

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

**BEING A BY-LAW TO PROVIDE FOR THE LICENCING OF
CERTAIN BUSINESSES IN THE CITY OF QUINTE WEST**

WHEREAS Section 150 of the Municipal Act, 2001, permits a municipality to licence, regulate and govern any business in whole or in part within its boundaries in accordance with certain conditions;

AND WHEREAS the Corporation of the City of Quinte West by its Council has determined that it is in the public interest that certain businesses be required to obtain a licence as a prerequisite for their operation;

AND WHEREAS the Corporation of the City of Quinte West by its Council has determined that it is the public interest to update its business licencing by-law in accordance with changes in the modern economy, the current regulatory framework and the laws of Ontario;

AND WHEREAS this by-law is intended to promote the health and safety of the public and to control nuisance by requiring every person who operates certain businesses to obtain a business licence;

AND WHEREAS the purpose of this by-law is to ensure that the operation of various businesses are licenced and regulated in accordance with the Municipal Act, 2001, S.O. 2001, c.25;

AND WHEREAS notice of a public meeting was given on 25 November 2005;

AND WHEREAS a public meeting was held on 12 December 2005;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF
QUINTE WEST ENACTS AS FOLLOWS:**

SECTION 1

This by-law shall be entitled the "Business Licencing By-law".

SECTION 2

This by-law applies to all the City of Quinte West.

SECTION 3

INTERPRETATION

3.1 DEFINITIONS:

In this bylaw the following words shall have the following meaning:

"Applicant" – means the owner of a business and is the person seeking a licence, or renewal of a licence;

"City" – means the Corporation of the City of Quinte West;

"Clerk" – means the Clerk of the City or designate;

"Charitable" – means the relief of poverty, the advancement of education, the advancement of religion and other charitable purposes beneficial to the community;

"Council" – means the Council of the Corporation of the City of Quinte West or its' appointed representative(s);

"Eating establishment" shall mean a building, or part of a building, which is utilized for the sale of food to the public for immediate consumption, and includes but is not limited to a restaurant, dining room, café, cafeteria, ice cream parlour, coffee shop and/or snack bar;

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

“Fire Chief” – means the Chief of the City Fire Department or designate;

“Goods, wares and merchandise” - means any article, merchandise, service or privilege obtained for consideration or anything that has economic utility or want, or an intangible item (as a service or membership) that is a marketable commodity;

“Highway” – means a common and public highway, street, avenue, lane, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof, and specifically including the traveled portion of the highway, sidewalks and boulevards;

"Hobby Show Sale" - means an event at which goods are exhibited, exchanged or sold between members of a Non Profit Hobby Association or the public for the advancement of the hobby and such event takes place for no more than seven days.

“Home Occupation” – means any occupation or business conducted for gain or profit as an accessory use within a dwelling house or dwelling unit.

“Lodging House” – means any house, or other building or portion thereof in which persons are harboured, received or lodged for hire but does not include a hotel, hospital, nursing home, home for the young or home for the aged or institution of the hotel, hospital, home or institution is licenced, approved or supervised under any other general or special Act, nor a domiciliary home;

“Licencee” – means the person who is granted the licence;

"Mobile Canteen" - means a refreshment vehicle that is being propelled by any means and goes from place to place or to a particular place or location but does not include a Mobile Cart.

"Mobile Cart" - means a refreshment vehicle that is a bicycle or cart that goes from place to place or remains at a particular place or location.

"Mobile Cart Broker"- means that person, company or business that owns one or more Mobile Carts and operates the mobile cart(s) himself or who allows or leases the mobile cart to be used by any person or engages on any basis a person, to operate the mobile cart.

“Motor Vehicle” – means an automobile, motorcycle, a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry and any other vehicle however propelled.

“Municipal” - means the City of Quinte West.

“Municipal Law Enforcement Officer” - means the person(s) appointed as Municipal Law Enforcement Officers for the enforcement of the by-laws of the City.

“Officer” – includes a Municipal Law Enforcement Officer, the Chief of Police, the Fire Chief or any authorized official.

"Operate" - means selling or offering for sale or providing a service.

“Operator” - means that person who sells or offers for sale or provides a service.

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

“Owner” - means that person who owns the refreshment vehicle and in whose name a licence is issued and includes a Mobile Cart Broker and an owner is an applicant.

