerant Auction Event at more than one location, a separate application and licence is required for each such location. Where a person applying for an Itinerant Auction Event licence intends to hold an Itinerant Auction Event in the City on more than one occasion, a separate licence will be required for each occasion. It shall be considered a separate occasion if more than 1 day will lapse between the end date of one such event and the start date of another such event.

(22) The applicant for a Itinerant Auction Event licence shall produce, both before and after an Itinerant Auction Event licence is issued, such books, records or other documents or information as the Issuer of Licences may consider necessary to corroborate any of the statements contained in the application, or to determine compliance with the requirements of this By-law.

(23) An Itinerant Auction Event licence may be refused or revoked if:

- (a) any of the information set forth in the application or statutory declaration of the applicant is false;
- (b) any attempt is made to add to or replenish the goods described in the application or to substitute other goods therefor;
- (c) the sale by auction is advertised or conducted in any manner other than that described in the application or in any manner calculated to mislead or deceive the public, or in a manner contrary to the provisions of this By-law; or
- (d) the applicant refuses to produce any books, documents, records or other information requested by the Issuer of Licences, or refuses to permit the Issuer of Licences to inspect any goods or premises in accordance with the provisions of this By-law.

(24) Every licence issued for an Itinerant Auction Event shall specify the location at which the Itinerant Auction Event may be held, and the date or dates on which the Itinerant Auction Event may be held. No licence for an Itinerant Auction Event shall be granted for an auction event which will continue for more than 2 consecutive days.

(25) All advertising material distributed, displayed or published with respect to an Itinerant Auction Event, including each radio or television broadcast, shall contain a statement that such sale by auction is held under the authority of this By-law and shall state the number and expiry date of the licence issued for such sale by auction under this By-law.

(26) The Itinerant Auction Event licence shall be displayed and kept displayed on the premises where the Itinerant Auction Event is held.

(27) It is an offence to fail to produce a licence for an Itinerant Auction Event when asked to do so by a police officer or a By-law Enforcement Officer.

PART VI - PUBLIC HALLS, PUBLIC PRESENTATIONS AND PLACES OF AMUSEMENT

Definitions

6.-(1) In this Part:

“**adult person**” shall mean a person who has attained the age of 18 years or more;

“**place of amusement**” shall mean a building, room or area which is devoted to the offering of facilities for the play of:

- (a) any games of chance; or
- (b) any game of mixed chance and skill for the amusement of the public, which is not contrary to the *Criminal Code of Canada*, R. S. C. 1985, Chapter C-46, as amended, but does not include premises in which the only amusement facilities offered are pool tables, billiard tables or bowling alleys;

and shall include roller skating rinks, miniature golf courses, merry-go-rounds, carousels, menageries, circuses, midways and other like shows usually exhibited by showmen;

“**premises**” shall include cloak rooms, washrooms, kitchens and other service rooms used in connection therewith;

“**public hall**” shall mean a building, including a portable building or tent, with seating capacity for over one hundred persons, that is offered for use or is used as a place of public assembly, but does not include a theatre within the meaning of the *Theatres Act*, R. S.O. 1990, Chapter T.6, as amended, and does not include a building used solely for religious purposes but does include a tent used solely for religious purposes and does not include a public hall which is licensed under the *Liquor License Act*, R. S. O. 1990, Chapter L.19, as amended;

“**public presentation**” shall include exhibitions, movie theatres, live entertainment theaters;

Operation - without valid licence - prohibited

(2) No person shall use or offer for use, any premises, building or part thereof in the City, for a public presentation or as a public hall without holding a current valid licence for such purpose, issued under the provisions of this By-law.

Exemption - from licence - requirement

(3) No Public Hall Licence shall be required under this By-law by any religious organization by reason that its hall or building may be used for entertainment given or held by it, but such religious organizations shall require a Public Hall licence hereunder if the hall or building is rented out for private functions and every such hall shall, in all other respects, comply with this By-law.

Operation - without valid licence - prohibited

(4) No person shall, in the City, operate a place of amusement without holding a current valid licence for the premises or business issued under the provisions of this By-law.

Lighting - sufficient - safe use by public

(5) No person who is a holder of a Place of Amusement Licence shall fail to have every part of the place of amusement sufficiently lighted so as to permit the safe use of the facility by the public.

Waste receptacles - location - accessible to users

(6) No person who is a holder of a Place of Amusement Licence shall fail to locate within the place of amusement waste receptacles accessible to users of the premises.

Supervision - by adult person - at all times

(7) No person who is a holder of a Place of Amusement Licence shall fail to have the place of amusement supervised by an adult person who shall remain on the premises at all times when the premises are open in accordance with this By-law.

