



City of Kingston

Proposed Business Licensing By-Law

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Whereas:

The City is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the Municipal Act, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (Municipal Act, 2001, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (Municipal Act, 2001, s. 5 (3)).

A by-law respecting a matter may:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter; and
- (c) provide for a system of licences respecting the matter (Municipal Act, 2001, s. 8 (3)).

A single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (Municipal Act, 2001, s. 10 (1)).

A single-tier municipality may pass by-laws respecting:

- (a) economic, social and environmental well-being of the municipality, including respecting climate change;
- (b) health, safety and well-being of persons;
- (c) protection of persons and property, including consumer protection;
- (d) structures, including fences and signs; and
- (e) business licensing (Municipal Act, 2001, s. 10 (2)).

A municipality may delegate its powers and duties under the Municipal Act, 2001 to a person or body subject to the restrictions set out in Part II of the Municipal Act, 2001 (s. 23.1 (1)).

A municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances (Municipal Act, 2001, s. 128 (1)).

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A municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaging in it (Municipal Act, 2001, s. 151 (1)).

If a municipality is satisfied that the continuation of a business poses an immediate danger to the health or safety of any person or to any property, the municipality may, for the time and on such conditions as it considers appropriate, without a hearing, suspend a licence subject to the following:

- (a) before suspending the licence, the municipality shall provide the licensee with the reasons for the suspension, either orally or in writing; and
- (b) the suspension will not exceed 14 days (Municipal Act, 2001, s. 151 (2)).

A single-tier municipality, in a by-law with respect to adult entertainment establishments, may:

- (a) define the area of the municipality in which adult entertainment establishments may or may not operate and limit the number of adult entertainment establishments in any defined area in which they are permitted; and
- (b) prohibit any person carrying on or engaged in an adult entertainment establishment from permitting any person under the age of 18 years to enter or remain in the adult entertainment establishment or any part of it (Municipal Act, 2001, s. 154 (1)).

A municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the

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contravention occurred to discontinue the contravening activity (Municipal Act, 2001, s. 444 (1)).

A municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention (Municipal Act, 2001, s. 445 (1)).

If a municipality has the authority under the Municipal Act, 2001 or any other Act or under a by-law under the Municipal Act, 2001 or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense and the municipality may recover the costs of doing such matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes (Municipal Act, 2001, ss. 446 (1) & (3)).

Council considers it necessary and desirable for the public to provide a system of licences respecting certain businesses or classes of businesses for the purposes of:

- (a) economic, social and environmental well-being of the municipality, including respecting climate change;
- (b) health, safety and well-being of persons and property, including consumer protection;
- (c) business licensing; and
- (d) prohibiting and regulating with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances.

Therefore, council enacts:

1 Interpretation

1.1 This by-law may be cited as the Business Licensing By-Law.

1.2 In this by-law:

“administrative penalty” means an administrative penalty that a person is required to pay pursuant to the Administrative Penalty By-Law;

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“Administrative Penalty By-Law” means City of Kingston By-Law Number 2020-69, the Administrative Penalty Process By-law;

“adult entertainer” means:

- (a) an individual who, in the pursuance of a business, provides adult services in an adult services establishment; or
- (b) an individual who receives training in an adult services establishment, if the skill in which the individual being trained is a skill used to provide adult services;

“adult goods” means goods that are designed to appeal to erotic or sexual appetites or inclinations, and includes adult sex films;

“adult goods establishment” means any premises or any part of them where, in the pursuance of a business, adult goods are provided from;

“adult goods establishment owner” includes an owner, operator, proprietor, receiver or trustee of an adult goods establishment;

“adult services” means entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations, and includes showing, exhibiting, or offering to show or exhibit an adult sex film;

“adult services establishment” means any premises or any part of them where, in the pursuance of a business, adult services are provided from;

“adult services establishment owner” includes an owner, operator, proprietor, receiver or trustee of an adult services establishment;

“adult sex film” means a film that has, as its main object, the depiction of explicit sexual activity;

“age of majority” means the age of 18 years;

“amusement device” means:

- (a) a machine, contrivance, structure, vehicle or device, or component attached or to be attached thereto, used to entertain individuals by moving them or causing them to be moved; or
- (b) a payment-based video game device, including an arcade game,

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computer, console, gaming system or other technology;

but does not include an electronic bingo device;

“amusement establishment” means any premises or any part of them where, in the pursuance of a business,

- (a) five or more amusement devices are provided;
- (b) one or more films, other than adult sex films, are exhibited or shown or offered to be exhibited or shown; or
- (c) five or more facilities or equipment for payment-based billiards or pool are provided;

and includes a cinema;

“appeals committee” means the appeals committee established by City of Kingston By-Law Number 2023–204, the Committee By-law, and includes any successor committee, tribunal or body designated by council to carry out the appeals committee’s responsibilities;

“applicant” means a person applying to have a licence granted or renewed;

“apprentice” has the meaning given to it in the Building Opportunities in the Skilled Trades Act, 2021;

“average prime rate” means the mean, rounded to the nearest whole percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest for determining interest rates on Canadian dollar commercial loans by that bank in Canada;

“boarding, lodging or rooming house” means any premises or part of them in which it is intended that four or more individuals are to be lodged in return for remuneration or for the provision of services or for both, and in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants, but does not include a short-term rental if it is licensed under City of Kingston By-Law Number 2021–10, the Short-term Rental Licensing By-law, a hotel, a hospital, a long-term care home, a home for the young, or any other institution that is licensed, approved or supervised under any act enacted

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by the Legislature of Ontario;

“Building Opportunities in the Skilled Trades Act, 2021” means the Building Opportunities in the Skilled Trades Act, 2021, S.O. 2021, c. 28 – Bill 288;

“business” means any business wholly or partly carried on within the geographic area of the City of Kingston and includes:

- (a) trades and occupations;
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
- (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire;

but does not include:

- (i) a manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail;
- (ii) the sale of goods by wholesale;
- (iii) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources; or
- (iv) the distribution of free samples of goods, without charge or obligation, when conducted solely for marketing or promotional purposes and not involving the sale, offer for sale, or display of goods for sale;

“certificate of qualification” means a valid certificate of qualification issued to an individual under the Building Opportunities in the Skilled Trades Act, 2021;

“certified copy” means:

- (a) in relation to a document of a corporation, a copy of the document certified to be a true copy of the document by an officer thereof;
- (b) in relation to a document in the custody of the director appointed under

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either the Business Corporations Act, R.S.O. 1990, c. B.16, or the Not-for-Profit Corporations Act, 2010, S.O. 2010, c. 15, as the case may be, a copy of the document certified to be a true copy by such director and signed by such director or by a public servant employed under Part III of the Public Service of Ontario Act, 2006, S.O. 2006, c. 35, Sched. A, and designated by the regulations;

- (c) in relation to a regulation, a copy of the regulation certified to be a true copy of the regulation by the director; or
- (d) in relation to any other document, a copy of the document certified and attested to be a true copy by an individual appointed as notary public for Ontario under the Notaries Act, R.S.O. 1990, c. N.6;

“charity” means a not-for-profit corporation that is a registered charity as defined in the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp);

“City” means The Corporation of the City of Kingston;

“clerk” means the individual appointed by the City as clerk or the clerk’s designate;

“commercial kitchen” means a food service establishment or any part of it where, in the pursuance of a business, the premises or any part of them are offered or provided to another person carrying on a business to prepare meals or meal portions for immediate consumption or sold or served in a form that will permit immediate consumption on the premises or elsewhere;

“Compulsory Automobile Insurance Act” means the Compulsory Automobile Insurance Act, R.S.O. 1990, c. C.25;

“council” means the council of the City;

“DBIA” means the area designated by the City under subsection 204 (1) of the Municipal Act, 2001 as the “downtown business improvement area”;

“director” means the director of the Licensing and Enforcement Services Department, the director’s designate, or, in the event of organizational changes, the director of the successor division or department responsible for the administration of this by-law;

“esthetician” means:

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- (a) an individual who, in the pursuance of a business, provides esthetician services in an esthetician services establishment; or
- (b) an individual who receives training in an esthetician services establishment, if the skill in which the individual being trained is a skill used to provide esthetician services;

“esthetician services” means personal services where there is a risk of exposure to blood or body fluids and includes, but is not limited to, esthetics, hairdressing and barbering, tattooing, body piercing, nail services, electrolysis, laser hair removal, water and spa therapies, aromatherapy, body treatments, and reflexology, but does not include a health profession set out in Schedule 1 to the Regulated Health Professions Act, 1991 who is engaged in the practice of their profession, or to a controlled act set out in subsection 27 (2) of the Regulated Health Professions Act;

“esthetician services establishment” includes any premises or any part of them where, in the pursuance of a business, esthetician services are provided from, but excludes premises from which esthetician services are provided by students enrolled in an accredited post-secondary esthetician program, where such esthetician services are offered as part of the students’ supervised training requirements and conducted on the premises of the post-secondary institution, and the esthetician services are not provided as a for-profit enterprise independent of the post-secondary institution;

“esthetics” means beautifying, cleaning, stimulating, hydrating, tanning or waxing the skin by the use of cosmetic preparations, including cleansers, airbrushing, antiseptics, makeup application, lotions, exfoliants, masques, essential oils, and hair removal waxes, and includes eyelash/eyebrow tinting and shaping;

“Fees and Charges By-Law” means City of Kingston By-Law Number 2005–10, the Fees and Charges By-law;