“Person” – means an individual, a sole proprietor, a partnership, an unincorporated association, a trust, a body corporate;

“Police Chief” – means the Ontario Provincial Police Detachment Commander for the City of Quinte West or designate;

“Refreshments” – means fruit, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery, beverages and all edible foods and food products and which, food or food products are prepared within the refreshment vehicle or are prepared elsewhere, and are sold or offered for sale from the vehicle.

“Refreshment Vehicle” - means a vehicle from which refreshments are sold for consumption by the public at the time of sale or at a later time.

“Sidewalk” - means that portion of a highway that is designed and intended for or used by the general public for the passage of pedestrians.

“Special Sale” - means an event, consisting of the assembling of a group of Temporary Vendors, and such event takes place for no more than seven days.

“Stationary Canteen” - means a refreshment vehicle which is not being propelled by any means and remains at a particular place or location but does not include a Mobile Cart.

“Temporary Vendor” – means any person who goes from place to place or to a particular place in the City of Quinte West with goods, wares or merchandise for sale or carries or exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the City of Quinte West afterward.

“Vacant Lot” - means an area of land unencumbered by a building or other structure and shall not be restricted by reference to a lot on a registered plan of subdivision only, but may include a part of a lot on any plan with a frontage on a public street.

“Vehicle” - means a motor vehicle, trailer, bicycle, cart, commercial motor vehicle, an automobile, motorcycle, a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry and any other vehicle however propelled.

“Waste” - means food, disposable eating utensils, paper, wooden cardboard, plastic, glass or metal products used in the preparation, serving or consumption of the food or beverages offered for sale from a refreshment vehicle.

“Zoning” - means the City of Quinte West comprehensive zoning by-law pursuant to the Planning Act, R.S.O. 1990, CHAPTER P.13, as amended.

**SECTION 4
LICENCES GENERAL PROVISIONS**

4.1 Licence – required

No person shall operate any of the following business without having first obtained a licence from the Clerk:

- (a) A Refreshment Vehicle
- (b) A Temporary Vendor

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

- (c) A Home Occupation
- (d) A Lodging House

4.2 Application form –requirements

An application for a licence, or for renewal of a licence, shall be made on the forms provided by the Clerk, and each completed application shall be submitted to the Clerk, accompanied by:

- (a) The licence fee, in the amount specified in the Consolidated Fees By-law shall not be prorated.
- (b) If the applicant is corporation, a copy of the incorporating document and a copy of the last annual information return filed, if any; and
- (c) If the applicant is a registered partnership, a copy of the registered declaration of partnership; and
- (d) A licence renewal shall be subject to review and approval and a request may be made for confirmation or renewal of any of the information required in the initial application and shall be provided before the licence is renewed.

4.3 Renewal – refusal – conditions

An applicant whose application meets all the requirements of this by-law is entitled to the renewal of a licence except where:

- (a) Past conduct of the applicant affords reasonable grounds for belief that the issuance of a licence would be adverse to the public interest; or
- (b) The applicant is carrying on activities that are, or would be, if licenced, in contravention of this by-law, any other by-law, or federal or provincial statute, or
- (c) The applicant fails to provide any information requested.

4.4 Refusal – licence fee - refunded

Where an application for a licence, or for renewal of a licence, is refused, the licence fee shall be fully refunded.

4.5 Licence – term

Every licence issued pursuant to this by-law shall be valid from the date of issue until the date of expiry stated on the licence or until the 31st day of December of the year in which the licence is issued whichever comes first and shall not be transferable.

4.6 Licence – expiry - renewal

Every licence that expires on the 31st day of December shall be renewed by the 1st day of January following the expiry date.

4.7 Duplicate Licence

A duplicate licence may be issued by the Clerk to replace any previously issued licence which has been lost, stolen or destroyed, upon written application by the licensee and upon payment of a ten (\$10.00) dollar administrative fee.

4.8 Change of Address - required

Where the name or address of a licensee changes, the licensee shall notify the Clerk in writing within fifteen (15) days.

4.9 Compliance

For licences issued pursuant to this by-law;

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

- (a) compliance with all applicable statutes, regulations and by-laws shall be deemed to be a condition,
- (b) in addition to the provisions contained in Sections 4 and 5 and/or conditions as required by Council, provisions and requirements for each business are as contained in the specific sections for each business;
 - (i) SECTION 6.1 - Refreshment Vehicle
 - (ii) SECTION 6.2 - Temporary Vendor
 - (iii) SECTION 6.3 - Home Occupation
 - (iv) SECTION 6.4 – Lodging house

4.10 Suspension

Failure to comply with the terms and/or conditions of a licence may constitute grounds for suspension of the licence by the Clerk.