Public Halls - Maximum capacity - Prohibited to exceed

(8) No owner, lessee, licensee or occupant of a public hall shall allow a greater number of persons to enter and to be in the hall at any one time than is stated to be the maximum capacity of the hall on the licence.

Theatres

(9) Every holder of a public presentation licence for a movie theater or a live entertainment theatre shall, where the theatre is located so as to cause the frequent forming of queues for the purpose of gaining entrance to such theatre shall have a uniformed attendant present, whenever any such queue is formed, for the purpose of regulating such queue and prohibiting undue obstruction of the highway or sidewalk by such queue.

Circuses or other traveling exhibitions

(10) No circus, menagerie, midway or other like traveling exhibition, side show, or other entertainment connected therewith, shall be exhibited in the City of Greater Sudbury for a longer period than five days, unless with the permission of the Issuer of Licences, for a period not to exceed an additional five days.

(11) Every applicant for a licence in respect of a traveling show, shall when applying for such licence or licences, file with the Issuer of Licences, proof, in a form satisfactory to the Issuer of Licences that those employees and workers of such traveling show are protected under the provisions of the *Workplace Safety and Insurance Act, 1997*, S.O. 1997, Chapter 16, as amended and that all assessments under the said *Act* in respect of the said employees and workers have been paid, or that the said employees and worker are protected in some other satisfactory manner similar to the said *Act*.

(12) Whenever the licensee of any public hall rents or leases such public hall to or otherwise authorizes the use thereof by any traveling show, such licensee shall, before such traveling show takes possession of or enters into occupation of such public hall, file with the Issuer of Licences proof, in a form satisfactory to the Issuer of Licences, that those employees and workers of such traveling show are protected under the provisions of the *Workplace Safety and Insurance Act, 1997*, as amended, and that all assessments under the said *Act* in respect to the said employees and workers have been paid, or that the said employees and workers are protected in some other satisfactory manner similar to the said *Act*.

(13) No person or persons owning or having control or charge of any traveling show shall locate same anywhere in the City of Greater Sudbury or commence to assemble or erect any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus or mechanical device or ride, or any other structure or erection until the requirements of subsection 6(11) hereof have been complied with, and no licensee of a public hall who has leased or rented such public hall or authorized the use of the same by a traveling show, shall

permit or allow such traveling show to assemble or erect in such public hall any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus or mechanical device or ride, or any other structure or erection until the requirements of subsection 6(12) hereof have been complied with.

(14) Every person to whom this Part relates shall, for each place, premises or contrivance for which he or she holds a licence procure a policy of insurance insuring against occupier's liability and endorsed to the effect that the Issuer of Licences shall be given at least thirty days' notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring in amounts acceptable to the City's Risk Manager - Insurance officer, and shall at the time of applying for the licence, provide to the Issuer of Licences, a certificate of insurance in a form acceptable to the City's Risk Manager - Insurance Officer, evidencing the appropriate coverages.

Provided that, where it is made to appear to the Issuer of Licences or his or her designate that no special risk is involved in the type or nature of the operation on any premises to which this Part relates, the Issuer of Licences or his or her designate may, in his or her discretion, dispense in whole or in part with the insurance requirements in relation to such premises.

PART VII - HOME OCCUPATION

Definitions

7. (1) In this Part:

"Home Occupation" means an occupation, business, trade or craft conducted for gain or profit as an accessory use to a dwelling unit by one or more persons residing therein and may include no more than one person as an employee who does not reside in the dwelling unit.

(2) No person shall, in the City, carry on a home occupation without holding a current valid licence for such business issued under the provisions of this By-law.

(3) Where a person requires a licence for a business under any Part of this By-law, that licence alone shall be required, and an additional home occupation licence shall not be required, and a home occupation licence shall not replace the licence so required.

(4) Unless specifically allowed by the zoning By-law for a given property, no person shall conduct a home occupation for that property except in accordance with the following provisions:

- (a) A home occupation shall be conducted as an indoor accessory use within a permitted dwelling, other than a seasonal dwelling, without changing the primary residential character thereof;
- (b) Not more than one person who does not reside in the dwelling unit to which a home occupation is accessory shall be employed on the premises in conjunction therewith;
- (c) No goods, wares or merchandise shall be displayed for sale or rent in conjunction with a home occupation;
- (d) No retail use of the premises shall be permitted as a home occupation;
- (e) No outdoor storage shall be permitted in conjunction with a home occupation and no part of any accessory building or structure shall be used for a home occupation;
- (f) The total floor area used primarily for a home occupation shall not exceed the equivalent of 25% of the dwelling unit area of the dwelling unit to which such home occupation is accessory or 100.0 square metres, whichever is less;
- (g) No external display or advertising, other than a sign permitted by the City of Sudbury Sign By-law, as amended, or its successor, nor any other external indication that a home occupation is being conducted on the premises, shall be permitted in conjunction with a home occupation;
- (h) No home occupation shall create or become a public nuisance, particularly with regard to noise, odours, traffic, parking, emissions or radio or television interference;
- (i) The home occupation shall not involve the use of the premises as a base of operations for persons who are employed by or associated with the home occupation, nor shall the premises be used to assemble or rally such persons for transportation to a work site;
- (j) One home occupation only shall be permitted in conjunction with a dwelling unit;
- (k) Parking for the home occupation shall be limited to a maximum of four spaces;
- (l) No additional commercial vehicles shall be permitted to be parked on a lot in connection with a home occupation;
- (m) A pet grooming establishment is permitted as a home occupation, subject to the following:
 - (i) the maximum number of dogs and domestic cats allowed on the premises at any one time shall be in conformity with the City of Greater Sudbury By-law for the Control and Regulation of Dogs, Cats and Other Animals;

- (ii) No breeding, boarding or overnight accommodation of dogs or domestic cats shall be permitted on the premises;
- (iii) No dogs or domestic cats that are brought onto the premises for grooming shall be permitted outside of the dwelling.
- (n) The following shall not be permitted as a home occupation:
 - (i) Adult entertainment parlour or use;
 - (ii) Dating / escort services;
 - (iii) Contractor's yards;
 - (iv) Taxi stand service depot / dispatch establishments;
 - (v) Any automotive use and any use involving the storage and/or towing or motor vehicles or recreation vehicles;
 - (vi) Institutional uses; and,
 - (vii) Veterinary clinic.

PART VIII - CONVENIENCE STORE

Definitions

8.-(1) In this Part

“**convenience store**” means a retail store not exceeding 150 m² net floor area wherein various convenience goods and items of day-to-day personal or household use or necessity including, without limiting the generality of the foregoing, food, beverages, pharmaceutical drugs, light hardware products, tobacco products and periodicals, are offered for sale..

(2) No person shall, in the City, operate a convenience store without holding a current valid licence for such premises or business issued under the provisions of this By-law.

PART IX - RETAIL SALES OF CIGARS, CIGARETTES AND TOBACCO

9.-(1) No person shall, in the City, sell by retail or offer for sale by retail, tobacco,

cigars or cigarettes, other than at a hotel, without holding a current valid licence for such business issued under the provisions of this By-law.

(2) Every person to whom this Part relates shall at all times post and keep posted in a conspicuous place in the premises, in a manner satisfactory to the Issuer of Licences, a sign or signs advising that Federal legislation prohibits the sale of tobacco to any person under the age of nineteen years.

(3) Any person holding a convenience store licence issued under Part VIII of this By-law is not required to hold an additional licence under this Part IX.

PART X - KENNELS

10.-(1) In this Part,

“**Kennel**” means an establishment where dogs, cats or other small domestic animals or household pets are bred or raised primarily for the purpose of sale, or are trained or boarded for gain or profit, but does not include a veterinary clinic.

(2) No person shall operate a kennel in the City without holding a current valid licence for such business issued under the provisions of this By-law.

Kennel - permitted - where zoned

(3) A kennel shall be permitted only in premises zoned for the purposes of the boarding and breeding of dogs or cats.

Floors - in kennel - requirements

(4) The floors of each room in which dogs are kept shall be:

- (a) constructed of an impermeable material; and
- (b) flushed with water and deodorized with a suitable disinfectant daily or more often if necessary and that the animals should be removed when this is being done; and
- (c) if such room is physically attached to a building used for human habitation, graded to an adequate drain which shall be connected to a municipal sewage system or sewer disposal system.

Lighting system - kennel rooms - requirements

(5) Each room that is used for the housing of dogs or cats shall be equipped with a lighting system that is so designed, constructed and maintained that:

- (a) it distributes light as evenly and with as little glare as possible;
- (b) it provides adequate light for the proper observation of every animal in the room; and
- (c) it is adequately lighted for a continuous period of at least eight hours in every twenty-four hour period.

Ventilation - kennel rooms - requirements

(6) Each room that is used for the housing of dogs or cats shall provide ventilation for the health, welfare and comfort of every dog or cat by either:

- (a) having an opening or openings for natural ventilation with a minimum aggregate unobstructed free flow area of one per cent of the floor area of the room; or
- (b) having a mechanical ventilation device on working order which changes the air at least two times each hour.

Minimum temperature - kennel rooms

(7) Each room that is used for the housing of dogs shall, at all times, be maintained at a minimum temperature of 9 degrees Celsius for the health, welfare and comfort of every dog or cat therein.