“film” means a moving image, other than a video game, that may be generated for viewing from anything, including videotapes, video discs, film or electronic files, but does not include such moving images that:

- (a) are shown under the sponsorship of a public library or public art gallery;
- (b) are shown as part of a concert, a theatrical stage production or a live or

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pre-recorded cultural, sporting or athletic event; or

- (c) are designed for the purpose of advertising, demonstrating or instructing in the use of products or services;

“food” means food or drink for human consumption, and includes an ingredient of food or drink for human consumption;

“food premises” means premises where food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, including meat and fish sales, but does not include a room actually used as a dwelling in a private residence, and includes a commercial kitchen, but does not include a food stand or a refreshment vehicle;

“food stand” means a portable non-motorized structure, cart, stand, kiosk or similar unit from which food is provided for sale or sold to members of the public, and includes a bicycle refreshment cart, an ice cream cart, a portable barbeque or grill cart, or any other similar temporary or mobile food setup, but does not include a refreshment vehicle;

“food vendor” means an individual who, in the pursuance of a business, owns or operates a refreshment vehicle or a food stand, and includes a temporary food vendor, but does not include:

- (a) vendors who operate as part of the municipal public markets and Indigenous market at Market Square in compliance with the applicable by-law or permit governing its operation, as applicable; or
- (b) caterers or catering services not engaged in food sales to the general public;

“gas station” means premises or any part of them where, in the pursuance of a business, gasoline or another petroleum product that is used as fuel is provided to the public and is put into fuel tanks of motor vehicles, floating motorized watercraft or into portable containers;

“gasoline” means any gas or liquid, other than methanol and natural gas, that may be used for the purpose of generating power by means of internal combustion in a motor vehicle or floating motorized watercraft;

“goods” includes wares and merchandise;

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“guardian” means a person who has lawful custody of a child, and includes a parent;

“highway” means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and includes a portion of a highway;

“Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H.8;

“holiday” means a Saturday, a Sunday, a statutory holiday, and any other day on which the City’s administrative offices are closed;

“law” means all applicable Acts of Parliament, Acts enacted by the Legislature of Ontario, by-laws enacted by council, and includes this by-law, any regulations and any regulations, codes, directions, licences, orders, permits or rules made under any of them;

“licence” means a valid licence granted or renewed pursuant to this by-law;

“licensee” means any person that holds a licence;

“Licensing Division” means the Licensing, Parking Operations and Policy Division of the City’s Licensing and Enforcement Services Department or, in the event of organizational changes, the successor division or department responsible for the administration of this by-law;

“medical officer of health” means the medical officer of health appointed under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 for the Southeast Health Unit, or any successor health unit;

“motor vehicle” means an automobile, truck or other vehicle propelled or driven otherwise than by muscular power, including a motorcycle, but does not include a motorized snow vehicle or a farm tractor or other self-propelled machinery primarily intended for farming or construction purposes;

“motor vehicle repair” means working on or repairing motor vehicles, but does not include cleaning a motor vehicle;

“motor vehicle repair establishment” means premises or any part of them where, in the pursuance of a business, motor vehicle repair is provided from;

“Municipal Act, 2001” means the Municipal Act, 2001, S.O. 2001, c.25;

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“pawnbroking establishment” means any premises or any part of them where, in the pursuance of a business, pawnbroking services are provided from;

“pawnbroking services” means taking by way of pawn or pledge any article for the repayment of money lent thereon;

“payday loan” means an advancement of money in exchange for a post-dated cheque, a pre-authorized debit or a future payment of a similar nature but not for any guarantee, suretyship, overdraft protection or security on property and not through a margin loan, pawnbroking, a line of credit or a credit card;

“Payday Loans Act” means the Payday Loans Act, 2008, S.O. 2008, c. 9;

“payday loans establishment” means any premises or any part of them where, in the pursuance of a business, payday loans services are provided from;

“payday loans services” means lending where a lender makes a payday loan to a borrower;

“penalty notice” means a notice given pursuant to subsections 2.2 and 2.4 of the Administrative Penalty By-Law;

“person” includes an individual, a corporation, a partnership, and an association;

“pet sales establishment” means premises or any part of them where, in the pursuance of a business, animals are provided as pets from, but does not include premises where:

- (a) animals are provided as pets from registered breeders of purebred dogs or cats;
- (b) animals are provided as pets by a person predominantly carrying on an agricultural, aquacultural, horticultural or silvicultural business; or
- (c) animals are provided as pets by a person predominantly carrying on the rescue or adoption of animals for the purpose of animal welfare;

“plumber” means an individual who, in the pursuance of a business, provides plumber services, but does not include:

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- (a) an individual who provides plumber services exclusively as a full-time employee of a property owner or tenant and only within the premises owned or occupied by that property owner or tenant; or
- (b) an apprentice who provides plumber services pursuant to a registered training agreement that is not suspended;

“plumber services” includes:

- (a) laying out, assembling, installing, maintaining, planning, superintending or repairing any piping, fixtures or appurtenances for the supply of water for any domestic or industrial purpose or for the disposal of water that has been used for any domestic or industrial purpose within a structure or building;
- (b) connecting any appliance that uses water supplied to it or disposes of waste to piping;
- (c) installing piping for any process, including the conveyance of gas, or any tubing for a pneumatic or air-handling system;
- (d) making joints in piping; and
- (e) reading and interpreting design drawings, manufacturers’ literature or installation diagrams for piping and appliances connected to piping;

but does not include:

- (i) manufacturing equipment or assembling a unit prior to delivery to a building, structure or site;
- (ii) laying of metallic or non-metallic pipe into trenches to form sanitary or storm sewers, drains or water mains; or
- (iii) repairing or maintaining installations in an operating industrial plant;

“plumber services establishment” means any premises or any part of them where, in the pursuance of a business, plumber services are provided from;

“plumbing services establishment owner” includes an owner, operator, proprietor, receiver or trustee of a plumbing services establishment;

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“premises” means lands and structures, or either of them, and includes:

- (a) water;
- (b) ships and vessels;
- (c) trailers and portable structures designed or used for residence, business or shelter; and
- (d) trains, railway cars, vehicles and aircraft, except while in operation;

“Provincial Offences Act” means the Provincial Offences Act, R.S.O. 1990, c. P.33;

“provincial offences officer” has the meaning given to it in the Provincial Offences Act;

“refreshment vehicle” means a vehicle, whether mobile or immobile, or a semi-permanent unit from which food is provided for sale or sold to members of the public, and includes a food truck, a motorized ice cream vehicle, a towable vehicle, a trailer, or a repurposed structure, such as a shipping container, but does not include a food stand;

“Regulated Health Professions Act” means the Regulated Health Professions Act, 1991, S.O. 1991, c. 18;

“regulation” means a regulation made under this by-law;

“scrap metal” means a new or used item substantially made, or deriving its value, from non-ferrous metal, including aluminum, brass, bronze, copper, iron, lead, steel, stainless steel, tin or other metals or alloys, but does not include metal cans or containers that were used for food, beverages, paint or other household products, coins or jewelry;

“scrap metal dealing establishment” means any premises or any part of them where, in pursuance of a business, scrap metal is purchased, traded or bartered;

“short-term rental” has the meaning given to it in City of Kingston By-Law Number 2021–10, the Short-term Rental Licensing By-law;

“Smoke-Free Ontario Act, 2017” means the Smoke-Free Ontario Act, 2017, c. 26, Sched. 3;

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“social enterprise” means a business that:

- (a) primarily operates for the purpose of achieving social, cultural, or environmental objectives consistent with the strategic priorities of council;
- (b) generates revenue through the sale of goods or services; and
- (c) reinvests the majority of its profits into its social, cultural, or environmental mission;

“special condition” means a special condition imposed on a business in a class that has not been imposed on all of the businesses in that class;

“specialty vape store” has the meaning given to it in O. Reg. 268/18: General, made under the the Smoke-Free Ontario Act, 2017;

“street performer” means an individual who, in the pursuance of a business, performs live entertainment in theatre, dance, magic, music or circus on a highway or other premises of the City, but does not include a street performer who has been approved to participate in the annual Kingston Buskers Rendezvous and only for the duration of that event;

“temporary food vendor” means a food vendor who operates a refreshment vehicle or a food stand in the City of Kingston for 30 days or less in the aggregate in each calendar year;

“tobacco product retail establishment” means any premises or any part of them where, in the pursuance of a business, tobacco products or tobacco product accessories, or both, are sold or offered for sale;

“tobacco product” has the meaning given to it in the Smoke-Free Ontario Act, 2017;

“tobacco product accessories” has the meaning given to it in the Smoke-Free Ontario Act, 2017;

“transient trader” means a person that, in the pursuance of a business:

- (a) provides goods or services in person on an intermittent or one-time basis;

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- (b) provides goods or services in person from a place other than from the person's place of business; or
- (c) negotiates or concludes a consumer agreement in person at a place other than at the person's place of business;

but does not include:

- (i) a food vendor;
- (ii) trade in real estate as a brokerage, as a broker, as a salesperson by a person duly registered under the Real Estate and Business Brokers Act, 2002, S.O. 2002, c. 30, Sched. C;
- (iii) a sale or offering for sale of livestock by public auction held at an established place of business where livestock is assembled for the purpose;
- (iv) a person who sell goods that are grown or produced on their own agricultural operation within the City of Kingston, or a family member or employee of such person who has authority to sell the goods on such person's behalf;
- (v) a person who conducts no more than two days of garage or yard sales per calendar year in the aggregate on the residential property that they own or occupy; or
- (vi) vendors who operate as part of the municipal public markets and Indigenous market at Market Square in compliance with the applicable by-law governing its operation, as applicable;
- (vii) persons who raise funds in door-to-door sales campaigns for registered charitable organizations; or
- (viii) a sheriff or court bailiff acting under a court procedure;

"treasurer" means the individual appointed by the City as treasurer or the treasurer's designate;

"vapour product" has the meaning given to it in the Smoke-Free Ontario Act, 2017;

"vapour product retail establishment" means any premises or any part of

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them where, in the pursuance of a business, vapour products are sold or offered for sale and includes a specialty vape store;

“**vehicle**” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car; and

“**wholesale**”, in relation to the sale of goods, means for the purpose of resale where goods are sold to persons other than the end user or end consumer of such goods.

