



Corporation of the City of Kingston

Ontario

By-Law Number 2006-213

A By-Law To License, Regulate And Govern Certain Businesses

Passed: September 19, 2006

As Amended By By-Law Number:

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By-Law Number 2018-164 passed October 2, 2018

(Note: By-law Number 2002-255 repealed by By-law Number 2006-212 On September 19, 2006)

(Office Consolidation)

City of Kingston By-law Number 2006-213

A By-Law To License, Regulate And Govern Certain Businesses

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(By-Law Number 2006-213; 2017-241)

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(By-Law 2006-213; By-Law 2011-87; 2018-164)

The Corporation of the City of Kingston

By-Law Number 2006-213

A By-Law To License, Regulate And Govern Certain Businesses

Passed: September 19, 2006

Whereas Part IV of the *Municipal Act*, 2001 authorizes the council of every local municipality to pass by-laws for licensing, regulating and governing any business carried on within the municipality;

And Whereas Council considers it desirable to exercise this authority for the purposes of health and safety, nuisance control and consumer protection;

Therefore the Council of The Corporation of the City of Kingston enacts as follows:

1.0 Definitions:

In this by-law:

"aesthetic services" means any services relating to enhancing beauty, which are not surgical procedures, including but not limited to: skin care, cosmetology services, makeup artistry, water therapies, manicures, pedicures, aromatherapy, airbrush tanning, facials, spa therapy, body treatments, waxing, reflexology, artificial nails, eyelash / eyebrow tinting and shaping;

"Alarm Coordinator" means the person designated to administer the provisions of this By-Law;

"Alarm Registration" means a record of an alarm system which has been registered with the Alarm Coordinator pursuant to the provisions of this By-Law;

"Alarm Reinstatement" means that suspension of police response to an alarm from an Alarm System has been lifted and police response to the alarm system is reinstated;

"Alarm Reinstatement Notice" means the written notification given to an alarm monitoring company advising that alarm response has been reinstated to an alarm system;

"Alarm Renewal" means the process of paying a fee (if applicable) per Alarm System to the Kingston Police Alarm Coordinator annually for Alarm Registration renewal;

"Alarm Service Technician" means a person who is employed by an alarm installation company or an alarm monitoring company;

“Alarm System” means any device installed in a building, structure or premise to detect unauthorized entry or criminal activity which, when activated, transmits a wireless, electronic, video signal and/or emits an audible or silent signal or message to an alarm monitoring company, and includes an automated bank machine and a holdup or panic alarm: for example, a device to report that a robbery is in progress, but does not include a medical alert alarm or a fire alarm system;

“Alarm System Inspection Report” means a report detailing the operating condition of an Alarm System completed by an Alarm Service Technician;

“Appeals Committee” means the Administrative Policies Committee or, in the event of organizational changes another Committee designated by Council to carry out the Committee’s responsibilities for appeals;

“Attendant” means any person who is employed in or performs at an establishment that provides services designed to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Establishment;

“Body rub” means to knead, manipulate, rub, massage, touch or stimulate by any means of a person’s body;

“Body rub parlour” includes any premises or part thereof within the geographic limits of the City where a body rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;

“Cancellation of Police Response” means the process or request to terminate response by the Kingston Police after an alarm dispatch request and prior to Police Officers’ arrival on scene;

“Caution Notice” means the written notification given to an alarm monitoring company advising that an Alarm System has had three (3) False Alarms in a calendar year;

“Chartered Bank Annual Consumer Loan Rate” means the most recent chartered bank- consumer loan rate set out in Table 176-0043 of the Bank of Canada Financial Market Statistics;

“City” and **“City of Kingston”** mean The Corporation of the City of Kingston, as incorporated on January 1, 1998;

“**Council**” and “**City Council**” mean the Council of the City of Kingston;

“**Downtown Kingston Business Improvement Area**” means the geographic area designated by by-law;

“**Electoral District**” means the municipal electoral districts as established by authority contained in Section 222 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended;

“**Excessive False Alarms**” means the reporting to the Kingston Police of four (4) or more False Alarms within a calendar year;

“**False Alarms**” means any signal or message from an Alarm System to an alarm monitoring company that is reported to the Kingston Police, where there is no evidence that unauthorized entry was made or attempted or that criminal activity has occurred and where the Alarm System appears to have been activated unnecessarily, improperly, accidentally or for a purpose other than that for which it was installed, including:

- (a) By testing an Alarm System without the prior knowledge and approval of the Kingston Police;
- (b) By reporting an attempted or completed criminal act or an emergency situation where there is no evidence that such an act took place or that such a situation existed;
- (c) As a result of mechanical failure, malfunction or faulty equipment;
- (d) As a result of negligence, error or carelessness on the part of the owner of the system, for example, by permitting authorized persons to be on the premises without the alarm passwords; or
- (e) As a result of atmospheric conditions, excessive vibrations or a power failure;

“**Flower sale by a local flower vendor**” means a specific location sale of flowers carried on by a vendor who has a regular place of business in the City in which flowers are sold;

“**Flower sale by another person**” means a specific location sale of flowers carried on by a vendor who does not have a regular place of business in the City in which flowers are sold;

“**Food**” means food or drink for human consumption, and includes refreshments and confections;

“**Food premises**” has the same meaning as in the Health Protection and Promotion Act;

“**Guardian**” means a person who is the parent or permanent caregiver to a person under the age of 18 years;

“**Highway**” means any provincial or municipal highway within the geographic limits of the City, and includes all lands within the lateral boundaries of the highway;

“**License**” means a license issued under this by-law;

“**Licensee**” means a person who holds a license under this by-law, and “**licensed**” and “**licensed business**” have a corresponding meaning;

“**Licensing and Enforcement Division**” and “**Division**” means the Licensing and Enforcement Division, Planning, Building, Licensing & Enforcement Department, Community Services Group or, in the event of organizational changes, another unit designated by Council to carry out the Division’s responsibilities for the administration and enforcement of this By-Law;

“**Manager**” means the Manager of Licensing and Enforcement or their designate;

“**Motor assisted bicycle**” and “**motorcycle**” have the same meaning as in the *Highway Traffic Act*;

“**Non-resident**” means a person who does not reside or have a regular place of business in the City;

“**Payday Loan Establishment**” means a person or entity licensed as a lender or a loan broker under the Payday Loans Act, 2008;

“**Person**” means a person as defined in the *Interpretation Act*; and includes a corporation;

“**Personal service salon**” means every place of business which does body modifications including but not limited to tattoo’s, piercings, and stapling;

“**Place of business**” means any place, premises or location, or part thereof, in which a business is carried on, and including but not limited to a shop, store, office, a dwelling unit or vehicle;

“**Property standards by-law**” means the Property Standards By-Law of the City of Kingston a by-law enacted under Section 15.1 of the *Building Code Act* that prescribes standards for the maintenance and occupancy of property;

“**Regular place of business**” means the place of business in which a business is normally carried on, but does not include a place, premises or location in which a business is conducted on a one-time or temporary basis;

“**Resident**” means a person who resides or has a regular place of business in the City;

“**Special sale**” means a special show and sales event and includes but is not limited to such events as antique shows, craft fairs, and sales of jewellery, leather and fur products;

“**Street**” means that part of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the sidewalk or shoulder;

“**Suspension Notice**” means written notification issued to an alarm monitoring company advising that there will be no police response to an alarm from an Alarm System;

“**Suspended Alarm System**” means an Alarm System for which a Suspension Notice has been issued, advising that there will be no police response to an alarm from the Alarm System;

“**Tobacco**” has the same meaning as in the *Tobacco Control Act*;

“**Unregistered False Alarm**” means a False Alarm from an Alarm System that is not registered with the Alarm Coordinator;

“**Vehicle**” means a vehicle as defined in the *Highway Traffic Act*, and

“**Zoning by-law**” means a by-law enacted under Section 34 of the *Planning Act* that restricts the use of land.