Cage - pen - construction - requirements

(8) Each cage or pen used for the housing of dogs or cats shall be so constructed and maintained that:

- (a) every dog or cat in the cage or pen may comfortably extend its legs to their full extent, stand, sit, turn around and lie down in a fully extended position;
- (b) it is not likely to harm any dog or cat therein;
- (c) any dog or cat therein cannot readily escape therefrom; and
- (d) it may be readily cleaned.

Screens - on doorways - windows - required

(9) Each doorway, window and outside opening of a cage or pen used for the housing of dogs or cats shall be screened during the period of May 1st to October 1st of each year.

Yards - runways - requirements

(10) The yards and runways in a kennel shall be:

- (a) fenced; and
- (b) if within 30 metres of an occupied building:
 - (i) paved with concrete, asphalt or other impermeable material;
 - (ii) graded to an adequate drain or gutter; and
 - (iii) cleaned at least once daily when in use.

Kennel areas - kept clean - sanitary

(11) Each area in which dogs or cats are kept shall, at all times, be maintained in a clean and sanitary condition.

Waste - removal - daily - required

(12) Excreta, dead animals and other waste resulting from the keeping of dogs or cats shall be removed daily from the premises.

PART XI - MOTOR VEHICLE RACING/MOTORCYCLE RACING

11. No person shall operate or permit a motor vehicle race or motorcycle race without holding a valid licence for such activity issued under this By-law.

PART XII - SHOOTING GALLERY AND SHOOTING RANGES

12. No person shall own or operate a shooting gallery or shooting range without holding a current valid licence for such business issued under this By-law.

PART XIII - ENFORCEMENT

13.-(1) Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

Premises closed - other contraventions - two years

(2) Where a person is convicted of a contravention of this By-law, other than carrying on or engaging in a trade, calling, business or occupation without a licence so to do, and the court decides that the owner or other person occupying the premises or part thereof in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the premises or part thereof be closed to any use for any period not exceeding two years.

Continuation - repetition - prohibited - by order

(3) The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

(4) Notwithstanding anything to the contrary in this By-law, the Issuer of Licences shall not renew or issue a new licence to anyone who has fines outstanding under this or any other By-law.

Order to Comply

13.1-(1) A by-law enforcement officer may enter on private property at all reasonable times to ascertain whether there is compliance with:

- (a) the provisions of this By-law;
- (b) a direction or order or notice given under this By-law; or
- (c) the conditions of a Licence issued under this By-law.

(2) Where a by-law enforcement officer is satisfied that a contravention of this By-law has occurred, the by-law enforcement officer may make an order requiring the person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity. The order shall set out reasonable particulars of the contravention, and where applicable, the location of the land on which the contravention is occurring and the date by which there must be compliance.

(3) Where the by-law enforcement officer is satisfied that a contravention of this By-law has occurred, an order may be made requiring the person who contravened this By-law or who caused or permitted the contravention to correct the contravention. The order shall set out:

- (a) reasonable particulars of the contravention;
- (b) particulars of the location where the contravention occurred;
- (c) any work to be done or steps to be taken to comply with this By-law;
- (d) the date by which the work must be done or steps taken; and
- (e) provide that, if any work specified is not completed by the date specified to the satisfaction of the Issuer of Licences, the Issuer of Licences may cause the work to be done at the expense of the licence holder.

(4) Pursuant to subsection 445(3) of the *Municipal Act, 2001*, as amended, an order pursuant to subsection 13.1(2) or 13.1(3) may require the work to be done even though the facts which constitute the contravention of the By-law were present before this By-law making them a contravention came into force.

(5) Service of an order issued under this by-law shall be given to each person, by delivering personally to the person or by mailing by registered mail at the address recorded for that licence holder in the records of the Issuer of Licences.

(6) Every person who is served with an order under this By-law shall comply with the requirements of the order within the time period specified in the order.

(7) An attendance fee in an amount determined in accordance with the User Fee By-law shall be payable on a time spent basis:

- (a) for the second and each subsequent inspection conducted by a by-law enforcement officer to ascertain compliance with a notice, direction or order pursuant to this By-law, which is conducted after the specified date for compliance; and
- (b) in the event that a by-law enforcement officer attends any remediation directed by or conducted by the City, pursuant to this By-law as a result of a failure to comply with an order made pursuant to this By-law.

(8) Any fee under subsection (7) shall be payable:

- (a) in accordance with the provisions of the User Fee By-law; and
- (b) in addition to any fine levied upon conviction of an offence under this By-law, and whether or not there is a charge laid, and whether or not any charge laid leads to a conviction.

(9) For the purposes of this section 13.1, "by-law enforcement officer" includes the Issuer of Licences, any person appointed by Council for the enforcement of this by-law and a duly sworn member of the Greater Sudbury Police Service.