4.11 Inspection – premises – all reasonable times

Every licenced premise, including a mobile canteen, may be inspected at all reasonable times by:

- (a) A Municipal Law Enforcement Officer, and/or
- (b) The Chief of Police, or designate, and/or
- (c) The Fire Chief, or designate.

4.12 Inspection – Premises – refusal prohibited

No licensee, or any employee of a licensee, shall at any time obstruct or interfere with an officer in, or prevent an officer from, conducting an inspection of the business.

4.13 Posting Licences – Fixed Place of Business

Where a licensee carries on a business or trade from a fixed place of business, the licensee shall post the licence obtained under this by-law in a conspicuous place at such fixed place of business.

4.14 Posting Licences – Other Places of Business

Where the licensee travels from place to place to carry on a business or trade, the licensee shall carry the licence when engaged in the business or trade, and every person so licenced shall, when requested by any authorized by-law enforcement official, produce the licence for inspection.

4.15 Expired or Revoked Licence

No person shall post or produce for inspection a licence which has expired, or which has been revoked.

SECTION 5

ADMINISTRATION – CLERK – DUTIES

5.1 Applications – renewals – processing

- (a) The Clerk shall have the authority to receive and process all applications for business licences and renewals, and to issue such licences.
- (b) The Clerk may require any documentation that is deemed advisable to properly and effectively process an application and issue a licence.

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

- (c) For a renewal licence the Clerk may, provided that there have been no changes to the business information contained in the previous application, dispense with some of the application and licence requirements.
- (d) Section 5.1 (c) does not apply to those requirements for health and safety.

5.2 Investigation – as necessary - reports

Upon the receipt of an application for a licence, or the renewal thereof, the Clerk shall make or cause to be made all investigations deemed necessary relative to the application.

5.3 Clerk to maintain records

The Clerk shall maintain complete records showing all applications and licences and certificates issued.

5.4 Suspension of licence

The Clerk may suspend a licence in the best interest of the Public or where the licensee has been convicted of any offence under this by-law.

5.5 Suspension of licence – hearing – attendance – consideration of licence

If the Clerk refuses to grant or renew a licence or suspends a licence, the applicant shall have the right to apply for a hearing by Council or its' appointed representatives or a Committee of Council which, after due consideration of the application and hearing of such representations as the applicant may care to make, the committee may recommend to Council or its' appointed representatives that the licence be issued with or without conditions or that the licence be revoked.

5.6 Decision of Council final

Upon the conclusion of a hearing and recommendation of the committee, Council or its' appointed representatives shall, as soon as practicable, dispose of the matter which was the subject of the hearing by doing any act or making any decision and such decision shall be final.

**SECTION 6
BUSINESS SPECIFIC PROVISIONS**

6.1 REFRESHMENT VEHICLES

6.1.2 Application Specific Requirements

All applications for a refreshment vehicle shall;

- (a) be submitted with a letter of permission with respect to the proposed use, from the registered owner of the property or the owners' authorized agent,
- (b) be submitted with a list containing the names and address and telephone numbers of all operators.
- (c) have a description of the vehicle including all equipment, installed or to be installed therein for use in the preparation, storage and dispensing of refreshments.
- (d) be submitted for written approval and recommendation for each licence from the City of Quinte West Fire Department if the refreshment vehicle is equipped with any type of cooking or fuelled appliance. Such approval will address, but will not be limited to, requirements for fire extinguishers and spatial separation.

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

- (e) for a Stationary Canteen, be submitted for a recommendation for each licence from the City Planning Department that the lot is zoned for Commercial or Industrial use in the particular place or location, and provision for sufficient off street parking as per the City of Quinte West Zoning By-law may be required.
- (f) as required be submitted with a copy of a current contract with an authorized disposal contractor for the pick up and disposal of used cooking oil.
- (g) be submitted with proof of insurance as described in Section 6.1.3.
- (h) contain a list of all the types of refreshments that are to be sold.
- (i) be submitted for written approval from the City of Quinte West Water and Sewer Department if any connection to municipal water or sewer is required.