(By-Law 2006-213; 2017-241; 2018-164)

2.0 Application:

2.1 The requirements of this by-law apply to the following trades businesses and occupations carried on within the geographic limits of the City of Kingston:

General

- alarm installation;
- alarm monitoring;
- amusement arcades;
- auctioneers;
- automotive repair;
- bill posters;
- billiard tables;
- food service premises;
- gasoline sales;
- hawkers and peddlers;
- lodging houses;
- meat and fish sales;
- pawnbrokers;
- pet stores;
- refreshment vehicles;
- salons;
- specific days sales and / or purchases;
- specific location sales;
- street performers;
- theatres;
- tobacco sales.

(By-Law 2006-213)

Adult Entertainment

- adult entertainment establishments;
- adult entertainment attendants;
- adult entertainment stores.

2.2 The requirement to obtain a license applies to every trade, business or occupation described in Section 2.1 regardless of whether the trade, business or occupation is being carried on wholly or partly within the City, and even if the trade, business or occupation is being carried on from a location outside the City.

3.0 Administration:

The Licensing and Enforcement Division and the Kingston Police are responsible for the administration and enforcement of this By-Law.

(By-Law 2006-213; 2017-241)

3.1 Every application for a new license or a renewal or extension of an existing license shall be submitted to the Division in the form provided.

3.2 Every application for a new license or a renewal or extension of an existing license shall be accompanied by the full license fee, as set out in the Fees and Charges By-Number 2005-10, as amended.

(By-Law 2006-213; 2017-241)

3.3 Except as otherwise provided in the applicable schedule, the license fee for the current year will be reduced by 25 per cent if an application for a new license is submitted between July 1 and November 30.

3.4 Except as otherwise provided in the applicable schedule, the license fee for the current year will be waived if an application for a new license is submitted after November 30 and is accompanied by the full license fee for the next calendar year.

3.5 Despite any sections to the contrary, the full license fee shall be paid, regardless of the date of application, if a person begins to carry on the business before submitting an application for a new license.

(By-Law 2006-213; 2017-241)

3.6 All fees set out in By-Law Number 2006-213, “A By-Law to License, Regulate and Govern Certain Businesses”, as amended, are as prescribed by By-Law Number 2005-10, as amended, being “A By-Law to establish Fees and Charges to be collected by The Corporation of the City of Kingston”.

(By-Law 2006-213; By-Law 2008-16; 2017-241)

3.7 Every application for a license will be reviewed to determine whether it meets all of the general regulations set out in Part 4, General Regulations, and any special conditions set out in the applicable schedule for that business.

3.8 As part of this review, an application will be circulated to the departments and agencies set out in the applicable schedule for that business.

- 3.9 Where an application is circulated to a department or agency in accordance with the applicable schedule for that business, the department or agency may require an inspection of the proposed place of business.
- 3.10 If it is determined that an application meets the requirements of this by-law and all circulated agencies, the Division will issue the license if the license fee has been paid.
- 3.11 If it is determined that an application does not meet the requirements of this by-law or is objected to by a circulated agency, the Division will refuse to issue the license and will refund the license fee.
- 3.12 If, at any time, the Division determines, as a result of evidence that is provided, that the operation of a licensed business does not conform with the requirements of this by-law, it may suspend or revoke the license.
- 3.13 A person whose application for a new license or a renewal of a license has been refused or a person whose license has been suspended or revoked may, within fifteen days of being notified of the Division's decision, apply to the Appeals Committee for a review of the decision.
- 3.14 A person who wishes to appeal the Division's decision to the Appeals Committee shall file an application for a hearing and pay a fee of \$100.00 (one hundred) to the Committee to be collected by the Corporation of the City of Kingston.
- 3.15 A person who has applied for a review of the Division's decision will be given an opportunity to make written representations to or to appear before the Appeals Committee when it reviews the matter.
- 3.16 The Appeals Committee will review the matter and may affirm the decision of the Division or direct it to issue, renew or reinstate the license.
- 3.17 Decisions of the Appeals Committee are final.

4.0 General Regulations:

- 4.1 No person shall carry on any trade, business or occupation within the City of Kingston for which a license is required under this by-law unless that person has first obtained a license from the Building and Licensing Division.
- 4.2 A license shall be required for each separate place of business.

- 4.3 A person is not eligible for a license unless his or her application is accompanied by the full license fee for that business, as prescribed by the Fees and Charges by-Law Number 2005-10, as amended, or as determined under Sections 3.3 and 3.4 of this By-Law.
- (By-Law 2006-213; 2017-241)
- 4.4 Except as otherwise provided in the applicable schedule, a license is valid for one calendar year and every licensee shall renew the license by December 31 of each year.
- 4.5 A Licensee is not eligible for the renewal or extension of an existing License unless and Licensee has paid the full License fee for that business and any other fees charged under the provisions of this By-Law, as prescribed by the Fees and Charges By-Law Number 2005-10, as amended.
- (By-Law 2006-213; 2017-241)
- 4.6 A licensee is not eligible for the renewal or extension of an existing license unless the licensee has provided an application form annually where required by the Division.
- 4.7 A license is not transferable.
- 4.8 No person shall carry on any trade, business or occupation for which a license is required under this by-law: (i) if the license has expired or been revoked; or (ii) while the license is under suspension.
- 4.9 If work that requires a building permit under the *Building Code Act* is to be undertaken on the property to be used for carrying on a business, a person shall not submit an application for a license until the work has been completed in accordance with the requirements of the Act and the building code.
- 4.10 A person is not eligible to hold a license if the proposed use of the land, building or structure is not permitted by the zoning by-law that applies to the property, unless the land, building or structure was lawfully used for this purpose on the day of the passing of the zoning by-law.
- 4.11 A person is not eligible to hold a license if the property to be used for carrying on the trade, business or occupation does not conform with all applicable law, including but not limited to the property standards by-law that applies to the property, the *Tobacco Control Act*, the *Fire Protection and Prevention Act*, 1997, the fire code, the *Health Protection and Promotion Act*.

- 4.12 Despite Section 4.11, a conditional license may be issued to the applicant if it is determined that there are deficiencies found by the relevant inspectors that can be remedied within a specified time frame in order to come into compliance, and if the deficiencies are not likely to be a danger to the public.
- 4.13 Any conditional licenses shall clearly state the duration of the temporary license, and if the applicant fails to come into compliance with any Act or Code within the time specified then the license shall become null and void.
- 4.14 A person is not eligible to hold a license if the operation of his or her business does not conform with the applicable standards and requirements of: (1) every by-law of the City; (2) every provincial or federal Act and regulation made under such an Act; and (3) every instrument of a legislative nature made or issued under a provincial or federal Act or regulation, including standards and requirements with respect to the qualifications of the persons carrying on or engaged in the business and with respect to the vehicles and equipment used for the purposes of the business.
- 4.15 Where any order issued by the Division has been appealed and upheld by the Appeals Committee, or where there has been no appeal requested, the Division may suspend or revoke the license.
- 4.16 The Appeals Committee may modify, uphold or quash an order issued by the Division.
- 4.17 A licensee shall display the license permanently in a prominent place in his or her place of business.
- 4.18 In the case of vehicles and other equipment used for the purposes of the business, a licensee shall display the license or evidence of the license prominently on each vehicle and other equipment.
- 4.19 A licensee who does not have a place of business shall carry the license on his or her person at all times while carrying on the business.
- 4.20 Every licensee shall produce the license for inspection on the request of an authorized employee or agent of the City.
- 4.21 Every person carrying on a trade, business or occupation for which a license may be required under this by-law shall allow, at any reasonable time, an employee or agent of the City authorized by the manager to inspect their place of business and any other premises, equipment, vehicles or property used for purposes

related to the trade, business or occupation, other than a room or place actually being used as a dwelling, to determine compliance with the requirements of this by-law.

- 4.22 No person shall obstruct, hinder or otherwise interfere with an authorized employee or agent of the City while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this by-law.
- 4.23 No licensee shall construct or equip a place of business or other premises used for the business so as to hinder the enforcement of the by-law.
- 4.24 Every licensee shall maintain his or her place of business in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the premises.
- 4.25 No licensee or employee of a licensee shall discriminate in the carrying on of the trade, business or occupation against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.
- 4.26 No licensee or employee of a licensee shall refuse to permit a person to enter and remain in a place of business or other premises used for the business to which the public are customarily admitted for the reason that he or she is a blind person accompanied by a guide dog.
- 4.27 All notices required to be issued under the provisions of this By-law shall be in a form authorized by the Manager of Licensing and Enforcement.