PART XIV - REPEAL - ENACTMENT

14.-(1) By-law 2002-350 of The City of Greater Sudbury, except Part V thereof, and all amendments thereto are hereby repealed.

Current licences - valid until revoked - expiry

(2) Any current licence or permit issued under the provisions of By-law 2002-350 or under any amendment thereto shall be deemed to have been issued under this By-law and will be valid until such licence or permit is revoked or expires.

Continuity of previous By-law number - certain signs

(3) Any By-law number of the predecessor By-law to this By-law that appears on an existing sign that was required to be posted in accordance with the provisions of the said predecessor

By-law is to be read and construed as having the same force, effect and validity as does the By-law number assigned to this By-law.

(4) This By-law may be referred to as the **Business Licensing By-law**.

(5) This By-law comes into force on January 1st, 2005

(6) ~~deleted by By-law 2009-194~~

(7) With respect to Parts III, IV, VII, IX, X and XII of this By-law, this By-law is being passed as it is the opinion of Council that it is necessary to do so for the protection of the health and safety of citizens.

(8) With respect to Parts VI, VII, IX, X and XI of this By-law, this By-law is being passed as it is the opinion of Council that it is necessary to do so for nuisance control, for the protection of citizens.

(9) With respect to Parts V and VIII of this By-law, this By-law is being passed as it is the opinion of Council that it is necessary to do so for consumer protection, for the protection of citizens.

Read a first and second time in open Council this 16th day of December, 2004.

_____ Mayor

_____ Clerk

Read a third time and finally enacted and passed in open Council this 16th day of December, 2004.

_____ Mayor

_____ Clerk

Schedule "A"
By-law 2004-350 of the City of Sudbury

Fees Payable - As At January 1, 2005

| Licence Type | admin fee | zoning check if applicable | fire check if applicable | building inspection if applicable | By-law Enforcement | Total Fee | search required |
|--|-----------|----------------------------|--------------------------|-----------------------------------|--------------------|-----------|---|
| PART III | | | | | | | |
| Street Sale Permit | \$65 | N/A | N/A | N/A | \$183.48 | \$248.48 | Criminal Record Health Unit |
| Renewal | \$65 | N/A | N/A | N/A | \$183.48 | \$248.48 | Criminal Record - every 5 years Health Unit |
| PART IV | | | | | | | |
| -Heating Contractor -Mobile Sign Dealer -Plumbing Contractor | \$24 | \$38.32 | \$54.20 | N/A | \$183.48 | \$300 | Criminal Record |
| Renewal | \$16.52 | N/A | N/A | N/A | \$183.48 | \$200.00 | Criminal Record -every 5 years |
| -Building Renovator -Chimney Repairer -Drain layers * -Septic Tank Installers -Insulation Installer -Sign Painter -Master Plumber -Master Steam and Hot Water Heating installer -Master warm Air Heating Installer | \$65 | N/A | N/A | N/A | \$135 | \$200 | Criminal Record |
| Renewal | \$65 | N/A | N/A | N/A | \$85 | \$150.00 | Criminal Record -every 5 years |
| <p>* NOTE: First Time applicants for Drain Layer's licences must also satisfactorily complete the City's written test ** NOTE: application to renew licence issued under Part IV also to be accompanied by: a) valid Provincial Certificate of Qualifications for current Master employee(s) b) copy of Liability Insurance c) WSIB proof of coverage, if applicable</p> | | | | | | | |
| PART V | | | | | | | |
| Auctioneer | \$65 | N/A | N/A | N/A | \$183.48 | \$248.48 | Criminal Record |

Schedule "A"
By-law 2004-350 of the City of Sudbury

Fees Payable - As At January 1, 2005

| Licence Type | admin fee | zoning check (if applicable) | fire check (if applicable) | building inspection (if applicable) | by-law enforcement | total | Other Search required |
|--|-----------|------------------------------|----------------------------|-------------------------------------|--------------------|----------------------------------|---------------------------------|
| Renewal | \$65 | N/A | N/A | N/A | \$183.48 | \$248.48 | Criminal Record - every 5 years |
| Hawker/Pedlar Class 1- Day Sales | \$65 | \$38.32 | \$54.20 | N/A | \$183.48 | \$341 (maximum of 3-day licence) | Criminal Record |
| Renewal | \$65 | \$38.32 | \$54.20 | N/A | \$183.48 | \$341 (maximum of 3-day licence) | Criminal Record -every 5 years |
| Hawker/Pedlar Class 2- temporary sales | \$65 | \$38.32 | \$54.20 | N/A | \$183.48 | \$341 (3-month licence) | Criminal Record |
| Renewal | \$65 | \$38.32 | \$54.20 | N/A | \$183.48 | \$341 (3-month licence) | Criminal Record - every 5 years |
| Hawker/Pedlar Class 3 -Door-to-Door Sales | \$nil | \$38.32 | \$54.20 | N/A | \$100 | \$195.52 | Criminal Record |
| Renewal | \$65 | \$38.32 | \$54.20 | N/A | \$100 | \$195.52 | Criminal Record every 5 years |
| Hawker/Pedlar Class 4 - Door to Door Salesperson | \$nil | N/A | N/A | N/A | \$50. | \$50 | Criminal Record |
| Renewal | \$nil | N/A | N/A | N/A | \$50. | \$50 | Criminal Record every 5 years |
| Hawker/Pedlar Class 5 - Antique/ Collectible Shows | \$nil | \$38.32 | \$54.20 | N/A | \$150 | \$242.52 | Criminal Record |
| Renewal | \$nil | \$38.32 | \$54.20 | N/A | \$150 | \$242.52 | Criminal Record every 5 years |