1.3 For the purposes of interpreting this by-law:

- (a) a reference to any legislation, regulation, or by-law or to a provision thereof includes a reference to any legislation, regulation or by-law enacted, made or passed in substitution thereof or amendment thereof;
- (b) any reference to legislation or by-laws includes all of the regulations made thereunder;
- (c) “include”, “includes” and “including” indicate that the subsequent list is not exhaustive;
- (d) to “carry on” includes to “engage in”;
- (e) to “provide” includes to sell, to furnish, to hire, to perform, to offer and to solicit, as the context requires, and “providing” and “provision” have corresponding meanings; and
- (f) to “promote” includes to use any commercial act or practice or to use any commercial communication, through any media or other means, that is intended to or is likely to:
 - (i) encourage the purchase or use of goods;
 - (ii) encourage the use of a business; or
 - (iii) create an awareness or an association with goods or a business;

1.4 This by-law will not be interpreted as exempting any person from the requirement to comply with any other City by-law or federal or provincial

legislation. In the event of conflict between the provisions of this by-law and any other City by-law, the provision that establishes the higher standard of health, safety and well-being of persons and protection of persons will apply.

2 Administration

- 2.1 The director is responsible for the administration of this by-law.
- 2.2 The director may rectify minor administrative oversights in respect of a licence or licence application.
- 2.3 Where this by-law provides that the director may do an act, the director may, when doing the act, seek and consider information or documents from any person, and may consult with other City employees, legal counsel, or other advisors, all as the director considers necessary.
- 2.4 The director may, on the director's own initiative, refer any matter under this by-law to the appeals committee for a determination.
- 2.5 Where this by-law provides that the director may do an act, it may be done by an individual authorized by the director to do the act.
- 2.6 The director may, at the director's discretion, waive the fee or fees payable pursuant to clause 4.1(b) of this by-law where, in the opinion of the director, the business to be carried on is a social enterprise. The director may require any person seeking a waiver of such fee or fees to provide evidence satisfactory to the director that the business to be carried on is a social enterprise.

3 Licence Requirement

- 3.1 A person must not carry on a business in one of the classes of business prescribed in subsection 0 without holding a licence.
- 3.2 A person must not carry on a business that meets the definition of more than one class of business prescribed in subsection 0 without holding a licence for each such class of business.
- 3.3 A person must not carry on a business prescribed in subsection 0 at more than one premises or any part of more than one premises without holding a licence for each such premises.
- 3.4 A person must not advertise, publish, or cause to be advertised or published, or

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make any representation, that the person carries on a business for which a licence is required under this by-law without holding a licence.

3.5 A person carrying on a class of business prescribed in subsection 0 without holding a licence must nonetheless comply with any requirement of a licensee carrying on that class of business under this by-law.

3.6 The following classes of business require a licence to carry on:

- (a) an adult entertainer;
- (b) an adult goods establishment;
- (c) an adult services establishment;
- (d) an amusement establishment;
- (e) a boarding, lodging or rooming house;
- (f) an esthetician services establishment;
- (g) a food premises;
- (h) a food vendor;
- (i) a gas station;
- (j) a motor vehicle repair establishment;
- (k) a pawnbroking establishment;
- (l) a payday loans establishment;
- (m) a pet sales establishment;
- (n) a plumber services establishment;
- (o) a scrap metal dealer;
- (p) a street performer;
- (q) a tobacco retail establishment;
- (r) a transient trader; and

- (s) a vapour product retail establishment.

4 Applying to obtain or renew a licence

4.1 A person may apply to have a licence to carry on a business granted or renewed by giving to the director the following:

- (a) a completed application in the prescribed form;
- (b) the fee or fees prescribed in the Fees and Charges By-Law, subject to subsection 2.6 of this by-law;
- (c) if the applicant is an individual:
 - (i) proof satisfactory to the director that the applicant has attained the age of majority; and
 - (ii) a statutory declaration by the applicant certifying that the information contained in the application is accurate, true and complete as of the date of the statutory declaration;

provided that, an applicant carrying on the business of a street performer may submit, in lieu of the information set out in clauses (i) and (ii) above, a release, acknowledgment and declaration on the director's prescribed form, signed by the applicant's guardian;

- (d) if the applicant is a corporation:
 - (i) a certificate of status of the corporation, issued by the Ministry of Public and Business Service Delivery and Procurement not more than 90 days before the application is given to the director, which indicates that the corporation is active;
 - (ii) a certified copy of the certificate of incorporation of the corporation;
 - (iii) the name of every person who is a shareholder of the corporation as of the day the application is given to the director and each shareholder's business address and business telephone number;
 - (iv) the name of every director and officer of the corporation as of

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the day the application is given to the director; and

- (v) the address of the premises at which the corporation carries on activities as of the day the application is given to the director;
- (e) if the applicant is a partnership:
 - (i) the name and address of each member of the partnership as well as the name under which they carry on or intend to carry on the business; and
- (f) proof satisfactory to the director that the applicant:
 - (i) is the occupier of the premises in respect of which the licence has been applied for;
 - (ii) has the express permission of the owner of the premises to carry on the business at the premises in respect of which the licence has been applied for; or
 - (iii) has a right or authority conferred by law to enter or remain in the premises and to carry on the business at the premises in respect of which the licence has been applied for;
- (g) such other information and documents prescribed by this by-law; and
- (h) such other information and documents as the director may prescribe or otherwise require.

4.2 Every licensee must renew their licence prior to the expiry of the licence by giving the information and documents required by the director, together with payment of the fee or fees prescribed in the Fees and Charges By-Law, subject to subsection 2.6 of this by-law. If a licensee fails to pay the prescribed fee or fees within the timeframe specified by the director, the licensee will be required to pay the applicable late payment fee specified in the Fees and Charges By-Law.

4.3 No person may submit false or deceptive information or documents or make a false or deceptive statement in an application given to the director or in any other document given to the director or the City.

4.4 Subject to and in accordance with section 27 of this by-law, in processing an

application for a licence, the City, its employees, or any external authority having jurisdiction, may carry out inspections of the premises to ensure compliance with this by-law and other applicable laws.

5 Licence grant & renewal

- 5.1 The director must grant or renew a licence to an applicant who meets the requirements of this by-law, except that the director may refuse to grant or renew a licence on the following grounds:
- (a) the conduct of any person, including the officers, directors, employees or agents of a corporation, affords the director reasonable cause to believe that the applicant will not carry on the business authorized by the licence in accordance with the law or with honesty and integrity;
 - (b) the director otherwise has reasonable cause to believe that the applicant will not carry on the business authorized by the licence in accordance with the law;
 - (c) the premises, equipment or facilities, or any part thereof, in which the business is carried on do not comply with the provisions of this by-law or any other law;
 - (d) the applicant has been convicted of a criminal offence for which, in the opinion of the director, it would not be in the interest of public safety to issue or maintain such a licence;
 - (e) the director has reasonable cause to believe that the applicant will carry on the business authorized by the licence in a way that will adversely affect the well-being or interests of the public or the City;
 - (f) the director has reasonable cause to believe that any information contained in the application is inaccurate, untrue or incomplete;
 - (g) the applicant is in default of fines imposed under the Provincial Offences Act;
 - (h) the applicant is in default of an administrative penalty; or
 - (i) if the applicant is an individual, the director has reasonable cause to believe that the applicant is less than the age of majority, unless otherwise permitted pursuant to this by-law.

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- 5.2 If the director refuses to grant or renew a licence, the director must give the applicant notice of the refusal, which notice may be given to the applicant at the address or email address shown on the application.
- 5.3 The director may, when granting or renewing a licence, or at any time the director considers appropriate, impose such conditions, including special conditions, as the director considers appropriate as a requirement of obtaining, continuing to hold or renewing a licence.
- 5.4 If the director imposes conditions, including special conditions, on a licence, the director must give the applicant or licensee notice of the conditions, which notice may be given to the applicant at the address or email address shown on the application or to the licensee at the address or email address shown on the licence.
- 5.5 The director may, when granting or renewing a licence, or at any time the director considers appropriate, specify as a limitation of the licence the list of:
- (a) goods or classes of goods;
 - (b) services or classes of services; or
 - (c) both;
- in respect of which the licensee is licensed.
- 5.6 If the director specifies a limitation of a licence, the director must give the applicant or licensee notice of the limitation, which notice may be given to the applicant at the address or email address shown on the application or to the licensee at the address or email address shown on the licence.
- 5.7 The notice required by subsections 5.2, 5.4 and 5.6 must set out the reasons for the decision and must state that the applicant or licensee may, within 15 days of being notified of the decision, file a notice of appeal in the prescribed form on the clerk in accordance with City of Kingston By-Law Number 2023–204, the Committee By-law.
- 5.8 If the director grants or renews a licence to two or more individuals who carry on a business as a partnership, each individual will be jointly and severally responsible for observing and performing the licensee's obligations under the licence and this by-law.