(By-Law 2006-213; 2017-241)

5.0 Exemptions:

- 5.1 The requirement to obtain a license under this by-law does not apply to a business that is engaged exclusively in the sale of goods by wholesale.
- 5.2 The requirement to obtain a license under this by-law does not apply to those persons or classes of business that are exempted in a schedule to this by-law.
- 5.3 Market Vendors holding leases and operating on Market Square in accordance with the Market By-law are not required to obtain a license under this by-law.

6.0 Schedules: Additional Conditions for Individual Businesses

- 6.1 The following schedules are attached to and form part of this by-law:

General Businesses

- Schedule A-2: Alarm Installation and Alarm Monitoring
- Schedule A-3: Amusement Arcades
- Schedule A-4: Auctioneers
- Schedule A-5: Automotive Repair
- Schedule B-1: Bill Posters
- Schedule B-2: Billiard Tables
- Schedule F-1: Food Service Premises
- Schedule G-1: Gasoline Sales
- Schedule H-1: Hawkers and Peddlers
- Schedule L-1: Lodging Houses
- Schedule M-1: Meat and Fish Sales
- Schedule P-1: Pawnbrokers
- Schedule PL-1: Payday Loan Establishments
- Schedule P-2: Pet Stores
- Schedule R-1: Refreshment Vehicles
- Schedule S-1: Salons
- Schedule S-2: Specific Days Sales and / or Purchases
- Schedule S-3: Specific Location Sales
- Schedule S-4: Street Performers
- Schedule T-1: Theatres
- Schedule T-2: Tobacco Sales

(By-Law 2006-213; By-Law 2011-87; 2017-241; 2018-164)

Adult Entertainment Businesses

- Schedule AE-1: Adult Entertainment Establishments
- Schedule AE-2: Adult Entertainment Attendants
- Schedule AE-3: Adult Entertainment Stores

7.0 Offence and Penalty Provisions:

- 7.1 Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Municipal Act*, the *Municipal Act*, 2001 or the *Provincial Offences Act* and to any other applicable penalties.
- 7.2 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 7.3 If this by-law is contravened and a conviction entered, the court may also order that the premises or part of the premises be closed to any use for a period not exceeding two years.

8.0 Validity:

- 8.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

(By-Law 2006-213)

9.0 Commencement:

- 9.1 This by-law comes into force on November 1, 2006.
- 9.2 In accordance with subsection 150(13) of the *Municipal Act*, 2001, this by-law expires on November 30, 2011.

Schedule A-1, Alarm Installation deleted by amending By-Law Number 2017-241

Schedule A-2
Alarm Installation and Alarm Monitoring

Applicable to:	Every business which sells, leases, installs, replaces, maintains, services, repairs, or monitors security Alarm Systems which notifies the Kingston Police when an Alarm System has been activated.
Exemptions:	None
Reason for Licensing/Conditions:	Consumer protection – adequate responses to legitimate alarms Nuisance control – reduce unnecessary use of police resources
Annual License Fees:	As prescribed by By-Law Number 2005-10, as amended. Annual Alarm System monitoring fee for new Alarm System registrations will be pro-rated by month, except that the provisions of Section 3.4 of this By-Law shall also apply. (By-Law Number 2006-213; 2008-16)
Additional Fees for Police Response to Alarms:	A company monitoring an Alarm System will be required to pay the fees as prescribed by By-Law Number 2005-10, as amended, when: (1) Kingston Police respond to a False Alarm from a registered Alarm System or an Unregistered Alarm System; (2) Kingston Police respond to a founded alarm from an unlicensed alarm monitoring company; (3) Kingston Police's response to an alarm from an Unregistered Alarm System is cancelled; (4) Kingston Police respond to a False Alarm or a founded alarm from an Unregistered Alarm System. (By-Law Number 2006-213; 2008-16)
Application Circulated to:	Kingston Police

Schedule A-2 (cont'd)

<p>Special Conditions:</p>	<p>In addition to the General Regulations set out in Part 4 of this By-Law, the following special conditions apply to every alarm installation company and every alarm monitoring company:</p> <ol style="list-style-type: none">(1) Kingston Police shall designate an Alarm Coordinator to administer the provisions of this Schedule;(2) Kingston Police may not respond to an alarm if the alarm monitoring company or the Alarm System are not registered(3) Every application for a License shall include a register which identifies the name and address of the owner and the registration number of every Alarm System that is to be monitored. It is the responsibility of the Licensee to ensure Kingston Police has current key holder contact information;(4) Every Licensee shall maintain this register and inform the Kingston Police promptly of any changes to the information;(5) Every alarm installation company and every alarm monitoring company shall pay the annual License fee to the Kingston Police Alarm Coordinator within 30 days of the date of the invoice and if a Licensee fails to do so, the Alarm Coordinator may suspend, revoke or refuse to renew the alarm installation company's License or the alarm monitoring company's License;(6) If an alarm monitoring company fails to provide its current contact information to the Kingston Police, all invoices and notices will be deemed served to the business's last known address;(7) If Kingston Police are dispatched to an alarm from an unlicensed alarm monitoring company, the alarm monitoring company shall pay the annual license fee and an administrative fee for failing to obtain a license, as prescribed by the Fees and charges By-Law Number 2005-10, as amended;(8) Every alarm monitoring company shall pay the fee for a False Alarm and an administrative
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- (9) fee to the Kingston Police Alarm Coordinator within 30 days of date of invoice, and if the alarm monitoring company fails to do so after 60 days from the due date on the invoice, Kingston Police response to the Alarm System may be suspended upon issuance of a Suspension Notice indicating alarm response is suspended to the Alarm System until all fees have been paid in full. Upon payment of all fees, and Alarm Reinstatement Notice will be issued;
- (10) Kingston Police may suspend police response to an alarm from an Alarm System that has had Excessive False Alarms. In the event that police response to an Alarm System is suspended, a Suspension Notice shall be issued to the alarm monitoring company. Police response to an Alarm System shall not be reinstated until an Alarm System Inspection Report from an Alarm Service Technician has been received and accepted by the Alarm Coordinator. Upon issuance of an Alarm Reinstatement Notice, the False Alarm count for the Alarm System shall be reset to zero;
- (11) Every alarm monitoring company shall submit alarm registration and payment of fees for each Alarm System it monitors. Failure to do so prior to a call for alarm response will result in the Alarm System not to be considered registered with Kingston Police;
- (12) Only a licensed alarm monitoring company may request police response to an alarm and the licensed alarm monitoring company shall provide all contact numbers for the alarm monitoring station, and shall provide its own business name and not the name of a second party alarm company;
- (13) A cancellation of Police Response will not incur a fee if the Alarm System is registered. If the alarm System is not registered, the alarm monitoring company shall pay the annual Alarm System registration fee and an administrative fee for failing to register an Alarm System, as prescribed by the Fees and Charges By-Law Number 2005-10, as amended;

- (14) After an Alarm System has incurred three (3) False Alarms in a calendar year, Kingston Police will issue a Caution Notice to the alarm monitoring company warning that police response may be suspended if a fourth or subsequent False Alarm occurs within the calendar year;
- (15) Receipt of an invoice, a Caution Notice, Suspension Notice or an Alarm Reinstatement Notice shall be deemed to have occurred:
- (a) On the date of delivery, if delivered personally;
 - (b) Three (3) business days after the date of mailing, if delivered by registered mail to an address within the City of Kingston;
 - (c) Five (5) days after the date of mailing, if delivered by registered mail to an address outside of the City of Kingston;
 - (d) Five (5) days after the date of mailing, if delivered by regular mail to an address within the City of Kingston; and
 - (e) Seven (7) days after the date of mailing, if delivered by regular mail to an address outside of the City of Kingston.
- (16) Receipt of an invoice, a Caution Notice, a Suspension Notice, or an Alarm Reinstatement Notice shall be deemed to have occurred if delivered personally or to the last known address of the alarm monitoring company;
- (17) If Kingston Police respond to a False Alarm or a founded alarm from an Unregistered Alarm System, the alarm monitoring company shall pay the annual Alarm System registration fee and an administrative fee for failing to register an Alarm System, as prescribed by the Fees and Charges By-law Number 2005-10, as amended;
- (18) Kingston Police shall not respond to automatic dialing systems activated by alarms; and
- (19) An appeal of a False Alarm invoice must be submitted in writing to the Kingston Police Alarm Coordinator by the alarm monitoring