Schedule "A"
By-law 2004-350 of the City of Sudbury

Fees Payable - As At January 1, 2005

| Licence Type | Admin Fee | zoning check if applicable | fire check if applicable | building inspection if applicable | By-law enforcement | Total | other search required |
|--|--|-------------------------------------|-------------------------------------|-------------------------------------|---|---|---------------------------------|
| Hawker/Pedlar Class 6 - Craft Show | \$nil | \$38.32 | \$54.20 | N/A | \$150 | \$242.52 | Criminal Record |
| Renewal | \$nil | \$38.32 | \$54.20 | N/A | \$150 | \$242.52 | Criminal Record every 5 years |
| Hawker/Pedlar Class 7 - Trade Show | \$nil | \$38.32 | \$54.20 | N/A | \$150 | \$242.52 | Criminal Record |
| Renewal | \$nil | \$38.32 | \$54.20 | N/A | \$150 | \$242.52 | Criminal Record every 5 years |
| Hawker/Pedlar Class 8 - General | \$nil | \$38.32 | \$54.20 | N/A | \$100 | \$192.52 | Criminal Record |
| Renewal | \$nil | \$38.32 | \$54.20 | N/A | \$100 | \$192.52 | Criminal Record every 5 years |
| Special Sales | \$65 | \$38.32 | \$54.20 | N/A | \$183.48 | \$341 (30 day licence) | Criminal Record |
| Renewal | \$65 | \$38.32 | \$54.20 | N/A | \$183.48 | \$341 (30 day licence) | Criminal Record |
| Itinerant Auction Event | \$65 | \$38.32 | | | \$183.48 | \$286.80 | Criminal Record Check |
| PART VI | | | | | | | |
| Place of Amusement except circuses and midways | \$65 | \$38.32 | \$54.20 | \$99 | \$183.48 | \$440 | Criminal Record Health Unit |
| Renewal | \$nil \$nil \$nil \$29.54 \$65 | N/A N/A N/A N/A N/A | N/A N/A N/A N/A N/A | N/A N/A N/A N/A N/A | \$113 \$129 \$164 \$183.48 \$183.48 | \$113 2005 \$129 2006 \$164 2007 \$213 2008 \$248.48 2009 | Criminal Record - every 5 years |

Schedule "A"
By-law 2004-350 of the City of Sudbury

Fees Payable - As At January 1, 2005

| Licence Type | Admin Fee | zoning check if applicable | fire check if applicable | building inspection if applicable | By-law enforcement | Total | other search required |
|---|-----------|--------------------------------|--------------------------|-----------------------------------|--------------------|--|---|
| Place of Amusement - Circus and Midway | \$nil | \$38.32 | \$54.20 | \$99 | \$108.48 | \$300 | Criminal Record Health Unit |
| Renewal | \$65 | N/A | N/A | N/A | \$183.48 | \$248.48 | Criminal Record every 5 years |
| Public Hall | \$65 | \$38.32 | \$54.20 | \$99 | \$183.48 | \$440 | Criminal Record Health Unit |
| Renewal | \$nil | N/A | N/A | N/A | \$100 | \$100 | Criminal Record - every 5 years |
| Public Presentation*** Except Movie Theatre and Live Theatre | \$65 | \$38.32 | \$54.20 | \$99 | \$183.48 | \$440 | Criminal Record Health Unit |
| Renewal | \$65 | N/A | N/A | N/A | \$183.48 | \$248.48 | Criminal Record - every 5 years |
| Public Presentation*** -Movie Theater and Live Theatre | \$65 | \$38.32 | \$54.20 | \$99 | \$183.48 | \$440 | Criminal Record Health Unit |
| Renewal | \$65 | N/A | N/A | N/A | \$183.48 | \$248.48 | Criminal Record - every 5 years |
| *** Application and Application for renewal to be accompanied by Proof of Insurance as provided for in the By-law | | | | | | | |
| PART VII | | | | | | | |
| Home Occupation | \$nil | (if entering homes) \$38.32 | \$54.20 | \$99 | \$100 | \$291.52 (if entering homes) \$253.20(if not entering homes) | Criminal Record (if entering homes) |
| Renewal | \$nil | N/A | N/A | N/A | \$50 | \$50 | Criminal Record - every 5 years (if entering homes) |