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- 5.9 If the director grants or renews a licence to an applicant, the director may deliver the licence to the applicant personally or by sending it by ordinary mail or email to the applicant at the address or email address shown on the application.
- 5.10 Unless otherwise provided in this by-law, a licence is valid from the date it is granted or renewed until December 31 of that year, unless suspended or revoked earlier.
- 5.11 Despite anything to the contrary in this by-law, the director must refer any application to grant a new licence, other than a renewal or a transfer, for the following classes of businesses to council for a decision, subject to and in accordance with this section 5:
- (a) an adult services establishment;
 - (b) an adult goods establishment; or
 - (c) a payday loans establishment.

6 Licence suspension & revocation

- 6.1 The director may:
- (a) suspend or revoke a licence if the director has reasonable cause to believe that the licensee has not carried on the business authorized by the licence in accordance with the law or with honesty and integrity;
 - (b) suspend or revoke a licence on the grounds specified in subsection 0 of this by-law; or
 - (c) suspend a licence if the director is satisfied that the continuation of the licensee's business poses an immediate danger to the health or safety of any individual or to any property, subject to the following:
 - (i) before suspending the licence, the director must provide the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
 - (ii) the suspension must not exceed 14 days.
- 6.2 If the director suspends or revokes a licence under clauses (a) or (b), the director must give the applicant notice of the suspension or revocation of the

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licence, which notice may be given to the licensee at the address or email address shown on the licence.

- 6.3 The notice required by subsection 0 must set out the reasons for the decision and must state that the licensee may, within 15 days of being notified of the decision, file a notice of appeal in the prescribed form on the clerk, which notice may be given to the licensee at the address or email on the licence.
- 6.4 In a real or perceived emergency, or if the director is unavailable, the manager of the Licensing Division may exercise the powers of the director under clause 6.1(c), subject to the following:
- (a) the manager of the Licensing Division must, as soon as practicable, notify the director and provide the director with the reasons for the suspension; and
 - (b) the director may confirm or rescind the suspension, either orally or in writing.
- 6.5 The director may, on such conditions as the director considers appropriate, without a hearing, suspend a licence authorizing a business to operate from a highway or other premises of the City or its local boards for a period not exceeding 28 days for the following reasons:
- (a) the holding of a special event;
 - (b) the construction, maintenance, or repair of the highway or other premises of the City;
 - (c) the installation, maintenance or repair of a public utility or service; or
 - (d) pedestrian, vehicular or public safety or public health.

7 General requirements

- 7.1 A licensee must:
- (a) prominently display the licence at or on the premises in respect of which the licence was granted or renewed;
 - (b) if the licence was not granted or renewed in respect of premises, carry the licence with the licensee at all times while the licensee is carrying on

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the business authorized by the licence;

- (c) prominently display any list of:
 - (i) goods or classes of goods; and
 - (ii) services or classes of services;specified by the director as a limitation of the licence;
- (d) produce the licensee's licence for inspection when required to do so by the director or a provincial offences officer;
- (e) comply with any conditions, including special conditions, imposed by the director as a requirement of obtaining, continuing to hold or renewing a licence;
- (f) comply with any limitations specified by the director as a limitation of the licence;
- (g) put in effect and maintain insurance coverage for prescribed kinds of liability in the prescribed amounts;
- (h) operate and maintain every premises, equipment and any part of any of them, that is operated as part of the business such that they are in accordance with the law and are kept clean and in good repair;
- (i) carry on the business authorized by a licence in accordance with the law; and
- (j) apply for a new licence when ownership of the licensee's business or the location of the business premises has changed.

7.2 A licensee must, within five days after the event:

- (a) notify the director in writing of any change in any information or document given to the director at the time of application to have a licence granted or renewed; and
- (b) give the director a statutory declaration by the licensee certifying that the change in information is accurate, true and complete as of the date of notification.

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7.3 A licensee must not cause or permit the business authorized by the licence to:

(a) pose a danger to the health, safety or well-being of any individual or to any property, including:

- (i) by departing from recognized industry best standards or best practices; or
- (ii) by knowingly making, causing or permitting to be made any misrepresentation as to the content, nature, quality or quantity of any goods or services; or

(b) become or cause a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the vicinity of the business or cause or permit the business' consumers to become or cause a public nuisance, including:

- (i) trespass to property;
- (ii) interference with the use of highways and other public places;
- (iii) an increase in garbage, noise or traffic or the creation of unusual traffic patterns;
- (iv) an increase in harassment or intimidation; and
- (v) the presence of graffiti.

7.4 A licensee must not:

(a) cause or permit any individual to drive a motor vehicle used in the pursuance of the licensee's business unless the motor vehicle is within a class of motor vehicles of which the individual holds a valid driver's licence issued to the person under the Highway Traffic Act;

(b) assign or transfer its licence;

(c) advertise, promote, or carry on its business under any name other than that set out in its licence; or

(d) if the licensee carries on business as a sole proprietor, use any description or device that would indicate that the licensee's business is being carried on by a corporation or other person.

8 Adult entertainer

8.1 An individual may apply to have a licence to carry on the business of an adult entertainer granted or renewed by giving to the director, in addition to the things required by subsection 0, the following:

- (a) a photograph of the applicant's likeness which meets any requirements that the director may prescribe;
- (b) a certified copy of the applicant's valid Ontario driver's licence, Ontario photo card, Canadian passport, Canadian citizenship card with a photograph of the individual to whom the card is issued, or other identification satisfactory to the director;
- (c) a statutory declaration of identity;
- (d) the name and address of any adult services establishment where the applicant carries on the business of an adult entertainer; and
- (e) a police record check of the applicant:
 - (i) conducted by a police record check provider within the meaning of the Police Record Checks Reform Act, 2015, S.O. 2015, c. 30; and
 - (ii) conducted within six months before the applicant applies to have a licence to carry on the business of an adult entertainer granted or renewed.

8.2 A licensee, while carrying on the business of an adult entertainer, must carry an identification card issued by the director to the licensee under this by-law and shall produce it for inspection when required to do so by the director or a provincial offences officer.

8.3 A licensee carrying on the business of an adult entertainer must not:

- (a) provide adult services from an adult services establishment without being in public view or while screened from public view in any way;
- (b) touch any other individual's genitals, anus, breasts or buttocks or otherwise sexually touch any other individual; or
- (c) cause or permit the touching by another individual of the licensee's

genitals, anus, breasts or buttocks or otherwise cause or permit the sexual touching by another individual of the adult entertainer.

9 Adult goods establishment

- 9.1 A person may apply to have a licence to carry on the business of an adult goods establishment granted or renewed by giving to the director, in addition to the things required by subsection 0, if different than the applicant, the name of all of the adult goods establishment owners.
- 9.2 A licensee carrying on the business of an adult goods establishment must not cause or permit:
- (a) an individual who has not attained the age of majority to enter or remain in the adult goods establishment; or
 - (b) the adult goods establishment to provide adult goods from premises or any part of them which are less than 300 linear metres away from:
 - (i) another adult goods establishment;
 - (ii) a school, as defined in the Education Act, R.S.O. 1990, c. E.2, or a daycare centre;
 - (iii) premises or any part of them designated by the City as a park; or
 - (iv) premises placed in a residential zone under the City of Kingston Zoning By-Law Number 2022–62; or
- 9.3 Clause 5.11 (b) will not apply to prevent a licensee from providing adult goods from premises if a licence was issued under the predecessor to this by-law to carry on the business of an adult goods establishment from such premises on the day of the passing of this by-law, so long as the licensee continues to carry on the business of an adult goods establishment from those premises.
- 9.4 A licensee carrying on the business of an adult goods establishment must not promote, in any manner, an adult good, its sale or anything that appeals to erotic or sexual appetites or inclinations if the promotion is visible from outside the adult goods establishment.
- 9.5 A licensee carrying on the business of an adult goods establishment must:

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- (a) post on one or more signs in the adult goods establishment, in such a manner that the disclosure of the information is clear, comprehensible and prominent, that an individual who has not attained the age of majority may not enter or remain in the adult goods establishment; and
- (b) ensure that the adult goods establishment is supervised by an individual who has attained the age of majority at all times that the adult goods establishment is open to consumers.

10 Adult services establishment

10.1 A person may apply to have a licence to carry on the business of an adult services establishment granted or renewed by giving to the director, in addition to the things required by subsection 0, the following:

- (a) if different than the applicant, the name of all of the adult services establishment owners;
- (b) a police record check of the applicant and, if the adult services establishment owner is a corporation, of all of the officers, directors and shareholders of the adult services establishment owner:
 - (i) conducted by a police record check provider within the meaning of the Police Record Checks Reform Act, 2015, S.O. 2015, c. 30; and
 - (ii) conducted within six months before the applicant applies to have a licence to carry on the business of an adult services establishment granted or renewed; and
- (c) the name of every individual who the applicant intends to carry on the business of an adult entertainer from the adult services establishment.