	<p>company within 30 days of the invoice. A decision on the appeal will be sent to the alarm monitoring company, which will be responsible for notifying the alarm system customer of the outcome. The decision of the Kingston Police Alarm Coordinator shall be final.</p>
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(By-Law 2006-213; By-Law 2008-16; 2017-241)

Schedule A-3**Amusement Arcades**

Applicable to:	Every place of business with five or more “amusement machines”, for example, mechanical video and / or electronic games that are available for the use of the general public, including pinball machines, television games, video games and similar devices which are intended for operation as a game, entertainment or amusement.
Exemptions:	The requirement to obtain an “amusement arcade license” does not apply to: (1) premises with four or less amusement machines; or (2) bingo halls where electronic equipment is used.
Reason for Licensing / Conditions:	Health and safety – overcrowding concerns, food handling procedures if food involved Nuisance Control – noise and to prevent congestion on sidewalks
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit (4) Kingston Police
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every amusement arcade: (1) the premises shall be supervised at all times by a person of at least 18 years of age; (2) a licensee shall prevent, where possible, the patrons from congregating on an adjacent sidewalk in a manner that obstructs the movement of pedestrians.

(By-Law 2006-213; By-Law 2008-16)

Schedule A-4**Auctioneers**

Applicable to:	Every person who sells or offers goods or services for sale by public auction.
Exemptions:	<p>The requirement to obtain an “auctioneer license” does not apply to:</p> <ol style="list-style-type: none"> (1) a person conducting an auction on behalf of a service club or similar organization to raise money for charitable purposes; (2) a sheriff or court bailiff acting under a court procedure; (3) a municipality conducting an auction under the tax sale provisions of the <i>Municipal Act, 2001</i>; (4) a person who engages the services of a licensed auctioneer to conduct an auction on his or her behalf; (5) a person registered under the <i>Real Estate and Business Brokers Act</i> who is selling real estate by public auction; or (6) a person licensed under the <i>Livestock Community Sales Act</i> who is conducting a community livestock sale.
Reason for Licensing / Conditions:	<p>Health and Safety – overcrowding Consumer Protection – turnover of possible stolen or fraudulent items</p>
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	<ol style="list-style-type: none"> (1) Building Section (2) Kingston Fire and Rescue (3) Kingston Police
Special Conditions:	<p>In addition to the General Regulations set out in Part 4 of this by-law, the following special condition applies to every auctioneer:</p> <ol style="list-style-type: none"> (1) written records shall be kept, including a detailed list of all the items being auctioned, the names and addresses of the owners of those items, the amount received for each item, and the names and addresses of the purchasers.

(By-Law 2006-213; By-Law 2008-16)

Schedule A-5**Automotive Repair**

Applicable to:	Every person, involved in the trade business or occupation of making repairs to motor vehicles and related services.
Exemptions:	The requirement to obtain an “automotive repair license” does not apply to: <ul style="list-style-type: none"> (1) places of business in which the only service provided to motor vehicles is automotive detailing or cleaning; or (2) persons who carry on a farming business that is eligible for an exemption from taxes under the <i>Retail Sales Tax Act</i>, that is registered under the <i>Farm Registration and Farm Organizations Funding Act</i>, 1993, and that is a permitted use under the zoning by-law that applies to the property.
Reason for Licensing / Conditions:	Consumer protection – with regards to fraudulent use of goods and parts, and unsafe or improper maintenance and repair
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	<ul style="list-style-type: none"> (1) Building Section (2) Kingston Fire and Rescue (3) Kingston Police
Special Conditions:	None.

(By-Law 2006-213; By-Law 2008-16)

Schedule B-1**Bill Posters**

Applicable to:	Every person who posts or distributes any notice, poster, placard, bill or document of any kind, regardless of the material upon which the information appears.
Exemptions:	The requirement to obtain a “bill poster license” does not apply to charitable or non-profit groups who post or distribute information about community events of a cultural, recreational or educational nature, as long as the information is posted on designated public notice boards and in other permitted locations.
Reason for Licensing / Conditions:	Nuisance control – to prevent accumulation of litter on city property
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	<ul style="list-style-type: none"> (1) Engineering Services Division (2) Streets and Sidewalks Division (Operations Department) (3) Utilities Kingston (4) Kingston Police
Special Conditions:	<p>In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every bill poster:</p> <ul style="list-style-type: none"> (1) notices and other documents shall be posted only on designated public notice boards and in other permitted locations; (2) prior to posting or distributing materials, a sample shall be provided to the Building and Licensing Division along with the method of posting and distribution and proposed removal date for posted materials; (3) the removal of posted materials shall be completed by the date agreed upon.

(By-Law 2006-213; By-Law 2008-16)

Schedule B-2**Billiard Tables**

Applicable to:	Every place where billiard, pool, or bagatelle tables are available for use by the general public.
Exemptions:	None.
Reason for Licensing / Conditions:	Health and safety – overcrowding
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) Kingston Police
Special Conditions:	None.

(By-Law 2006-213; By-Law 2008-16)

Schedule F-1**Food Service Premises**

Applicable to:	Every food premises, other than a refreshment vehicle, where meals, meal portions or baked goods are prepared for immediate consumption or sold or served in a form that will permit consumption on the premises or elsewhere.
Exemptions:	None.
Reason for Licensing / Conditions:	Health and safety – safe food handling procedures and inspections
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended.
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Public Health
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every food service premises: (1) the level of risk will be determined by the Health Unit, based on its “Food Safety Risk Criteria”; (2) if Public Health finds that the operation and maintenance of a licensed business does not conform with the requirements of the <i>Health Protection and Promotion Act</i> and the Food Premises Regulation, the Building and Licensing Division may suspend the license until the situation has been rectified.

(By-Law 2006-213; By-Law 2008-16)

Schedule G-1**Gasoline Sales**

Applicable to:	Every place of business where gasoline and other fuels formulated to propel motor vehicles are sold.
Exemptions:	None.
Reason for Licensing / Conditions:	Health and safety – combustible materials storage requires inspection.
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended.
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue
Special Conditions:	None.

(By-Law 2006-213; By-Law 2008-16)

**Schedule H-1
Hawkers and Peddlers**

Applicable to:	Every person who goes from place to place on foot or in a vehicle for the purpose of: (i) selling goods and services; (ii) entering into contracts for the sale of goods or services which are to be delivered at a later date; or (iii) promoting the sale of goods and services by encouraging individuals to come to a person’s regular place of business.
Exemptions:	The requirement to obtain a “hawker and peddler license” does not apply to: (1) persons who sell goods that are grown or produced on their own agricultural operation within the City of Kingston, or family members or employees who have written authority to sell the goods on their behalf; or (2) persons who sell Christmas trees on a seasonal basis; or (3) persons who raise funds in door to door sales campaigns for registered charitable organizations.
Reason for Licensing / Conditions:	Consumer protection –regarding sale of defective merchandise Health and safety – storage of merchandise in safe manners Nuisance control – sale of merchandise from private property / diverting customers of on-site businesses / blocking sidewalks
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	(1) Building Section (2) Kingston Police
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every hawker and peddler: 1) An application shall specify the types of goods and services to be sold or promoted. 2) No person shall operate as a hawker and peddler in the Downtown Kingston Business Improvement Area.