6.1.3 Insurance – required

Every licensee shall, with the application for a refreshment vehicle licence file;

- (a) Evidence of valid insurance coverage for public liability insurance and that the said policy names The Corporation of the City of Quinte West as an Additional Insured but only with respect to the operations of the licensee, and
- (b) The policy shall include a description of the coverage, policy number, effective date, expiry date, limits of liability and details of the vehicle covered, an endorsement included in the insurance policy that provides for the City Clerk or designate to receive at least fifteen (15) days written notice of said policy being cancelled or expiring or any variation of said policy, and
- (c) The amount of the insurance coverage shall not be less than two million (\$2,000,000.00) dollars for each occurrence, incidental to the operation of the licenced refreshment vehicle, and
- (d) An indemnification agreement with the Corporation of the City of Quinte West whereby the refreshment vehicle operator agrees to indemnify, save and hold harmless the Corporation of the City of Quinte West, its agents, servants, employees, and officials from any and all claims, actions, or suits which might be brought against the said refreshment vehicle owner or operator and/or the Corporation of the City of Quinte West arising out of the operation of the refreshment vehicle in any manner whatsoever or any error, negligence or omission of the refreshment vehicle owner or operator, their agents, servants or employees.

6.1.4 Licence Provisions

Except where otherwise provided;

- (a) A refreshment vehicle shall only be operated at the location stated on the licence.
- (b) A licence shall be issued with respect to one refreshment vehicle only and where more than one vehicle is licenced each vehicle shall have a number, which is separate and distinctive for that vehicle, fixed permanently and conspicuously to the outside surface of the vehicle.
- (c) A licence for a Mobile Canteen shall not be used to operate a refreshment vehicle in a residential area, except at a location where construction of housing or infrastructure is taking place.

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

- (d) Ensure that the refreshment vehicle is not operated in a location which is closer than 45 meters (147.6 feet) to the boundary of a lot on which an eating establishment is located. Such distance shall be measured in a straight line connecting the closest point on the exterior wall of the refreshment vehicle with the closest point on the boundary of the lot on which the eating establishment is located.

6.1.5 Sale – operation – prohibited area

No person shall operate a refreshment vehicle within 75 metres of the property line of a school, hospital, medical clinic or public park unless the location is stated on the licence.

6.1.6 Sale - public highway or property – prohibited

No person shall operate a mobile canteen on any highway or on any other property owned by The Corporation of the City of Quinte West, without having first obtained specific written permission from the City;

6.1.7 Vehicle – equipment – clean and sanitary

Every operator shall keep all vehicles and equipment and food preparation areas in a clean and sanitary condition and shall comply with all applicable provincial legislation and the regulations made thereunder concerning the preparation, storage, handling and sale of food and beverages;

6.1.8 Offences

No person shall;

- (a) transfer or assign any licence to a refreshment vehicle other than the refreshment vehicle for which the licence is specifically issued
- (b) transfer or assign any licence to another person.
- (c) affix a licence to a refreshment vehicle for which the licence was not issued.
- (d) operate a refreshment vehicle for which the affixed licence was not issued.
- (e) hire engage or commission any other person to operate a Mobile Cart unless a Mobile Cart Brokers licence has been obtained.
- (f) allow any person to operate a mobile cart unless a Mobile Cart Brokers licence has been obtained as required by this by-law.
- (g) make any modification(s) to any refreshment vehicle, after a licence has been issued or the report from Fire Chief has been received, unless written prior permission has been received from the City of Quinte West.

6.1.9 Exemptions – General

Licensing requirements of this by-law do not apply to:

- (a) sales of milk or cream or fluid milk products sold to the consumer or to any person for resale; or
- (b) sales inside a building if the sales have been approved by, the City of Quinte West Planning Department in accordance with the Zoning by-law and the Ontario Building Code and the City of Quinte West Fire Department in accordance with Ontario Fire Code requirements; or
- (c) sales for which a licence has been issued by the Corporation in accordance with another by-law.

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

- (d) the operation of a refreshment vehicle(s) in conjunction with a community festival or special event approved by the municipality on the condition that such operation has been approved by the event organizer, has been licenced by the municipality, and that all criteria as specified in the by-law are met.

