

# **LICENCE**

## **Chapter 500 GENERAL PROVISIONS ISSUE OF LICENCES**

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WHEREAS it is deemed expedient to exercise the powers conferred on Council by the *Municipal Act, 2001*, S.O. 2001, c. 25.

**Article 1  
INTERPRETATION**

**500.1.1 Application - defined**

“application” shall include an application for a licence or renewal of a licence on the form provided by the Manager of Licensing and where permitted by the Manager of Licensing shall also include a verbal request for renewal of a licence.

**500.1.2 Chapter - defined**

“Chapter” shall refer to a by-law of the City which has been incorporated into The City of Kitchener Municipal Code and assigned a Chapter number therein unless inconsistent with the context in which the word is used.

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**500.1.3 City - defined**

“City” means The Corporation of the City of Kitchener.

**500.1.4 Council - defined**

“Council” means the Council of The Corporation of the City of Kitchener. By-law 2004-254, 6 December, 2004.

**500.1.5 Manager of Licensing - defined**

“Manager of Licensing” means the Manager of Licensing appointed by Council of the City or in his/her absence the City Clerk appointed by Council of the City. By-law 2004-254, 6 December, 2004; By-law 2006-226, 27 November, 2006.

**500.1.6 Operator - defined**

“operator” means a person who, alone or with others, operates, manages, runs, or controls and “operate(s)” has a corresponding meaning.

**500.1.7 Person - defined**

“person” includes a corporation and a partnership and the heirs, executors, administrators and other legal representatives of a person to whom the context can apply according to law.

**Article 2  
GENERAL PROVISIONS**

**500.2.1 Application - Licensing Chapters**

The provisions of this Chapter 500 apply to any Chapter governing, regulating or licensing any trade, occupation, calling or business that specifically states that the provisions of Chapter 500 shall apply to it.

**500.2.2 Conflict - other enactments**

In the event of a conflict between any of the provisions in this Chapter 500 and a provision in another Chapter to which this Chapter 500 applies, the provision of the other Chapter shall govern to the extent of the conflict.

**500.2.3 Application - fees - required documents**

Every application shall be accompanied by the applicable licence fee and any documentation or forms required by the Manager of Licensing.

**500.2.4 Information - change - notice to Licensing Officer**

Every person shall advise the City’s licensing office in writing forthwith, and in advance where possible, of any change to information provided to the City on the application.

**500.2.5 Application received - investigations as required**

Upon receipt of an application, the Manager of Licensing shall make or cause to be made all investigations which he/she deems necessary or which are required by Council relative to the application. By-law 2004-254, 6 December, 2004.

## 500.2.6 GENERAL PROVISIONS - ISSUE OF LICENCES 500.2.11

### **500.2.6 Applicant investigation - documentation required**

The Manager of Licensing may require the applicant to have investigations conducted by, to obtain documentation from and provide to the Manager of Licensing, or have documentation provided by any of the following or their designates: the Deputy CAO, Infrastructure Services, Director of Transportation Planning, Chief Fire Prevention Officer, Chief Building Official, Manager, Development Review, Supervisor of Farmers' Market, Regional Medical Officer of Health, Director of Enforcement, Electrical Safety Authority, Kitchener Waterloo and North Waterloo Humane Society, the applicant's local Police Services Board and the Waterloo Regional Police Services. By-law 2004-254, 6 December, 2004; By-law 2011-047, 28 March, 2011.

### **500.2.7 Licence - expiry - December 31 - current year**

A licence issued under a Chapter to which the provisions of this Chapter 500 apply, shall be for the calendar year current at the time it is issued and shall expire on the 31st day of the December immediately following the date of such licence unless the licence is revoked at an earlier time.

### **500.2.8 Transfer - licence - prohibited**

Every licence issued under a Chapter to which the provisions of this Chapter 500 apply is issued on the condition that it is personal and no person shall assign or transfer the licence.

### **500.2.9 Operation in conformity with all regulations - Acts**

Every holder of a licence issued under a Chapter to which the provisions of this Chapter 500 apply shall ensure that the business or operation licensed by the City shall be conducted in conformity with the provisions of any applicable federal or provincial Act, and any regulation made thereunder, and any by-law of the City purporting to govern or regulate the said operation.