Schedule L-1**Lodging Houses**

Applicable to:	Every premises in which four or more persons, exclusive of staff, are lodged, with or without meals, in return for a fee.
Exemptions:	The requirement to obtain a “lodging house license” does not apply to: (1) premises with self-contained residential units; (2) hotels, motels and resorts; (3) hospitals, nursing homes, homes for the young or the aged, or other institutions that are licensed, approved or supervised under any Act; or (4) group homes that are licensed or funded under a provincial or federal statute.
Reason for Licensing / Conditions:	Health and safety – that all code issues are met and proper separations are in place Consumer protection – that consumers are provided information for civil matters if necessary
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit (4) Kingston Police (5) Utilities Kingston or the Electrical Safety Authority.
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every lodging house: (1) an application shall include the manager’s name, address and emergency contact information, if the manager does not reside on the premises; (2) an application shall also include the number of rooms for rent, the number of residents, and the number of bathrooms; (3) a licensee shall inform the Building and Licensing Division promptly of any changes to the above information.

(By-Law 2006-213; By-Law 2008-16)

Schedule M-1**Meat and Fish Sales**

Applicable to:	Every premises where fresh, frozen or previously frozen meat, including poultry, game, delicatessen and other meat products and fish including freshwater fish, saltwater fish, and every type of seafood and shellfish, is sold.
Exemptions:	The requirement to obtain a “meat or fish sales license” does not apply to: (1) a place of business on an agricultural property that sells only meat produced on that agricultural operation; or (2) a place of business that sells only meat or fish products that have been commercially prepackaged elsewhere, and that are offered for sale in the original packages.
Reason for Licensing / Conditions:	Health and safety – that all inspections are performed and necessary sanitary precautions are taken and food handling procedures are met.
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KF&LA Health Unit
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special condition applies to every meat seller: (1) if the Health Unit finds that the operation and maintenance of a licensed business do not conform with the requirements of the <i>Health Protection and Promotion Act</i> and the Food Premises Regulation, the Building and Licensing Division may suspend the license until the situation is rectified.

(By-Law 2006-213; By-Law 2008-16)

Schedule P-1**Pawnbrokers**

Applicable to:	Every person who carries on the business of a pawnbroker, for example, who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon.
Exemptions:	None.
Reason for Licensing / Conditions:	Health and safety – that the location adheres to fire regulations and the building is safe for the public Consumer protection – to ensure that merchandise is not stolen
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) Kingston Police
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every pawnbroker: (1) security in the amount of \$2,000.00 shall be provided to the City; (2) the operation of the business shall conform with the provisions of the <i>Pawnbrokers Act</i> .

(By-Law 2006-213; By-Law 2008-16)

Schedule PL-1
Payday Loan Establishments
(This will come into effect January 1, 2019)

Applicable to:	Any person or entity licensed as a lender or a loan broker under the <i>Payday Loans Act, 2008</i> .
Exemptions:	Any existing Payday Loan Establishment is exempt from the one (1) Establishment per Electoral District restriction. See Special Conditions subsection (2).
Reason for Licensing/Conditions:	<p>Consumer protection – prevent the clustering of Payday Loan Establishments around low-income areas of the City.</p> <p>Consumer education – provide additional educational resources to current and potential Payday Loan users.</p>
Annual Licence Fees:	As prescribed by By-Law Number 2005-10, Fees and Charges By-Law, as amended.
Application Circulated to:	City of Kingston's Licensing & Enforcement Division.
Special Conditions	<p>In addition to the General Regulations set out in Part of 4 of this By-Law, the following special conditions apply to every Payday Loan Establishment:</p> <ol style="list-style-type: none"> (1) There shall be no more than one (1) Payday Loan Establishment per Electoral District; (2) Despite subsection (1), the premises at the following municipal addresses and in actual uses as a payday loans businesses in the City on January 1, 2019, are deemed to be a location where a payday loans business is permitted to operate and eligible to be licensed only for so long as the premises continues to be used for such purposes, the business owner maintains their license, and the business carried therein is in compliance with this By-Law: <ol style="list-style-type: none"> a) 185 Division Street b) 677 Princess Street c) 766 Princess Street d) 331 Bath Road e) 1642 Bath Road f) 1650 Bath Road g) 1677 Bath Road

	<p>(3) Council may consider a request to substitute a new location for an existing payday loans business location provided that any requested new location shall be restricted by electoral district and no more than one location per electoral district shall be permitted.</p> <p>(4) Every Payday Loan Establishment shall display a "Credit Counselling" poster that is 61 centimetres in width by 91 centimetres in length, and consists of:</p> <ul style="list-style-type: none">(i) In 144 point font, a title heading that reads "Credit Counselling";(ii) Immediately below (2)(i), the following credit counselling agencies shall be listed:<ul style="list-style-type: none">a. Credit Counselling Canadab. Canadian Association of Credit Counselling Servicesc. Ontario Association of Credit Counselling Servicesd. Canadian Association of Independent Credit Counselling Agenciestogether with their respective telephone numbers and email addresses, which shall be listed in 54 point font.(iii) In 72 point font, a heading setting out the words, "Chartered Bank – Annual Consumer Loan Rate" and the chartered bank annual consumer loan rate, which shall be shown immediately below the heading.(iv) In 34 point font, and below items (i) - (iii), the words "This poster is required under Schedule PL-1 of the City of Kingston's By-Law to License, Regulate and Govern Certain Businesses (2006-213) as the poster's footer.(v) Directly beside (iv), the City of Kingston's logo in black and white.
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(By-Law 2006-213; 2018-164)

Schedule P-2**Pet Stores**

Applicable to:	Every person that sells live animals, including birds and reptiles, as household pets.
Exemptions:	The requirement to obtain a "pet store license" does not apply to: <ul style="list-style-type: none"> (1) registered breeders of purebred dogs or cats; or (2) persons who carry on a farming business that is a permitted use under the zoning by-law that applies to the property. (3) the placement for adoption of dogs, cats and rabbits through an agreement with a Humane Society or Rescue Groups with a registered charity number.
Reason for Licensing / Conditions:	Health and safety – to ensure that animals are provided clean sanitary environments and proper veterinary care where required Consumer protection – that sick animals are not being sold to people or spreading diseases
Annual License Fee:	In Accordance with Fees and Charges By-Law 2005-10
Application Circulated to:	<ul style="list-style-type: none"> 1. Building Section 2. Kingston Fire and Rescue 3. Kingston Police
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every pet store: <ul style="list-style-type: none"> (1) No dog, cat or rabbit shall be purchased or taken in for free for sale by a pet store after August 13, 2013; (2) On August 14, 2013 any pet store that sells dogs, cats or rabbits shall provide the Licensing Section with a full list of their inventory of dogs, cats and rabbits, noting sex, breed, colour, special markings, age, microchip and or tattoo if applicable and date of receipt of the dog, cat or rabbit; (3) No dog, cat or rabbit shall be sold in a pet store after November 13, 2013; (4) If the OSPCA finds an animal that is in distress, the Licensing Section may suspend or revoke the license;

	(5) A license may be revoked or suspended where an animal is sold or offered for sale where it is prohibited by federal or provincial law, or Municipal By-Law of the City of Kingston;
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(By-Law 2006-213; By-Law 2008-16)

Schedule R-1

Refreshment Vehicles

<p>Applicable to:</p>	<p>Every vehicle from which food intended for immediate consumption is sold. For purposes of this by-law, refreshment vehicles are divided into the following classes:</p> <p>Class A: a motorized vehicle, other than a motor assisted bicycle or motorcycle, from which food that is prepared and cooked on-site is offered for sale, for example, a chip truck;</p> <p>Class B: a motorized vehicle, other than a motor assisted bicycle or motorcycle, from which food that is prepared and cooked off-site is offered for sale, for example, a catering truck;</p> <p>Class C: a non-motorized vehicle propelled by muscular power, motor assisted bicycle, trailer, or motorcycle from which food that is prepared and cooked on-site is offered for sale, for example, hot dogs;</p> <p>Class D: a non-motorized vehicle, propelled by muscular power, motor assisted bicycle or motorcycle from which food that is prepared and cooked off-site is offered for sale, for example, ice cream.</p> <p>Class E: any Class A or B refreshment vehicle which proposes to operate for less than one month in any year.</p>
<p>Exemptions:</p>	<p>None</p>
<p>Reason for Licensing / Conditions:</p>	<p>Health and safety – that proper food handling procedures are met and that all combustible materials are safely stored and operating safely and inspected annually.</p>
<p>Annual License Fee:</p>	<p>As prescribed by By-law Number 2005-10, as amended. These fees apply regardless of the application date and, in the event of a disagreement, the Buildings and Licensing Division will determine the applicable “class” of a refreshment vehicle.</p> <p style="text-align: right;">(By-Law 2006-213; By-Law 2008-16)</p>
<p>Application Circulated to:</p>	<p>(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit</p>