10.2 A licensee carrying on the business of an adult services establishment must not cause or permit:

- (a) the adult services establishment to be open to consumers after two o'clock in the morning or before twelve o'clock noon;
- (b) a person to hold, offer for sale, sell, supply or consume a controlled substance on the premises of the adult services establishment or in adjacent areas under the exclusive control of the licensee;

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- (c) a criminal offence or any violent or disorderly conduct to occur on the premises of the adult services establishment or in adjacent areas under the exclusive control of the licensee;
- (d) an individual who has not attained the age of majority to enter or remain in the adult services establishment premises;
- (e) an individual who:
 - (i) has not attained the age of majority; or
 - (ii) does not hold a licence to carry on the business of an adult entertainer;
to carry on the business of an adult entertainer from the adult services establishment;
- (f) an individual, while carrying on the business of an adult entertainer from the adult services establishment, to:
 - (i) provide adult services without being in public view or while being screened from public view in any way; or
 - (ii) touch any other individual's genitals, anus, breasts or buttocks or otherwise sexually touch any other individual;
- (g) an individual to touch an adult entertainer's genitals, anus, breasts or buttocks or otherwise sexually touch an adult entertainer in the adult services establishment; and
- (h) the adult services establishment to provide adult services from premises or any part of them which are less than 300 linear metres away from:
 - (i) another adult services establishment;
 - (ii) a school, as defined in the Education Act, R.S.O. 1990, c. E.2, or a daycare centre;
 - (iii) premises or any part of them designated by the City as a park; or
 - (iv) premises located in a residential zone under the City of Kingston Zoning By-Law Number 2022-62;

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- (i) the adult services establishment to charge a fee for adult services or a class of adult services higher than the fee which is posted in accordance with this by-law;
 - (j) the erection or placing of any sign or other advertising device that includes words, pictures, symbols or implication, representations of an erotic nature or similar meaning or implication; or
 - (k) the promotion, in any manner, of an adult service, its sale, an adult entertainer or anything that appeals to erotic or sexual appetites or inclinations if the promotion is visible from outside the adult services establishment.
- 10.3 Clause 10.2(h) will not apply to prevent a licensee from operating an adult services establishment from premises if a licence was issued under the predecessor to this by-law to carry on the business of an adult services establishment from such premises on the day of the passing of this by-law, so long as the licensee continues to carry on an adult services establishment from those premises.
- 10.4 A licensee carrying on the business of an adult services establishment must:
- (a) post the following information on one or more signs in the adult services establishment, in such a manner that the disclosure of the information is clear, comprehensible and prominent:
 - (i) a list of the adult services or the classes of adult services that are provided from the adult services establishment and the amount of the fee for the adult services or the class of adult services;
 - (ii) no adult entertainer shall provide adult services at the adult entertainment establishment without being in public view or while being screened from public view in any way;
 - (iii) no adult entertainer at the adult entertainment establishment shall touch any other individual's genitals, anus, breasts or buttocks or otherwise sexually touch any other individual;
 - (iv) no adult entertainer at the adult entertainment establishment shall cause or permit any other individual to touch the adult entertainer's genitals, anus, breasts or buttocks or otherwise

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cause or permit any other individual to sexually touch the adult entertainer; and

- (v) an individual who has not attained the age of majority may not enter or remain in the adult services establishment;
- (b) ensure that the adult services establishment is supervised by an individual who has attained the age of majority at all times that the adult services establishment is open to consumers;
- (c) within two business days of the event, give the director the name of every individual who begins to carry on the business of an adult entertainer from the adult services establishment; and
- (d) within one business day of the event, give the director the name of every individual who ceases to carry on the business of an adult entertainer from the adult services establishment.

11 Amusement establishment

- 11.1 A licensee carrying on the business of an amusement establishment shall ensure that the amusement establishment is supervised by an individual who has attained the age of majority at all times that it is open to consumers.
- 11.2 The director may sub-classify an amusement establishment as a billiards establishment, arcade or cinema, and may impose special conditions on each sub-classification, as the director considers appropriate, as a requirement of obtaining, continuing to hold or renewing a licence for each sub-classification, and may impose a different fee or fees pursuant to clause 4.1(b) for each sub-classification.

12 Boarding, lodging or rooming house

- 12.1 A person may apply to have a licence to carry on the business of a boarding, lodging or rooming house granted or renewed by giving to the director, in addition to the things required by subsection 0, the following:
 - (a) the applicant's emergency contact information;
 - (b) the number of lodging rooms the applicant intends to provide for hire which do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants in the premises;

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- (c) the number of individuals the applicant intends to lodge for hire in the boarding, lodging or rooming house;
- (d) the number of common bathrooms in the premises; and
- (e) the number of common kitchen facilities in the premises.

13 Esthetician services establishment

- 13.1 A licensee carrying on the business of an esthetician services establishment must prepare and maintain an up-to-date list of the esthetician services or the classes of esthetician services that are provided from the esthetician services establishment and the amount of the fee for the esthetician services or the class of esthetician services, and the licensee must make such list readily available to any person upon request.
- 13.2 A licensee carrying on the business of an esthetician services establishment must not cause or permit:
- (a) the esthetician services establishment to charge a fee for esthetician services higher than the fee which is listed in accordance with this by-law; or
 - (b) an individual who has not attained the age of majority to purchase or receive an esthetician service prescribed by the director unless the individual's guardian gives the licensee the prescribed evidence that the guardian approves the individual's receipt of the esthetician service.
- 13.3 A licensee carrying on the business of a esthetician services establishment must produce any records in the licensee's possession related to an inspection of the esthetician services establishment by or caused by the medical officer of health for inspection when required to do so by the director or a provincial offences officer.

14 Food premises

- 14.1 A person may apply to have a licence to carry on the business of a food premises granted or renewed by giving to the director, in addition to the things required by subsection 0, proof satisfactory to the director that the applicant gave notice to the medical officer of health of the applicant's intention to operate a food premises.

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- 14.2 A licensee carrying on the business of a food premises must produce any records in the licensee's possession related to an inspection of the food premises by or caused by the medical officer of health for inspection when required to do so by the director or a provincial offences officer.
- 14.3 The director may sub-classify a food premises as a commercial kitchen or a meat and fish sales establishment, and may include special conditions, as the director considers appropriate, as a requirement of obtaining, continuing to hold or renewing a licence for each sub-classification, and may impose a different fee or fees pursuant to clause 4.1(b) for each sub-classification.

15 Food vendor

- 15.1 A person may apply to have a licence to carry on the business of a food vendor granted or renewed by giving to the director, in addition to the things required by subsection 0, the following:
- (a) proof satisfactory to the director that the applicant gave notice to the medical officer of health of the applicant's intention to operate as a food vendor;
 - (b) in the case of a refreshment vehicle:
 - (i) a detailed drawing of the intended refreshment vehicle, including a detailed drawing of waste receptacles, food storage areas and the location of all equipment required by law to be in or on the refreshment vehicle, all to the satisfaction of the director;
 - (ii) if the applicant intends to operate the refreshment vehicle on a highway or any part of a highway, other than an active construction site where the highway is closed to traffic, proof satisfactory to the director that the applicant has obtained the approval of council, entered into a licence agreement with the City in the prescribed form and paid the fee or fees prescribed in the Fees and Charges By-Law;
 - (iii) if the applicant intends to operate a refreshment vehicle on premises of the City other than a highway, proof satisfactory to the director that the applicant has been authorized, by permit, to do so;

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- (iv) a certified copy of a currently validated permit issued under subsection 7 (7) of the Highway Traffic Act for the motor vehicle;
 - (v) if the refreshment vehicle is in a class of motor vehicles required under the Highway Traffic Act to display an annual inspection sticker or to have another type of proof of inspection issued by a vehicle inspection centre, proof to the satisfaction of the director of such display of an annual inspection sticker or other type of proof of inspection issued by a vehicle inspection centre;
 - (vi) a certified copy of an insurance card for the refreshment vehicle in accordance with the requirements of the Compulsory Automobile Insurance Act; and
 - (vii) if the refreshment vehicle will draw a trailer, a certified copy of a currently validated permit issued under subsection 7 (7) of the Highway Traffic Act for the trailer;
- (c) the address of the place or places where the applicant intends to carry on the business of a food vendor;
- (d) the times and dates during which the applicant intends to carry on the business of a food vendor;
- (e) if one or more appliances, equipment, components, accessories or containers are or are intended to be installed on the refreshment vehicle or the food stand where propane is to be used for fuel purposes, proof satisfactory to the director that any appliance that is connected to a propane supply has been examined by the distributor under O. Reg. 211/01: Propane Storage and Handling, made under the Technical Standards and Safety Act, 2000, S.O. 2000, c. 16;
- (f) proof satisfactory to the director that the refreshment vehicle or the food stand is in compliance with NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, as applicable; and
- (g) if the applicant intends to carry on the business of a food vendor on premises not owned by the applicant, proof satisfactory to the director that the owner of the premises has consented to the applicant carrying on the business of a food vendor on the owner's premises.

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15.2 A licensee carrying on the business of a food vendor must:

- (a) post the licensee's licence number on the refreshment vehicle or the food stand in such a manner that it is clear, comprehensible and prominent; and
- (b) produce any records in the licensee's possession related to an inspection of the refreshment vehicle or food stand by or caused by the medical officer of health for inspection when required to do so by the director or a designated person.