6.1.10 Exemptions – Fire Code - Inspection

Subject to section 6.1.11 and provided that a refreshment vehicle has been inspected within the previous twelve (12) months by a municipal Fire Department and found to be in compliance with the Ontario Fire Code and a safety certificate for the vehicle is posted on the vehicle and the group or organization has received a copy of the certificate the licencing requirements of this by-law do not apply to;

- (a) sales by a member or an agent of a charitable group provided all of the money from the sale of such refreshments is returned to the charitable group; or
- (b) sales in conjunction with a Community Festival or Special event, approved by the Council, provided that permission to conduct such sales has been granted by the event organizer; or
- (c) sales at or in a Corporation facility provided that the department or body of the Corporation responsible for the facility has approved the sale.

6.1.11 Exemptions – Fire Code – Inspection - Indemnification

The exemptions of section 6.1.10 only apply if that the group or organization provide;

- (a) An indemnification agreement with the Corporation of the City of Quinte West whereby the group or organization agrees to indemnify, save and hold harmless the Corporation of the City of Quinte West, its agents, servants, employees, and officials from any and all claims, actions, or suits which might be brought against the said group or organization, the refreshment vehicle owner or operator and/or the Corporation of the City of Quinte West arising out of the operation of the refreshment vehicle in any manner whatsoever or any error, negligence or omission of the group or organization and/or the refreshment vehicle owner or operator, their agents, servants or employees.

6.2 TEMPORARY VENDOR

6.2.1 Application Specific Requirements

All applications for a Temporary Vendor or Special Sale Licence shall be submitted with;

- (a) A list of the goods, wares, or merchandise that are to be sold, and
- (b) For each Temporary Vendor or Special Sale Licence:
 - (i) a letter of permission with respect to location and the proposed use, from the registered owner of the property or the owners' authorized agent, and
 - (ii) A recommendation from the City Planning Department that the lot is zoned for Commercial or Industrial use in the particular place or location and that there is provision for sufficient off street parking as per the City of Quinte West Zoning By-law, and

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

- (c) For a Special Sale Licence a list of all Temporary Vendors that are taking part in the Special Sale, and
- (d) Every person applying for a licence who is an employee, agent or representative and selling on behalf of another person or business must submit, with the application, a letter of authorization from that person or business.

6.2.2 Licence Provisions

Except where otherwise provided;

- (a) Every person who has obtained a Special Sale Licence shall ensure that all participating Temporary Vendors are supplied with a copy of the licence and that all participating Temporary Vendors display a copy of the licence at each individual sales point.
- (b) Every Temporary Vendor participating in a Special Sale shall prominently display a copy of a current licence for that location at the point of sale.
- (c) Every Temporary Vendor shall, upon the request of a Municipal Law Enforcement, Police Officer provide the licence for inspection and provide in writing their name and address and also the name and address of their employer if applicable.

6.2.3 Offences

No person shall;

- (a) Transfer or assign any licence to another person.
- (b) Being a licensee allow any other person to use the licence.
- (c) Carry on the business of a Temporary Vendor on any public highway or other property owned by The Corporation of the City of Quinte West unless expressly stated on the licence.

6.2.4 No Temporary Vendor shall sell or offer for sale any goods, wares or merchandise at any place other than that place specified on the licence.

6.2.5 Exemptions

Licensing requirements of this by-law do not apply to:

- (a) a Temporary Vendor when the selling is carried out under Special Sale Licence provided that the Temporary Vendor has been listed on the application for the licence.
- (b) any person who is selling goods, wares or merchandise:
 - (i) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are sold by the grower, producer or manufacturer or agent or employee of them having written authority so to do and if the grower, producer or manufacturer resides in the City of Quinte West;
 - (ii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of the farmer's own farm; or
 - (iii) if the goods, wares or merchandise are sold by a person who pays commercial or industrial tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise, or by that person's agent or employee; or

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

- (iv) if the goods, wares or merchandise are sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays commercial or industrial tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise, or
- (c) sales by a member or an agent of a charitable group provided all of the monies from the sale of such goods, wares or merchandise is returned to the charitable group; or
- (d) sales of milk or cream or fluid milk products sold to the consumer or to any person for resale; or
- (e) sales inside the building at a shopping mall or a flea market; or
- (f) the seasonal sale of Christmas trees, or
- (g) the operation of a refreshment vehicle licenced under a Corporation by-law for refreshment vehicles, or
- (h) the sale of personal motor vehicles from the property of the vehicle owner, or
- (i) yard or garage sales
- (j) sales in conjunction with a Community Festival or Special event, approved by the Council, provided that permission to conduct such sales has been granted by the event organizer, or
- (k) sales at or in a Corporation facility provided that the department or body of the Corporation responsible for the facility has approved the sale; or
- (l) sales for which a licence has been issued by the Corporation in accordance with another by-law.