Special Conditions:**All Refreshment Vehicles**

In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every refreshment vehicle:

- (1) A separate license shall be required for each refreshment vehicle.
 - (2) Each vehicle shall obtain inspections annually prior to renewing a license.
 - (3) Every vehicle or cart is required to paint the license number on two sides of the vehicle or cart in lettering no smaller than 3 inches in height prior to annual inspection.
 - a) If more than one vehicle is being licensed each license number shall be suffixed by a different number to ensure they are readily distinguishable from each other.
- (By-Law 2006-213)
- (4) An application shall include the types of food to be sold and the address of any off-site premises at which food is to be prepared and cooked.
 - (5) The operation and maintenance of any off-site food premises shall conform with the requirements of the *Health Protection and Promotion Act* and the Food Premises Regulation.
 - (6) An applicant that requests permission to operate from a stationary position shall include a site plan showing the proposed location of the refreshment vehicle and of adjacent structures.
 - (7) Where combustible materials are used, an application shall include a certificate of inspection from a licensed gas fitter annually.
 - (8) No refreshment vehicle shall carry on business between the hours of 11.00 p.m. and 7.00 a.m..
 - (9) No refreshment vehicle shall operate on a street or sidewalk within the DBIA except in accordance with a permit issued under Schedule S-3, or in accordance with the Market By-Law.
 - (10) If the Health Unit finds that the operation and maintenance of a refreshment vehicle do not comply with the requirements of the *Health Protection and Promotion Act* and the Food Premises Regulation, the Building and Licensing Division may suspend the license until the situation has been rectified.
 - (11) Except as otherwise provided in the applicable schedule, the license fee shall be reduced by 50 per cent if an application to be for one month or less at any point throughout the year.

Class A and Class B

In addition to the General Regulations and the special conditions that apply to all refreshment vehicles, the following special conditions also apply:

- (1) An application for a Class A or Class B refreshment vehicle license shall include a copy of the vehicle registration and of a current inspection certificate indicating

that the vehicle meets the requirements of the *Highway Traffic Act*.

- (2) The dimensions of a Class A or Class B refreshment vehicle shall not be greater than 6.7 meters in length and 2.6 meters in width.
- (3) A Class B refreshment vehicle shall not carry on business on any highway, except at a construction site where the highway has been closed to traffic.

(By-Law 2006-213)

Class C and Class D

In addition to the General Regulations and the special conditions that apply to all refreshment vehicles, the following special conditions also apply:

- (1) No Class C or Class D refreshment vehicle shall be drawn by a horse or other animal.
- (2) A Class C or Class D refreshment vehicle may carry on business on streets and sidewalks other than those within the Downtown Kingston Business Improvement Area.
- (3) A Class C or Class D refreshment vehicle may carry on business in a municipal park if there are no authorized canteens or other authorized food outlets operating in that park.
- (4) A Class C or Class D refreshment vehicle whose license does not authorize it to operate from a stationary position shall not stop in any location for longer than is necessary to complete its sales.

(By-Law 2006-213)

Class E

In addition to the General Regulations and the special conditions that apply to all refreshment vehicles, the following special conditions also apply:

- (1) All applications for licenses must be made at least 10 regular business days prior to proposed opening date.
- (2) Any Class A or Class B vehicle proposing to operate as a Class E vehicle that does not comply with the above restriction will be required to be licensed as a Class A or Class B and be subject to all regulations and fees as set out.
- (3) An application for a Class E refreshment vehicle license shall include a copy of the vehicle registration and of a current inspection certificate indicating that the vehicle meets the requirements of the *Highway Traffic Act*.
- (4) The dimensions of a Class E refreshment vehicle shall not be greater than 6.7 meters in length and 2.6 meters in width.
- (5) If a Class E refreshment vehicle makes additional application beyond once a year, then they will be considered as applying for a Class A or B license and will pay the balance of the required annual fee for the Class A or B license.

(By-Law 2006-213; By-Law 2008-16)

Schedules S-1**Salons**

Applicable to:	Every place of business in which the services of washing, cutting, trimming, shaving and treating or styling of hair are provided to the general public, and every place that offers aesthetic services, and Personal Service Salons
Reason for Licensing / Conditions:	Health and safety – that all inspections are performed and necessary sanitary precautions are taken Consumer protection – that consumers are provided service by qualified persons
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Exemptions:	(1) Doctor and Medical Health Professional Offices (2) Laser treatment clinics where no other Aesthetic service is provided.
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit
Special Conditions:	(1) No person shall work as a hair stylist in a salon unless he or she is qualified to do so under the <i>Apprenticeship and Certification Act</i> , 1998. (2) In addition to the General Regulations set out in Part 4 of this by-law, the following special condition applies to Personal Service Salons. a. No person under the age of 18 shall be allowed to enter or remain in a Personal Service Salon without the accompaniment of a guardian b. No person under the age of 18 shall be allowed to obtain services in a Personal Service Salon without a waiver form submitted by the guardian in person at the Personal Service Salon, containing the name, date of birth, phone number and address of both the minor and the guardian who must present valid Ontario or other provincial or legal photo ID, as well as a description of the tattoo.

(By-Law 2006-213; By-Law 2008-16)

Schedule S-2

Specific Days Sales and / or Purchases

Applicable to:

Every person, including a hobby group or club, that proposes to carry on business for part of a calendar year in a specific location other than the person’s regular place of business, if any, for the purpose of:

- (1) Selling and / or buying goods and services including food;
- (2) entering into contracts for the sale and/or purchase of goods or services that are to be delivered at a later date; or
- (3) promoting the sale and / or purchase of goods and services by encouraging individuals to come to the person’s regular place of business.

For purposes of this by-law, specific days sales and/or purchases are divided into the following classes:

Class A – Sales and / or Purchases of One to Five Days

- Class A-1: sale by a local hobby group or club;
- Class A-2: flower sale by a local flower vendor;
- Class A-3: flower sale by another person;
- Class A-4: special sale and/or purchase by a resident;
- Class A-5: special sale and/or purchase by a non-resident;

Class B – Sales and / or Purchases of Six Days to Six Months

- Class B-1: sale and/or purchase by a resident;
- Class B-2: sale and/or purchase by a non-resident.