Schedule "A"
By-law 2004-350 of the City of Sudbury

Fees Payable - As At January 1, 2005

| Licence Type | Admin Fee | zoning check if applicable | fire check if applicable | building inspection if applicable | By-law enforcement | Total | other search required |
|--|-----------|----------------------------|--------------------------|-----------------------------------|--------------------|-------|---|
| PART VIII | | | | | | | |
| Convenience Store | \$65 | \$38.32 | \$54.20 | \$99 | \$183.48 | \$440 | Criminal Record Health Unit |
| Renewal | \$nil | N/A | N/A | N/A | \$150 | \$150 | Criminal Record - every 5 years Health Unit |
| PART IX | | | | | | | |
| Retail Sales of Cigars, Cigarettes and Tobacco | \$65 | \$38.32 | \$54.20 | \$99 | \$183.48 | \$440 | Criminal Record Health Unit |
| Renewal | \$nil | N/A | N/A | N/A | \$150 | \$150 | Criminal Record - every 5 years Health Unit |
| PART X | | | | | | | |
| Kennels | \$nil | \$nil | \$1 | \$99 | \$nil | \$100 | Criminal Record Health Unit |
| Renewal | \$nil | N/A | N/A | N/A | \$50 | \$50 | Criminal Record - every 5 years Health Unit |
| PART XI | | | | | | | |
| Motor Vehicle Racing/Motor-cycle Racing | \$nil | \$38.32 | \$54.20 | \$99 | \$108.48 | \$300 | Criminal Record Health Unit |
| Renewal | \$65 | N/A | N/A | N/A | \$183.48 | \$200 | Criminal Record - every 5 years Health Unit |

Schedule "A"
By-law 2004-350 of the City of Sudbury

Fees Payable - As At January 1, 2005

| Licence Type | Admin Fee | zoning check if applicable | fire check if applicable | building inspection if applicable | By-law enforcement | Total | other search required |
|-------------------------------|-----------|----------------------------|--------------------------|-----------------------------------|--------------------|-------|---|
| PART XII | | | | | | | |
| Shooting Galleries and Ranges | \$65 | \$38.32 | \$54.20 | \$99 | \$183.48 | \$440 | Criminal Record Health Unit |
| Renewal | \$nil | N/A | N/A | N/A | \$150 | \$150 | Criminal Record - every 5 years Health Unit |

• notes:

1. Commencing January 1st, 2006, these fees shall be automatically adjusted for inflation on that day and on January 1st in every year by the City Treasurer based on the September to September increases (or decreases) in the Consumer Price Index, and rounded up or down as the Treasurer deems appropriate, and provided further that the Treasurer may consider previous Index changes, and previous fee adjustments or non-adjustments, and the Treasurer shall inform Council of these annual adjustments, and this By-law shall be deemed to have been amended accordingly.

2. For the purpose of this Schedule, only a renewal fee will apply if a licence was previously issued under this By-law or under By-law 2002-350 in the year 2004.

| | FEE | GST | TOTAL |
|------------------------------|------|--------|---------|
| Transfer of a Licence | \$35 | \$2.45 | \$37.45 |
| Issue of Replacement Licence | \$35 | \$2.45 | \$37.45 |

Schedule "B"

By-law 2004-350 of the City of Sudbury

Relating to Drain Contractors and Others

1. Every person described in Subsection 5(2) of this By-law shall be required before a licence is issued to him or her to submit evidence to the General Manager of Public Works of the City of Greater Sudbury to establish that he or she is competent and qualified to carry on the said trade, business or calling therein described.
2. (1) Applicants for such licences shall complete an application forms supplied by the Issuer of Licences of the City of Greater Sudbury.

(2) Every applicant for such licence shall, before such licence is issued, successfully complete a written examination set by the General Manager of Public Works of the City of Greater Sudbury.
3. Every person described in Subsection 5(2) of this By-law shall be governed by the provisions contained in By-law 73-31 of the former Regional Municipality of Sudbury as amended or replaced from time to time.