### **500.2.10 Human Rights Code - compliance**

No holder of a licence issued under a Chapter to which the provisions of this Chapter 500 apply shall permit, infringe or do, directly or indirectly, anything that infringes a right set out in the Human Rights Code, in relation to or during the carrying on of the trade, calling, business or occupation in respect of which the licence is issued.

### **500.2.11 Working dog - disabled person - permitted**

No holder of a licence issued under a Chapter to which the provisions of this Chapter 500 apply shall refuse to permit a dog that has been trained at an accredited facility, while being used as a working dog to assist a disabled person, to enter and remain on his/her premises during the carrying on of the trade, calling, business or occupation in respect of which the licence is issued.

## 500.2.12 GENERAL PROVISIONS - ISSUE OF LICENCES 500.2.16

### **500.2.12 Licence - posted - conspicuous - at all times**

Every person holding a licence issued under a Chapter to which the provisions of this Chapter 500 apply, where the licence applies to premises, shall keep his/her licence posted in a conspicuous place in the licensed premises and shall ensure that the said licence remains so posted during the time it is in force.

### **500.2.13 Inspection - vehicle - premises - at all reasonable times**

Every licence issued under a Chapter to which the provisions of this Chapter 500 apply is issued subject to the condition that every place or premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying out of the business shall be liable to be inspected at any reasonable time by the Waterloo Regional Chief of Police or any Police Officer, Licence Inspector, the Fire Prevention Officer, the Director of Building, the Director of Enforcement and any person or inspector duly authorized on their behalf or otherwise authorized by Council and no person shall refuse admission to such officer or person, after a demand to inspect has been made.

### **500.2.14 Dwelling unit - inspection - regulation**

Notwithstanding Section 500.2.13, inspections of space being used as a dwelling unit shall be conducted in accordance with the provisions of the *Municipal Act, 2001*. By-law 2004-254, 6 December, 2004.

### **500.2.15 Inspection - any premises - to ensure compliance**

An inspection of any premises to which any provisions of this Chapter apply may be conducted to determine whether or not the following are being complied with:

- (a) any by-law under the *Municipal Act, 2001*, including this Chapter;
- (b) a direction or order of the City made under the *Municipal Act, 2001* or made under a by-law of the municipality passed under the *Municipal Act, 2001*;
- (c) a condition of a licence issued under a by-law of the municipality passed under the *Municipal Act, 2001*;
- (d) an order made under section 431 of the *Municipal Act, 2001*, c. 25.

### **500.2.16 Inspection - documents - examination - tests**

For the purposes of an inspection of any premises to which any provisions of this Chapter apply, the City including any agent or representative thereof may:

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- (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect documents or things relevant to the inspection;
  - (c) require information from any person concerning a matter related to the inspection; and
  - (d) alone or in conjunction with a person possessing special or expert knowledge, make examination or take tests, samples, or photographs necessary for the purposes of the inspection.
- By-law 2011-127, 29 August, 2011.

**500.2.17 Enforcement - authority**

Council hereby authorizes the Waterloo Regional Police Services or any officer thereof to act as agent for the City for the purpose of enforcing any Chapter to which the provisions of this Chapter 500 apply.

**500.2.18 Licensed tourist establishment - exception**

The keeper of a tourist establishment that is licensed under the *Tourism Act*, shall not be required to obtain any licence hereunder for the operation of the licensed tourist establishment or for the operation of an ice cream parlour, restaurant, or café or the sale of non-intoxicating drinks and beverages, cigars, cigarettes or tobacco provided such services or facilities are operated in connection with the licensed tourist establishment.

**500.2.19 Enforcement - responsibility - other assistance**

The Manager of Licensing is hereby charged with the responsibility for the enforcement of this Chapter and the City Solicitor, City Clerk, Director of Enforcement and any other municipal official are hereby required to render the Manager of Licensing any reasonable assistance in that regard.

**Article 3  
VALIDITY**

**500.3.1 Severability**

It is hereby declared that each and every of the foregoing Sections of this Chapter 500 is severable and that, if any provisions of this Chapter 500 should for any reason be declared invalid by any court, it is the intention and desire of Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

**Article 4**  
**REPEAL - ENACTMENT**

**500.4.1 By-law - previous**

The contents of the previous Chapter 500 are hereby repealed as of January 1, 2005.

**500.4.2 Effective date**

This Chapter comes into force and effect on January 1, 2005. By-law 2004-254, 6 December, 2004.