Exemptions:

The requirement to obtain a specific days sale and / or purchase license does not apply to:

- (1) individual vendors who participate in a Class A-1 sale if these vendors have obtained any required permits and licenses;
- (2) persons who sell goods that are grown or produced on their own agricultural operation within the City of Kingston, or family members or employees who have written authority to sell the goods on their behalf; or
- (3) vendors who operate as part of the public market at Market Square in compliance with the applicable by-law governing its operation; or
- (4) persons who conduct no more than two days of garage or yard sales per calendar year on the residential property that they own or occupy.
- (5) Entrepreneurs participating in government

	entrepreneurship programs
Reason for Licensing / Conditions:	<p>Consumer protection – that consumers are provided information for civil matters if necessary</p> <p>Health and Safety – ensure proper food handling procedures are inspected</p>
License Fee:	<p>As prescribed by By-Law Number 2005-10, as amended. In the event of a disagreement, the Building and Licensing Division will determine the applicable “class” of each proposed specific location sale and/or purchase, including whether an organization is entitled to be classified as a “charitable organization”.</p> <p style="text-align: right;">(By-Law 2006-213; By-Law 2008-16)</p>
Application Circulated to:	<ul style="list-style-type: none"> (1) Building Section (2) Kingston Fire and Rescue (3) Kingston Police (4) KFL&A Health (5) Planning
<p>Special Conditions:</p> <p>All Specific Days Sales and / or Purchases:</p> <p>In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to all specific location sales and / or purchases:</p> <ul style="list-style-type: none"> (1) registered Charities are exempt from the requirement to pay the license fee upon verification of charitable status; (2) a separate license shall be required for each sale and/or purchase and for each separate location at which a proposed sale or purchase is to be carried on; (3) an application for a license shall include the types of goods and services to be offered and / or purchased, the proposed dates, the location, and evidence of permission to use that location; (4) a sale and / or purchase shall be carried on only in the location and during the period specified in the license; (5) all applications must be received by the Division no less than 10 regular business days prior to the sale and / or purchase date. <p>Class A Sales and / or Purchases:</p> <p>In addition to the General Regulations and the special conditions that apply to all sales and / or purchases, the following special conditions also apply to Class A sales and / or purchases:</p> <ul style="list-style-type: none"> (1) a license will be issued for a maximum of five consecutive days; (2) if a proposed sale and / or purchase is scheduled to exceed five consecutive days, an application for an additional license shall be made; (3) to qualify as a Class A-1 sale, the goods and services shall be specific to the 	

group or club's interests, and profits shall be obtained solely from table rents to individual vendors, admission fees, and canteen sales.

Class B Sales and / or Purchases:

In addition to the General Regulations and the special conditions that apply to all sales and/or purchases, the following special conditions also apply to Class B sales and/or purchases:

- (1) a license will be issued for a maximum of six consecutive months;
- (2) upon application, the duration of a license may be extended at the discretion of the Licensing Section;

the full monthly fee will be charged even if a sale and/or purchase is carried on for only a portion of a calendar month.

(By-Law 2006-213; By-Law 2008-16; By-Law 2011-87)

Schedule S-3**Specific Location Sales**

Applicable to:	Every person engaged in the sale of any item while on a public street or sidewalk or other municipal property under the jurisdiction of the City of Kingston.
Reason for Licensing / Conditions:	Health and safety – that the location adheres to fire regulations and the building is safe for the public Consumer protection – that service and guarantee promises are honoured
License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Exemption	Approved annual Downtown Business Improvement Area side walk sales
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit (4) Kingston Police (5) Culture and Recreation
<p>Special Conditions: In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply:</p> <ol style="list-style-type: none"> 1. All applications must be received by the Division no less than 10 regular business days prior to the sale date. 2. An undertaking as set out by the division will be signed by the business owner; 3. A separate license shall be required for each location. 4. Where combustible materials are used, an application shall include a certificate of inspection from a licensed gas fitter. 5. Before being granted a license, an applicant shall sign an agreement indemnifying the City and agreeing to comply with the by-laws regulating noise and the use of street., all General Regulations set out in Part 4 of this by-law, and the special conditions that apply to Specific Location. <ol style="list-style-type: none"> 5.1. In any Class 1 location no food or merchandise shall be sold within 60 meters which conflicts with the existing business of any vendor, and priority for locations shall be given to businesses who are already members of the DBIA. 6. Sales Location to be approved by the Division, and may require Council approval prior to issuing a license. 7. Despite the above no person, whether licensed or not, shall carry on any business that involves the selling of goods of any kind on any street or sidewalk 	

within the City of Kingston, unless a permit has been issued to the person by the Division authorizing the use of a designated space on the extended portion of one of the following sidewalks or road allowances.

(By-Law 2006-213)

Class 1 Locations:

- (1) south-eastern corner of Princess and Wellington;
- (2) south-western corner of Princess and Wellington;
- (3) north-eastern corner of Princess and Bagot;
- (4) south side of Princess from Wellington to mid-block;
- (5) north-eastern corner of Princess and King;
- (6) south side of Princess in front of the Grand Theatre;
- (7) south side of Princess from Barrie to mid-block; and
- (8) north side of Brock between Bagot and Montreal.

Class 2 Locations:

- (1) Market Square on Monday, Wednesday and Fridays and during any events as authorized by the City of Kingston

Class 3 Locations:

- (1) north side of Stuart in the area of parking meter 719 (for refreshment vehicles class A)
- (2) south side of Union at meter 708 (no further west than Division) (for refreshment vehicles class A)

(By-Law 2006-213; By-Law 2008-16)

**Schedule S-4
Street Performers**

Applicable to:	Every person who proposes to perform on a sidewalk within the City of Kingston.
Exemptions:	The requirement for a "street performer license" does not apply to a person registered with the Downtown Kingston Business Improvement Area who performs as part of the annual Busker Rendezvous for the period of that event.
Reason for Licensing / Conditions:	Health and safety – Ensure that the performance will not endanger the public Nuisance control – That the streets and sidewalks are clear for pedestrians, and that no performance is stationary long enough so that noise becomes a problem
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	Kingston Police
Special Conditions:	<p>In addition to the General Regulations set out in Part 4 of the by-law, the following special conditions apply to every street performer:</p> <ol style="list-style-type: none"> (1) an applicant shall be at least 18 years old or have a parent or guardian's written authorization; (2) a written description of the performance to be given shall be submitted for approval with the application form, and any subsequent proposals for changes to the performance shall also be submitted for approval; (3) An application may be submitted to any other agency as deemed appropriate if it is determined by the department that there is a threat to public health or safety and should any agency have any objections to issuing the license it will not be granted by the department. (4) no performance shall be given in areas that are residential; (5) no performance shall be given between the hours of 11.00 p.m. and 9.00 a.m.; (6) performances shall be limited to sidewalks and shall not take place in the outside foyer of the Grand Theatre; (7) a performer shall remain mobile and rotate the location of his or her performance at minimum intervals of 90 minutes; (8) a performer shall keep each performance location in a neat and clean condition; (9) a performer shall prevent, where possible, the throwing of litter in a performance location, on the adjacent street, or on other properties; (10) a performance shall not be conducted in a manner that interferes with or obstructs the movement of pedestrians or disturbs the businesses and residents in the vicinity; (11) before being granted a license, an applicant or in the case of a person under the

- age of 18 their parent or guardian, shall sign an agreement indemnifying the City and agreeing to comply with the by-laws regulating noise and the use of streets, all General Regulations set out in Part 4 of this by-law, and the special conditions that apply to street performers;
- (12) during the annual Kingston Buskers Rendezvous and other special events authorized by the City, a performer shall be prepared to change performance locations, and the terms of a performer's agreement with the City may be waived or a license may be suspended temporarily by the Building and Licensing Division.

(By-Law 2006-213; By-Law 2008-16)

Schedule T-1**Theatres**

Applicable to:	Every place of business where theatrical performances, concerts, and other types of entertainment are held, including movie theatres and drive-in theatres.
Exemptions:	The requirement to obtain a “theatre license” does not apply to a theatre that is operated by a municipality, university, college, community college, school, or charitable organization.
Reason for Licensing / Conditions:	Health and safety – over-crowding precautions, as well as safe food handling procedures are met
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply: (1) the operation of every theatre to which the <i>Theatres Act</i> applies shall conform with the provisions of that Act; (2) every theatre which has a valid license under the <i>Theatres Act</i> is entitled to a license under this by-law.

(By-Law 2006-213; By-Law 2008-16)

Schedule T-2**Tobacco Sales**

Applicable to:	Every person who keeps tobacco for sale or trade.
Exemptions:	None.
Reason for Licensing / Conditions:	Health and safety – safe storage of flammable materials Consumer protection – that provincial requirements are met for storage, sale and advertising of tobacco products.
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	(1) Building Section (2) KFL&A Health Unit (3) Kingston Police
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special condition applies: (1) the operation of every business which sells tobacco shall conform with the provisions of the <i>Tobacco Control Act</i> regarding the sale and supply of tobacco.