15.3 A licensee carrying on the business of a food vendor must not:

- (a) carry on the business of a food vendor from more than one refreshment vehicle or food stand or any part of more than one refreshment vehicle or food stand without holding a licence for each such refreshment vehicle or food stand;
- (b) carry on the business of a food vendor from a refreshment vehicle having dimensions in excess of 6.7 meters in length and 2.6 meters in width;
- (c) carry on the business of a food vendor from a food cart that is drawn by a horse or other animal;
- (d) provide food to a consumer who is on the travelled portion of a highway;
- (e) carry on the business of a food vendor in the DBIA;
- (f) stop a refreshment vehicle to provide to consumers ice cream, frozen desserts or other frozen confections unless the refreshment vehicle is equipped with a lamp producing intermittent flashes of amber light visible for a distance of 150 metres from all directions;
- (g) where a licence prohibits a food vendor from operating a food cart from a stationary position, stop a food cart in any location for longer than is reasonably necessary to complete the transaction;
- (h) use fuel or a source of energy other than natural gas, propane or electricity within or upon a refreshment vehicle; or
- (i) carry on business between the hours of eleven o'clock in the evening

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and seven o'clock in the morning.

15.4 A licensee carrying on the business of a temporary food vendor must, in addition to complying with the provisions of this section 17:

- (a) submit an application for a licence to carry on business as a temporary food vendor at least 10 days prior to the date upon which the temporary food vendor intends to commence carrying on the business of a temporary food vendor; and
- (b) submit a new application for a licence to carry on business as a food vendor if the temporary food vendor operates a refreshment vehicle or a food stand in the City of Kingston for more than 30 days in the aggregate in each calendar year.

15.5 The director may sub-classify a food stand based on whether food is prepared and cooked on-site from the food stand, and may impose special conditions on each sub-classification, as the director considers appropriate, as a requirement of obtaining, continuing to hold or renewing a licence for each sub-classification, and may impose a different fee or fees pursuant to clause 4.1(b) for each sub-classification.

16 Gas station

16.1 A person may apply to have a licence to carry on the business of a gas station granted or renewed by giving to the director, in addition to the things required by subsection 0, the following:

- (a) proof satisfactory to the director that the applicant holds a valid certificate of approval issued under the Environmental Protection Act, R.S.O. 1990, c. E. 19; and
- (b) proof satisfactory to the director that the applicant holds a licence to operate a retail outlet issued under O. Reg. 217/01, made under the Technical Standards and Safety Act, 2000, S.O. 2000, c. 16.

17 Motor vehicle repair establishment

17.1 A person may apply to have a licence to carry on the business of a motor vehicle repair establishment granted or renewed by giving to the director, in addition to the things required by subsection 0, the following:

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- (a) proof satisfactory to the director that the applicant holds a certificate of qualification or a provisional certificate of qualification that is not suspended;

in one or more of the following trades:

1. auto body and collision damage repairer;
2. auto body repairer;
3. automotive electronic accessory technician;
4. automotive glass technician; or
5. automotive service technician; and

- (b) proof satisfactory to the director that the applicant has posted the following information on one or more signs in the premises, in such a manner that the disclosure of the information is clear, comprehensible and prominent:

- (i) that the applicant is required to provide a written estimate unless:

1. the applicant offers to give the consumer an estimate and the consumer declines the offer of an estimate;
2. the consumer specifically authorizes a maximum amount that the consumer will pay the applicant to do the motor vehicle repair; and
3. the cost charged for the motor vehicle repair does not exceed the maximum amount authorized by the consumer;

- (ii) whether there is a fee for an estimate and, if so:

1. the amount of the fee; and
2. that if the motor vehicle repair is authorized and carried out, the fee for the estimate will not be charged unless the authorization is unreasonably delayed, and the motor vehicle is reassembled before the motor vehicle

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repair so that it can be moved in order to free repair space;

- (iii) a description of the method that will be used to compute labour charges, including:
 - 1. the hourly rate that will be charged;
 - 2. whether a flat rate will be applied in respect of any of the motor vehicle repair and, if so, the flat rate and the motor vehicle repair to which it will be applied; and
 - 3. whether there will be a charge for diagnostic time and, if so, the manner of determining the amount that will be charged;
- (iv) whether the applicant or any of the individuals doing the motor vehicle repair on the applicant's behalf receive any commissions for parts sold and, if so, the manner of determining the commission and the parts to which it applies;
- (v) an itemized list of all goods and services, other than parts, shop supplies and labour, for which the consumer will be charged, such as storing the motor vehicle, picking up or delivering the motor vehicle or providing the consumer with another motor vehicle on a temporary basis, and the amount that will be charged for each such good or service;
- (vi) that each part removed in the course of the motor vehicle repair will be available to the consumer after the motor vehicle repair is completed, unless:
 - 1. the applicant is advised, at the time the motor vehicle repair is authorized, that the consumer does not require the return of the part;
 - 2. the part is replaced under a warranty that requires the return of the part to the manufacturer or distributor; or
 - 3. the consumer is not charged for the replacement part or for motor vehicle repair to the part.

18 Pawnbroking establishment

- 18.1 A person may apply to have a licence to carry on the business of a pawnbroking establishment granted or renewed by giving to the director, in addition to the things required by subsection 0, the following:
- (a) proof satisfactory to the director that the applicant has exhibited in large, legible characters on a sign over the front door of the premises the applicant's name and the word "Pawnbroker" or the words "Prêteur sur gages"; and
 - (b) proof satisfactory to the director that the applicant has displayed conspicuously in the premises a notice in large, legible characters so as to be visible to individuals pawning articles or redeeming pledges, showing:
 - (i) rights of redemption of pledges;
 - (ii) rates of interest authorized by law to be taken by pawnbrokers for sums lent; and
 - (iii) maximum charges authorized by the Pawnbrokers Act, R.S.O. 1990, c. P.6.
- 18.2 A licensee carrying on the business of a pawnbroking establishment, and an employee or agent of a licensee carrying on the business of a pawnbroking establishment, must, upon being offered any article by way of pawn or pledge which the licensee, employee or agent has reasonable grounds to suspect has been stolen or fraudulently obtained, promptly report such to a police officer.

19 Payday loans establishment

- 19.1 A person may apply to have a licence to carry on the business of a payday loans establishment granted or renewed by giving to the director, in addition to the things required by subsection 0, the following:
- (a) proof satisfactory to the director that the applicant:
 - (i) is licensed as a lender under the Payday Loans Act, and has received notice in writing of the licence from the registrar appointed under the Payday Loans Act; or

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- (ii) is deemed to be licensed under either section 17 or 18 of the Payday Loans Act;
 - (b) if the applicant is a corporation, the identity of:
 - (i) each person that beneficially owns or controls ten percent or more of the equity shares of the applicant issued and outstanding at the time of the application; and
 - (ii) persons that are associated with each other and that together beneficially own or control ten percent or more of the equity shares of the applicant issued and outstanding at the time of the application.
- 19.2 A licensee carrying on the business of a payday loans establishment must:
- (a) post the following information on one or more signs in the payday loans establishment, in such a manner that the disclosure of the information is clear, comprehensible and prominent:
 - (i) the names and contact information of any charity that provides credit counselling services, that the director may prescribe; and
 - (ii) the average prime rate that was in effect on October 15 of the previous year.

20 Pet sales establishment

- 20.1 A person may apply to have a licence to carry on the business of a pet sales establishment granted or renewed by giving to the director, in addition to the things required by subsection 0, a list of the animals or the classes of animals which the applicant intends to provide as pets in the pet sales establishment.
- 20.2 A licensee carrying on the business of a pet sales establishment must:
- (a) ensure that every cage, tank or pen used in the pet sales establishment for the housing of animals is constructed and maintained so that:
 - (i) except in the case of fish and snakes, every animal in the cage, tank or pen may comfortably extend its legs to their fullest extent, stand, sit, turn around and lie down in a fully extended position;

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- (ii) in the case of fish and snakes, every animal in the cage, tank or pen has adequate room for its health, welfare and comfort;
 - (iii) it is not likely to harm any animal therein;
 - (iv) every animal therein may be readily observed unless the natural habits of the animal require otherwise;
 - (v) any animal therein cannot readily escape therefrom;
 - (vi) it minimizes as nearly as practicable the transfer of pathogenic agents; and
 - (vii) it may be readily sanitized;
- (b) ensure that every cage, tank or pen used in the pet sales establishment for the housing of animals is maintained so that:
 - (i) litter or bedding material is changed as often as necessary to keep it dry, clean and free of noxious fumes; and
 - (ii) it is cleaned as often as is necessary for the health and comfort of every animal therein;
- (c) ensure that:
 - (i) every animal that is housed in a cage or pen used in the pet sales establishment is removed from its cage or pen and changed to a freshly sanitized cage or pen as often as is necessary for its health and comfort;
 - (ii) every animal that is provided as a pet in the pet sales establishment is supplied with food of a type and in amounts nutritionally adequate for the species and that is palatable and free from contamination; and
 - (iii) every animal that is provided as a pet in the pet sales establishment is supplied with adequate amounts of potable water; and
- (d) take or cause to be taken all steps practicable to treat and prevent the spread of any disease found in any animal and to prevent distress to any animal that is provided as a pet in the pet sales establishment.

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20.3 A licensee carrying on the business of a pet sales establishment must not sell as a pet or offer for sale as a pet in the pet sales establishment:

- (a) any animal who shows signs of disease or distress; or
- (b) any dog, cat or rabbit, except as permitted under City of Kingston By-law Number 2021-166, the Animal Control By-law.