Schedule "C"
By-law 2004-350 of the City of Sudbury

deleted by By-law 2006-216

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Schedule "D"

By-law 2004-350 of the City of Sudbury

**Relating to Heating Contractors, Master Steam
and Hot Water Heating Installers and Master
Warm Air Heating Installers**

1. No person shall perform any heating work or install any heating material or appliances or engage in the heating trade and occupation except under the personal supervision and direction of a licensed master steam and hot water heating installer or master warm air heating installer in charge of and directly responsible for the superintendence of the heating work performed.
2. All master steam and hot water heating installers or master warm air heating installers shall at all relevant times carry on their person, their master steam and hot water heating installer or master warm air heating installer licence issued pursuant to this By-law.
3. No person shall be licensed as a heating contractor unless he or she has a regular place of business in the Province of Ontario.
4. Every heating contractor who ceases to have a regular place of business shall, within seven days, render his or her licence to the Issuer of Licences and shall not be qualified to perform any heating works until a regular place of business is once again secured.
5. Every person to whom this Schedule relates shall upon changing his or her address, notify the Issuer of Licences of such change within forty-eight hours thereafter and give his or her new address.
6. No person shall be licensed as a heating contractor unless he or she holds a master steam and hot water heating installer or master warm air heating installer licence or has in his or her employ a person who is licensed as a master steam and hot water heating installer or master warm air heating installer.
7. No licenced contractor shall perform or permit to be performed any heating work that is not under the direct supervision of a master steam and hot water heating installer or master warm air heating installer.
8. No master steam and water heating installer or master warm air heating installer shall act as such for more than one heating contractor at one time.

Schedule "D"

By-law 2004-350 of the City of Sudbury

**Relating to Heating Contractors, Master Steam
and Hot Water Heating Installers and Master
Warm Air Heating Installers**

9. A master steam and hot water heating installer or master warm air heating installer shall notify the Issuer of Licences forthwith upon ceasing to act as a master warm air heating installer for one heating contractor and upon commencing to act as a master steam and hot water heating installer or master warm air heating installer for another heating contractor.
10. No heating contractor shall employ a master steam and hot water heating installer or master warm air heating installer unless and until such heating contractor's name has been endorsed on such master steam and hot water heating installer's or master warm air heating installer's licence as his or her employer in accordance with this Schedule and no master steam and hot water heating installer or master warm air heating installer shall commence work with any heating contractor or other employer until his or her licence has been so endorsed.
11. No heating contractor's licence shall be issued unless and until the heating contractor has proved to the satisfaction of the Issuer of Licences that he or she is adequately covered by or has obtained proper liability insurance to the extent of \$1,000,000 inclusive coverage and further that he or she has been registered with The Workplace Safety and Insurance Board of the Province of Ontario for the carrying out of heating work.

Schedule "E"

By-law 2004-350 of the City of Sudbury

**Relating to Persons to Master Plumbers
and Plumbing Contractors**

1. No person shall perform any plumbing work or install any plumbing material or appliances or engage in the plumbing trade and occupation except under the personal supervision and direction of a licensed master plumber in charge of and directly responsible for the superintendence of the plumbing work performed.
2. All master plumbers shall at all relevant times carry on their person their master plumbers licence pursuant to this By-law.
3. No person shall be licensed as a plumbing contractor unless he or she has a regular place of business in Ontario.
4. Every plumbing contractor who ceases to have a regular place of business shall, within seven days, render his or her licence to the Issuer of Licences and shall not be qualified to perform any plumbing works until a regular place of business is once again secured.
5. Every person to whom this Schedule relates shall, upon changing his or her address, notify the Issuer of Licences of such change within forty-eight hours thereafter, and give his or her new address.
6. No person shall be licenced as a plumbing contractor unless he or she holds a master plumber's licence or has in his or her employ a person who is licensed as a master plumber.
7. No licensed contractor shall perform or permit to be performed any plumbing work that is not under the direct personal supervision of a master plumber.
8. No master plumber shall act as such for more than one plumbing contractor at one time.
9. A master plumber shall notify the Issuer of Licences forthwith upon ceasing to act as a master plumber for a plumbing contractor and upon commencing to act as a master plumber for another plumbing contractor.
10. No plumbing contractor shall employ a master plumber unless and until such plumbing contractor's name has been endorsed on such master plumber's licence as his or her employer in accordance with this Schedule and no master plumber shall commence work with any plumbing contractor or other employer until his or her licence has been so endorsed.

Schedule “E”

By-law 2004-350 of the City of Sudbury

**Relating to Persons to Master Plumbers
and Plumbing Contractors**

11. No plumbing contractors's licences shall be issued unless and until the plumbing contractor has proven to the satisfaction of the Issuer of Licences that he or she is adequately covered by or has obtained proper liability insurance to the extent of \$1,000,000 inclusive coverage and further that he or she has been registered with the Workplace Safety and Insurance Board for the Province of Ontario for carrying out of plumbing work.

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