(By-Law 2006-213; By-Law 2008-16)

Schedule AE-1**Adult Entertainment Establishments**

Applicable to:	Every place of business, including a body rub parlour, in which entertainment or services designed to appeal to erotic or sexual appetites or inclinations are provided.
Exemptions:	The requirement to obtain an “adult entertainment establishment license” does not apply to a theatre which exhibits films that have been approved under the <i>Theatres Act</i> . Despite the special conditions set out in this Schedule, an adult entertainment establishment may continue to be operated at the place of business known municipally as 46 Montreal Street, if it obtains a license annually and complies with all other requirements of this by-law.
Reason for Licensing / Conditions:	Health and safety – to ensure that premises meet all regulations. Consumer Protection – that minors not be admitted to an establishment Nuisance protection – that locations are approved based on proximity to neighbouring properties to reduce nuisance to residential areas from noise.
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) KFL&A Health Unit (4) Kingston Police
Special Conditions:	In addition to the General Regulations set out in section 4 of this by-law, the following special conditions apply to every establishment: (1) an application for a license shall include the name of the owner and operator of the proposed establishment; (2) an applicant shall be at least 19 years of age; (3) the past conduct of the applicant shall offer reasonable evidence that the issuance of a license would not be adverse to the public interest, including evidence that he or she has not been convicted of an offence under the <i>Criminal Code</i> or the <i>Controlled Drugs and Substances Act</i> ;

- (4) an establishment shall be located only in an area that is zoned for commercial or commercial arterial use in the zoning by-law that applies to the property;
 - (5) no more than three adult entertainment establishments shall be permitted in the City of Kingston including the establishment operating at the location known municipally as 46 Montreal Street;
 - (6) no establishment shall be located closer than 300 metres, measured in a continuous path over the shortest distance, from another establishment or from a school, public park, residence or area that is zoned for residential use in the zoning by-law that applies to the property;
 - (7) no licensee shall permit the establishment to be open for business or permit any entertainment or services to be provided between 2:00 a.m. and 12:00 noon of the same day;
- (By-Law 2006-213)
- (8) during the hours of business, a licensee or his or her delegate, who shall be at least 19 year of age, shall be in the establishment at all times;
 - (9) a licensee shall be responsible for ensuring that all entrances to the establishment are kept unlocked during the hours of business;
 - (10) no licensee shall permit a person under the age of 18 to enter and remain in the establishment;
 - (11) every licensee shall post and maintain signs in areas that are accessible to the patrons and employees, including but not limited to washrooms and attendant dressing rooms, stating that physical contact is prohibited and sexually transmitted diseases can be transmitted through unprotected physical contact;
 - (12) every licensee shall place and maintain signs at every entrance to the establishment and in a prominent place within the establishment indicating that no person under the age of 18 may enter and remain in the establishment;
 - (13) no licensee shall permit a person to work as an attendant in his or her establishment unless the person is at least 18 years of age and has obtained an adult entertainment attendant license and a numbered photo identification card in accordance with Schedule AE-2;
 - (14) a licensee shall provide the Building and Licensing Division, not later than one working day after the commencement of an attendant's employment at his or her establishment, with the attendant's name and license number and the starting date of the attendant's employment;
 - (15) a licensee shall also advise the Division promptly of the date of termination of an attendant's employment;
 - (16) no licensee shall permit an attendant to provide entertainment or services other than within public view;
 - (17) no licensee shall knowingly permit an attendant to have any physical contact with another person in the establishment that involves the touching of a breast, pubic

- area or buttocks;
- (18) no licensee shall erect or place or permit the erection or placing of any sign or other advertising device that includes the words "nude", "naked", "topless", "bottomless", or "sexy", or that includes any other word or picture, symbol or representation with a similar meaning or implication;
- (19) No licensee shall permit drunken, quarrelsome, violent or disorderly conduct;
- (20) No licensee shall permit anyone in a licensed establishment to hold, sell, distribute or use illegal drugs;
- (21) no licensee shall knowingly permit any patron or attendant to engage in any activity of a criminal nature in the establishment.

(By-Law 2006-213; By-Law 2008-16)

Schedule AE-2**Adult Entertainment Attendants**

Applicable to:	Every person who is employed in or performs at an establishment that provides services designed to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Establishment.
Exemptions:	None.
Reason for Licensing / Conditions:	Health and safety – to protect the attendants from patrons through limited contact
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	(1) Kingston Police
<p>Special Conditions: In addition to the general regulations set out in Section 4, the following special conditions apply to every adult entertainment attendant:</p> <ol style="list-style-type: none"> (1) no person shall commence work as an attendant unless he or she has obtained both an attendant license and a numbered photo identification card from the Building and Licensing Division; (2) an applicant shall be at least 18 years of age; (3) an application shall include the applicant’s current address and the name and address of his or her employment agency, if applicable; (4) an application shall be accompanied by proof of age, a valid driver’s license with a photograph of the applicant or an acceptable substitute, and one other piece of identification; (5) no attendant shall provide entertainment or services other than within public view; (6) no attendant shall engage in any physical contact with another person in the establishment that involves the touching of a breast, pubic area or buttocks; (7) the past conduct of the applicant shall offer reasonable evidence that the issuance of a license would not be adverse to the public interest, including evidence that he or she has not been convicted of an offence under the <i>Criminal Code</i> or the <i>Controlled Drugs and Substances Act</i>. 	

(By-Law 2006-213; By-Law 2008-16)

Schedule AE-3**Adult Entertainment Stores**

Applicable to:	Every place of business, including an adult video store, in which goods designed to appeal to exotic or sexual appetites or inclinations are provided.
Exemptions:	<p>The requirement to obtain an “adult entertainment store” license does not apply to a place of business in which less than five per cent of the goods provided are designed to appeal to exotic or sexual appetites or inclinations, however no goods shall be displayed at a height of less than 1.5 metres above floor level, unless such goods are in a place to which the public are not customarily admitted and all goods shall be placed behind an opaque barrier of a size and nature that ensures that only the titles of the goods are visible the public.</p> <p>Despite the conditions set out in this Schedule, adult entertainment stores may continue to be operated at the places of business known municipally as 235 Montreal Street, 277 Bath Road, 292 Queen Street and 1300 Bath Road if each store obtains a license annually and complies with all other requirements of this by-law.</p>
Reason for Licensing / Conditions:	<p>Health and safety – to ensure that the premises meets all provincial regulations</p> <p>Nuisance protection – that locations are approved based on proximity to neighbouring properties to reduce nuisance to residential areas from noise</p>
Annual License Fee:	As prescribed by By-Law Number 2005-10, as amended. (By-Law 2006-213; By-Law 2008-16)
Application Circulated to:	<p>(1) Building Section</p> <p>(2) Kingston Fire and Rescue</p> <p>(3) Kingston Police</p>
Special Conditions:	<p>(1) In addition to the general regulations set out in Section 4, the following special conditions apply to every adult entertainment store;</p> <p>(2) an application for a license shall include the names of the owner and operator of the proposed store;</p> <p>(3) an applicant shall be at least 19 years of age;</p> <p>(4) the past conduct of the applicant shall offer reasonable evidence that the</p>

- issuance of a license would not be adverse to the public interest, including evidence that he or she has not been convicted of an offence under the *Criminal Code* or the *Controlled Drugs and Substances Act*;
- (5) a store shall be located only in an area that is zoned for commercial or commercial arterial use in the zoning by-law that applies to the property;
 - (6) No more than four Adult entertainment Stores will be permitted within the City of Kingston including the stores listed in this schedule;
 - (7) no store shall be located closer than 300 metres, measured in a continuous path over the shortest distance, from another adult entertainment establishment store or from a school, public park, residence or area that is zoned for residential use in the zoning by-law that applies to the property;
 - (8) no licensee shall permit a person under the age of 18 to enter and remain in the store;
 - (9) a licensee shall place and maintain signs at every entrance and in a prominent place within the store indicating that no person under the age of 18 may enter and remain in the store;
 - (10) no licensee shall erect or place or permit the erection or placing of any sign or other advertising device that includes words, pictures, symbols or representations of an erotic nature or similar meaning or implication.

(By-Law 2006-213; By-Law 2008-16)