6.3 HOME OCCUPATION

6.3.1 Application Specific Requirements

All applications for licence in addition to the requirements in sections 4 and 5 shall be submitted with;

- (a) A written approval and recommendation from the City of Quinte West Fire Department. Such approval will address all aspects of the Fire Code as they apply to the business and/or structure to be used for the Home Occupation.
- (b) A recommendation which will indicate that all provisions, for the particular location of the Home Occupation, are as provided for in the City of Quinte West Zoning By-law.

6.4 LODGING HOUSE

6.4.1 Application Specific Requirements

All applications for licence shall be submitted with;

- (a) The name of the resident manager if the applicant does not reside on the premises, or is not actively in charge
- (b) A written approval and recommendation from the City of Quinte West Fire Department. Such approval will address all aspects of the Ontario Fire Code as it applies to the business and/or structure to be used for the lodging house.

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

- (c) A recommendation from the City Planning Department which will indicate that all provisions, for the particular location of the lodging house, are as provided for in the City of Quinte West Zoning By-law.
- (d) A copy of a current final acceptance certificate from the Hydro One Inspection Service which will indicate that all provisions of the Ontario Electrical Safety Code have been met for a lodging house.
- (e) A recommendation from the City Building Department which will indicate that all provisions of the Ontario Building Code have been met for the lodging house.
- (f) Despite section 5.1 (d) section 5.1 (c) applies to Sections 6.4.1 (d) and (e).

6.4.2 Licence Provisions

- (a) In the event the resident manager changes during the term of the licence, the Clerk shall be notified of the change immediately.
- (b) Sleeping accommodation shall not be provided in any space in the premises used as a lobby, hallway, closet, bathroom, stairway or kitchen.
- (c) All provisions of the Ontario Building Code, Ontario Fire Code, Ontario Electrical Safety Code and the City of Quinte West Property Standards By-Law apply to the continuing operation of a lodging house.

6.4.3 Offences

- (a) No person shall prepare or cook food in any area of a lodging house other than a kitchen.
- (b) No owner or manager shall cause or allow the preparation or cooking of food in any area of a lodging house other than a kitchen.
- (c) No owner or manager shall fail to ensure that all provisions of this by – law are carried out.

**SECTION 7
OFFENCES GENERAL**

7.1 Time Period

For the purposes of this By-law, each day on which the offence occurs or continues shall be deemed to be a separate offence.

7.2 General – fine for contravention

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction, is liable to a fine exclusive of costs, and all such penalties shall be recoverable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c P.33, as amended.

7.3 Specific – fine for contravention

Any penalties provided for in other sections of this by-law are in addition to the penalties provided for in section 7.2.

7.4 Penalty – Not Licence Fee

Any penalty imposed shall not be deemed to be payment for any licence fee(s) due or in arrears.

**THE CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 12-96**

**SECTION 8
GENERAL**

8.1 Gender

In this By-law, words importing the neuter gender shall include the feminine gender and masculine gender and vice versa.

8.2 Section Headings

Section headings in this by-law are not to be considered part of this by-law, are included solely for the convenience of reference and are not intended to be full or accurate descriptions of the sections of this by-law to which they relate.

8.3 Reference to other by-laws

Reference in any document to a by-law repealed by this by-law shall be deemed to be reference to this by-law.

8.4 Severability

In the event any court of competent jurisdiction should adjudge that any section or sections of this by-law is/are not valid for any cause, such section or sections shall be deemed severable from the remainder of the by-law and the remainder of the by-law shall stand and be enforced to the same extent as if the offending section or sections had not been included therein.

8.5 Repeal

The City of Quinte West By-law numbers 08-151, 10-105, 11-137 and 12-82 are hereby repealed in their entirety.

**SECTION 9
ENACTMENT**

9.1 Effective date

This By-law shall take effect upon final passing hereof.

READ A FIRST, SECOND AND THIRD TIME and finally passed this 16th day of July, 2012



John R. Williams, Mayor



DonnaLee Craig, City Clerk