21 Plumber services establishment

21.1 A person may apply to have a licence to carry on the business of a plumber services establishment granted or renewed by giving to the director, in addition to the things required by subsection 0, the following:

- (a) if different than the applicant, the name of all of the plumber services establishment owners;
- (b) proof satisfactory to the director that the applicant holds, or that the applicant employs or otherwise engages an individual who holds, a certificate of qualification;
- (c) if the applicant intends to use one or more motor vehicles to carry on the business of a plumber services establishment the director may, at the director's discretion, request a copy of the following,
 - (i) a certified copy of a currently validated permit issued under subsection 7 (7) of the Highway Traffic Act for all such motor vehicles;
 - (ii) if any such motor vehicle will draw a trailer, a certified copy of a currently validated permit issued under subsection 7 (7) of the Highway Traffic for all such trailers;
 - (iii) if any such motor vehicle is in a class of motor vehicles required under the Highway Traffic Act to display an annual inspection sticker or to have another type of proof of inspection issued by a vehicle inspection centre, proof to the satisfaction of the director of such display of an annual inspection sticker or other type of proof of inspection issued by a vehicle inspection centre for all such motor vehicles; and
 - (iv) a certified copy of an insurance card for all such motor vehicles

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in accordance with the requirements of the Compulsory Automobile Insurance Act.

21.2 A licensee carrying on the business of a plumbing services establishment must:

- (a) post the licensee's licence number and the address for the premises from which the plumbing services establishment is carried on, on all of the licensee's documents, forms and advertising with respect to the plumbing services establishment in a manner that is clear, comprehensible and prominent; and
- (b) if the licensee intends to use one or more motor vehicles to carry on the business of a plumber services establishment, post the licensee's licence number on the motor vehicle in such a manner that it is clear, comprehensible and prominent.

22 Scrap metal dealer establishment

22.1 A person may apply to have a licence to carry on the business of a scrap metal dealer establishment granted or renewed by giving to the director, in addition to the things required by subsection 0, proof satisfactory to the director that the applicant has displayed conspicuously in the premises a notice in large, legible characters so as to be visible to individuals selling, trading or bartering scrap metal giving notice that the information required to be collected under subsection 22.3 will be kept by the licensee and may be provided to a police officer or other law enforcement agency.

22.2 No licensee carrying on the business of a scrap metal dealer establishment will buy or receive scrap metal from an individual who fails to provide proof of identity in the form of a valid Ontario driver's licence, Ontario photo card, Canadian passport, or Canadian citizenship card with a photograph of the individual to whom the card is issued, showing:

- (a) the individual's full name and address; and
- (b) that the individual has attained the age of majority.

22.3 A licensee carrying on the business of a scrap metal dealer establishment must, at the time of a transaction:

- (a) take reasonable measures to ensure that the proof of identity required to be provided under subsection 22.2:

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- (i) has not been altered or defaced to misrepresent the age or identity of the individual;
 - (ii) was issued by the issuing agency to the individual; and
 - (iii) is not otherwise forged or fraudulently made;
- (b) obtain and record the following information:
 - (i) the individual's first name and surname;
 - (ii) the individual's current address;
 - (iii) the date and time of the transaction;
 - (iv) a brief description of the scrap metal; and
 - (v) the weight of the scrap metal;
- (c) verbally give notice to the individual entering into the transaction that the information required to be collected under clause (b) will be kept by the licensee and may be provided to a police officer or other law enforcement agency.

22.4 A licensee carrying on the business of a scrap metal dealer establishment must:

- (a) display conspicuously in the premises a notice in large, legible characters so as to be visible to individuals selling, trading or bartering scrap metal giving notice that the information required to be collected and recorded under clause 22.3(b) will be kept by the licensee and may be provided to a police officer or other law enforcement agency;
- (b) keep the information required to be collected and recorded under clause 22.3(b) for a period of one year;
- (c) if the licensee has reasonable grounds to believe that an individual has attempted to sell, trade or barter scrap metal that has been stolen, promptly report the matter to a police officer; and
- (d) if the licensee has reasonable grounds to believe that it has bought or received stolen scrap metal, promptly report the matter to a police officer.

23 Street performer

- 23.1 An individual may apply to have a licence to carry on the business of a street performer granted or renewed by giving to the director, in addition to the things required by subsection 0, a written description of the live entertainment or the class of live entertainment that the applicant intends to perform, to the satisfaction of the director.
- 23.2 The director may determine the times, dates and places of validity of a licence to carry on the business of a street performer, which will be restricted to the sidewalk portion of a highway in a commercially zoned area, excluding the sidewalk immediately adjacent to the Grand Theatre.
- 23.3 Without limiting the generality of subsection 23.2, no street performer will perform or remain in the same location, or within 50 metres of that location, for more than 90 consecutive minutes.

24 Tobacco retail establishment

- 24.1 A person may apply to have a licence to carry on the business of a tobacco retail establishment granted or renewed by giving to the director, in addition to the things required by subsection 0, the following:
- (a) proof satisfactory to the director that the applicant holds a retail dealer's permit issued under the Tobacco Tax Act, R.S.O. 1990, c. T.10; and
 - (b) if the applicant intends to provide raw leaf tobacco from the tobacco retail establishment, proof satisfactory to the director that the applicant holds a valid registration certificate as a raw leaf tobacco producer under the Tobacco Tax Act, R.S.O. 1990, c. T.10.

25 Transient trader

- 25.1 A person must not carry on the business of a transient trader without holding a licence for each intermittent or one-time period during which the person intends to do so and for each premises from where the person intends to do so.
- 25.2 A person may apply to have a licence to carry on the business of a transient trader granted or renewed by giving to the director, in addition to the things required by subsection 0, the following:

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- (a) if the applicant intends to sell or hire, or to display for the purpose of selling or hiring, retail goods or services in person on an intermittent or one-time basis:
 - (i) the address of the premises from where the applicant intends to do so;
 - (ii) the times and dates of the period during which the applicant intends to do so; and
 - (iii) proof satisfactory to the director that the applicant has the express permission of the owner of the premises to do so where and when the applicant intends to do so;
 - (iv) if required by the director, a licence agreement, in the prescribed form, between the City and the applicant, governing the applicant's use of any City premises;
 - (v) if required by the director, a list of goods and services that are to be sold or promoted;
- (b) if the applicant intends to sell or offer for sale food, proof satisfactory to the director that the applicant gave notice to the medical officer of health of the applicant's intention to operate a food establishment; and
- (c) a police record check of the applicant:
 - (i) conducted by a police record check provider within the meaning of the Police Record Checks Reform Act, 2015, S.O. 2015, c. 30; and
 - (ii) conducted within six months before the applicant applies to have a licence to carry on the business of a transient trader granted or renewed.

25.3 A licensee carrying on the business of a transient trader must:

- (a) make available, upon request, the name and address of the licensee's place of business, if any, or, if none, the telephone number and email address for the licensee's business; and
- (b) keep written records of all sales or hires of retail goods or services and

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the conclusion of all consumer agreements made in the course of the business of a transient trader in accordance with the standards that the director may prescribe.

- 25.4 The director may determine the times, dates and places of validity of a licence to carry on the business of a transient trader and may approve licence agreements governing the applicant's use of any City premises.
- 25.5 Without limiting the generality of subsection 28.4, a licensee carrying on the business of a transient trader must not operate as a transient trader within the geographic boundaries of the DBIA unless authorized by the director.
- 25.6 The director may sub-classify a transient trader as an auctioneer, a hawker or peddler, a specific day and location seller, or a street seller, and may include special conditions, as the director considers appropriate, as a requirement of obtaining, continuing to hold or renewing a licence for each sub-classification, and may impose a different fee or fees pursuant to clause 4.1(b) for each sub-classification.

26 Vapour product retail establishment

- 26.1 A person may apply to have a licence to carry on the business of a specialty vape store granted or renewed by giving to the director, in addition to the things required by subsection 0, proof satisfactory to the director that the applicant gave notice to the medical officer of health of the applicant's intention to operate a specialty vape store.
- 26.2 A licensee carrying on the business of a vapour product retail establishment must ensure that any indoor displays and promotions of vapour products are not visible from the exterior of the vapour product retail establishment premises.

27 Enforcement

- 27.1 This by-law may be enforced by a provincial offences officer or other authorized employee or agent of the City.
- 27.2 No person shall obstruct or hinder or attempt to obstruct or hinder the director, a provincial offences officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this by-law.
- 27.3 The director and every provincial offences officer may, in accordance with the

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provisions of the Municipal Act, 2001, enter on premises to conduct an inspection to determine whether the provisions of this by-law are being complied with.

- 27.4 For the purposes of an inspection, the director or a provincial offences officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with an individual possessing special or expert knowledge, make examinations or take tests or photographs necessary for the purposes of the inspection.
- 27.5 If the director is satisfied that a contravention of this by-law has occurred, the director may make an order requiring the person who contravened this by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to:
- (a) discontinue the contravening activity;
 - (b) do work to correct the contravention; or
 - (c) both.
- 27.6 An order under subsection 27.5 must set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - (b) the work to be done, if any; and
 - (c) the date by which there must be compliance with the order.
- 27.7 In default of the work directed or required by an order under subsection 27.5 being done by the person referred to in the order, the director may have the

work done at the person's expense and the director may recover the costs of doing such work from the person by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

28 Offences & administrative penalties

28.1 Every person who:

- (a) contravenes any provision of this by-law;
- (b) contravenes any limitation or condition, including a special condition, of a licence that the person holds;
- (c) hinders, obstructs or interferes with the director or a provincial offences officer in the exercise of the director's or the provincial offences officer's powers or duties; or
- (d) hinders, obstructs or interferes with a person authorized by the director to do an act in the exercise of that person's authority to do the act;

is guilty of an offence as provided for in the Provincial Offences Act.

28.2 Every officer or director of a corporation who knowingly concurs in the contravention of any provision of this by-law is guilty of an offence as provided for in the Provincial Offences Act.

28.3 Every person who fails to comply with any provision of this by-law shall, upon issuance of a penalty notice, be required to pay an administrative penalty, and the Administrative Penalty By-Law applies to each administrative penalty imposed pursuant to this by-law.

28.4 If a person is required to pay an administrative penalty under subsection 28.3 in respect of a contravention of this by-law, the person will not be charged with an offence in respect of the same contravention.

28.5 Every person who is convicted of an offence under this by-law is liable to a minimum fine of \$500 and to a maximum fine of \$100,000 pursuant to subsections 429 (1) and (3) of the Municipal Act, 2001.

28.6 A person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000, and the total of all daily fines for the offence is not

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limited to \$100,000 as provided for in section 429 of the Municipal Act, 2001.

28.7 When a person has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction may, in addition to any other penalty imposed on the person convicted, make an order:

- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
- (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

28.8 The City may collect unpaid fines for a contravention of this by-law in accordance with the following:

- (a) the treasurer may give notice that if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, including any extension of time for payment under section 66 or 66.0.1 of the Provincial Offences Act, the treasurer may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which must be not less than 21 days after the date of the notice; and
- (b) if the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes for the purposes of section 351 of the Municipal Act, 2001.

29 Appeals

29.1 An applicant or licensee may appeal any of the following decisions of the director to the appeals committee:

- (a) a decision to refuse an application for the grant or renewal of a licence;
- (b) a decision to suspend or revoke a licence, except for a decision to suspend a licence made pursuant to clause (c) or section 0;
- (c) a decision to specify as a limitation of a licence the list of:
 - (i) services or the classes of services; or

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- (ii) the goods or the classes of goods;
in respect of which a licensee is licensed;
 - (d) a decision to impose one or more conditions as a requirement of obtaining, continuing to hold or renewing a licence; or
 - (e) a decision respecting the times, dates or places of validity of a licence.
- 29.2 A person who is the subject of an order made by the director under subsection 27.5 may appeal the order to the appeals committee.
- 29.3 To appeal to the appeals committee, a person must file with the clerk a notice of appeal, in the prescribed form, along with the fee or fees prescribed in the Fees and Charges By-Law within 15 days from the day the applicant or licensee was given notice of the director's decision or the order that is being appealed from.
- 29.4 The appeals committee may, upon application by a person referred to in subsections 29.1 or 29.2, extend the time for appealing a decision or an order if it is satisfied that there are apparent grounds for granting the appeal and that there are reasonable grounds for applying for the extension and may give directions that it considers proper consequent upon the extension.
- 29.5 An appeal to the appeals committee does not stay a decision unless the appeals committee orders otherwise in writing upon being satisfied that a stay will not cause harm or a risk of harm to the:
- (a) economic, social or environmental well-being of the municipality; or
 - (b) health, safety or well-being of a person or property.
- 29.6 The parties to an appeal are:
- (a) the person referred to in subsections 29.1 or 29.2; and
 - (b) the director.
- 29.7 Subject to subsection 29.8, after receiving a notice of appeal and the fee or fees prescribed in the Fees and Charges By-Law, the clerk must promptly appoint a time and place for a hearing by the appeals committee.
- 29.8 The clerk must give each of the parties at least seven days' notice of the time and place of the hearing.

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- 29.9 Appeals will be conducted in accordance with the Appeals Committee By-Law.
- 29.10 On an appeal, the appeals committee may rescind, confirm or alter the director's decision or the order, and may substitute its own opinion for that of the director, and may direct the director to take any action that the appeals committee considers that the director ought to take in accordance with this by-law.
- 29.11 Decisions made by the appeals committee are final.

30 General

- 30.1 Any form, notice or other document is sufficiently given or filed if it is:
- (a) given or filed personally;
 - (b) sent by registered mail;
 - (c) sent by email; or
 - (d) sent by another manner if the sender can prove receipt of the form, notice, or other information or document.
- 30.2 Time limits that would otherwise expire on a holiday are extended to include the next day that is not a holiday.
- 30.3 The director may make available publicly on the City's website or by any other means that the director determines:
- (a) information about the business activities of any class of licensees, including their business name, business address, phone number and email address;
 - (b) licensing information about a licensee, including the licensee's licence number, the date that the licence expires, specified limitations of the licence, conditions, including special conditions, imposed on the licence and the current status of the licence;
 - (c) information about persons whose licence has been suspended or revoked; and
 - (d) any other information that the director may prescribe.
- 30.4 The director may make regulations prescribing:

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- (a) the form of all licences;
 - (b) any other forms and providing for their use;
 - (c) the information and documents required to be given to the director by a person applying to have a licence granted or renewed;
 - (d) the kinds of liability and the amounts for the insurance coverage for a business or for a class of businesses that clause 7.1(g) requires a licensee to take out and maintain;
 - (e) the requirements of the photograph of the applicant's likeness that clause 5.11 (a) requires an applicant to give to the director;
 - (f) the names and contact information of any charity that provides credit counselling services that clause 19.2(a)(i) requires a licensee to post;
 - (g) the standards for the written records of all sales or purchases of scrap metal made in the course of the business of a scrap metal dealing establishment that clause 22.3(b) requires a licensee to keep;
 - (h) the standards for the written records of all sales or hires of retail goods made in the course of the business of a transient trader that clause 25.3(b) requires a licensee to keep; and
 - (i) the information that the director may make available publicly on the City's website or by any other means that the director determines.
- 30.5 The director must file a certified copy of every regulation, including the date on which it was made, with the clerk.
- 30.6 The clerk must make a regulation filed by the director available for public inspection and must publish a regulation filed by the director on the City's website.
- 30.7 A regulation comes into force on the day on which it is filed and a regulation that is not filed has no effect.
- 30.8 A regulation is not effective against a person before the earlier of the following times:
- (a) when the person has actual notice of it; or

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(b) the last instant of the day on which it is published on the City's website.

30.9 Terms used in regulations or forms have the same meaning as in this by-law.

30.10 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law or a regulation 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 or a regulation authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

30.11 On the date that this by-law comes into force and takes effect, a person who held a valid licence under the predecessor to this by-law immediately before the date that this by-law comes into force and takes effect is deemed to hold a licence under this by-law.

30.12 This by-law will come into force and take effect on January 1, 2026.

30.13 As of the date that this by-law comes into force and takes effect, the following City by-laws are repealed in their entirety:

(a) City of Kingston By-Law Number 2006-213, A By-Law to License, Regulate and Govern Certain Businesses;

(b) City of Kingston By-Law Number 2003-4, A By-Law to License, Regulate and Govern Certain Trades and Occupations; and

(c) City of Kingston By-Law Number 93-250, A By-Law to Authorize the Lease of City Streets for the Purpose of Operating Motorized Refreshment Vehicles, and to Authorize the Adoption of Guidelines for Dealing with Applications, and to Authorize Motorized Refreshment Vehicle Regulations.

30.14 All prosecutions and other enforcement processes commenced under By-Law Number 2006-213, including, without limitation, any orders issued pursuant to By-Law Number 2006-213, which have not been completed on the day this by-law comes into force and takes effect, shall be completed under By-Law Number 2006-213 as if it had not been repealed.

Business Licensing By-Law Proposed Fees for 2026 & 2027

Business Classification	2026 Fee	2027 Fee
Adult Entertainer	\$178	
Adult Goods Establishment	\$524	
Adult Services Establishment	\$1,747	
Amusement Establishment - Arcade	\$178	
Amusement Establishment – Billiards	\$135	\$183
Amusement Establishment – Cinema	\$354	
Boarding, Lodging or Rooming House	\$177	
Combined Tobacco/Vapour Product Retail Establishment	\$524	
Esthetician Services Establishment	\$135	\$183
Food Premises 0 – 99 seats	\$267	
Food Premises 100+ seats	\$360	
Food Premises – Commercial Kitchen	\$360	
Food Premises – Meat & Fish Sales	\$178	\$275
Food Vendor Class A	\$401	
Food Vendor Class B	\$181	
Food Vendor Class C	\$92	
Food Vendor Class D	\$208	
Gas Station	\$135	\$183
Motor Vehicle Repair Establishment	\$135	\$183
Pawnbroking Establishment	\$177	
Payday Loans Establishment – Initial	\$348	
Payday Loans Establishment – Renew	\$177	
Pet Sales Establishment	\$177	\$182

Business Classifications	2026 Fee	2027 Fee
Plumber Services Establishment	\$344	
Scrap Metal Dealer Establishment	\$360	
Street Performer	\$46	
Tobacco Retail Establishment	\$349	
Transient Trader – Auctioneer	\$178	
Transient Trader – Hawker & Peddler	\$135	\$183
Transient Trader - Specific Day Sales Class A-1 (sale by local hobby group or club 1 – 5 days)	\$69	\$92
Transient Trader - Specific Day Sales Class A-2 (special sale and/or purchase 1 – 5 days)	\$278	
Transient Trader - Specific Day Sales Class B-1 first month (sale and/or purchase (6 days to 6 months)	\$378	
Transient Trader - Specific Day Sales Class B-1 each additional month (sale and/or purchase (6 days to 6 months)	\$46	
Transient Trader - Specific Location Sale Class 2 daily (Market Square)	\$54	
Transient Trader - Specific Location Sale Class 3 annually	\$8,400	
Vapour Product Retail Establishment	\$349	
Late Fee	\$75	