

**CORPORATION OF THE TOWN OF SMITHS FALLS**

**BY-LAW NO. 8168-2008**

A BY-LAW TO LICENSE, REGULATE AND GOVERN CERTAIN BUSINESSES

**As Amended By By-Law No:**

<i>By-law No.</i>	<i>Date Passed:</i>	<i>Reason for Amendment</i>

**By-law No. 8168-2008**  
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# THE CORPORATION OF THE TOWN OF SMITHS FALLS

## BY-LAW NO. 8168-2008

### A BY-LAW TO LICENSE, REGULATE AND GOVERN CERTAIN BUSINESSES

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

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

AND WHEREAS the Council of the Corporation of the Town of Smiths Falls deems it desirable to licence, regulate and govern businesses carried on within the Town of Smiths Falls.

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Town of Smiths Falls enacts as follows:

#### 1.0 DEFINITIONS:

In this by-law:

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

*"Town" and "Town of Smiths Falls"* mean The Corporation of the Town of Smiths Falls.

*"Council" and "Town Council"* mean the Council of the Town of Smiths Falls;

*"Downtown Business Area"* means the geographic area designated by by-law;

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

*"flower sale by another person"* means a specific location sale of flowers carried on by a vendor who does not have a regular place of business in the Town in which flowers are sold;

*"food"* means food or drink for human consumption, and includes refreshments and confections;

*"food premises"* has the same meaning as in the *Health Protection and Promotion Act*;

*"guardian"* means a person who is the parent or permanent caregiver to a person under the age of 18 years

*"highway"* means any provincial or municipal highway within the geographic limits of the Town, and includes all lands within the lateral boundaries of the highway;

*"license"* means a license issued under this by-law;

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

*"motor assisted bicycle"* and *"motorcycle"* have the same meaning as in the *Highway Traffic Act*;

*"non-resident"* means a person who does not reside or have a regular place of business in the Town;

*"person"* means a person as defined in the *Interpretation Act*; and includes a corporation;

*"personal service salon"* means every place of business which does body modifications including but not limited to tattoo's, piercings, and stapling.

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

*"property standards by-law"* means the Property Standards By-Law of the Town of Smiths Falls a by-law that prescribes standards for the maintenance and occupancy of property;

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

*"resident"* means a person who resides or has a regular place of business in the Town;

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

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

*"temporary sale"* means every person who proposes to conduct a daily sale or a sale for a period of up to two weeks at a specific location within the Town of Smiths Falls for the sale of goods, wares or merchandise either directly or by way of sample, catalogue pattern or specimens for delivery later, shall obtain a "specific location daily sales licence. Notwithstanding, the application fee will be waived for existing businesses.

*"tobacco"* has the same meaning as in the *Tobacco Control Act*;

*"vehicle"* means a vehicle as defined in the *Highway Traffic Act*; and

*"zoning by-law"* means a by-law enacted under section 34 of the *Planning Act* that restricts the use of land.

## 2.0 APPLICATION:

2.1 The requirements of this by-law apply to but are not limited to the following trades businesses and occupations carried on within the geographic limits of the Town of Smiths Falls:

- Auctioneers
- Retail – Goods, Services and Amusement Licence
- Salesperson, Hawkers and Peddlers/Temporary Sales
- Second Hand Goods/Pawn Shops
- Home Occupations

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

## 3.0 ADMINISTRATION:

3.0 The licencing officer is responsible for the administration and enforcement of this by-law.

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

3.2 Every application for a new license shall be accompanied by the full license fee, as set out in the applicable schedule.

3.3 A one time application fee will be charged per business. For a business licence.

3.4 Despite Section 3.3 there will be no fee for an existing business licence holder for a special sale or temporary sale permit.

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

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

- 3.7 As part of this review, an application will be circulated to the departments and agencies set out in the applicable schedule for that business.
- 3.8 Where an application is circulated to a department or agency, the department or agency may require an inspection of the proposed place of business.
- 3.9 If it is determined that an application meets the requirements of this by-law and all circulated agencies, the Licencing officer will issue the license if the license fee has been paid. (Notwithstanding Temporary Sale licenses for local businesses.)
- 3.10 If it is determined that an application does not meet the requirements of this by-law or is objected to by a circulated agency, the Licencing Officer will refuse to issue the license and will refund the license fee. (if applicable)
- 3.11 If, at any time, the Licencing officer determines, as a result of evidence that is provided, that the operation of a licensed business does not conform with the requirements of this by-law, it may suspend or revoke the license.
- 3.12 A person whose application for a new license or a renewal of a license has been refused or a person whose license has been suspended or revoked may, within fifteen days of being notified of the Licencing officer's decision, apply to Council for a review of the decision.
- 3.13 Council will review the matter and may affirm the decision of the Licencing officer or direct it to issue, renew or reinstate the license.
- 3.14 Decisions of Council are final.

#### 4.0 GENERAL REGULATIONS:

- 4.1 No person shall carry on any trade, business or occupation within the Town of Smiths Falls for which a license is required under this by-law unless that person has first obtained a license from the Corporation.
- 4.2 A license shall be required for each separate-location of business.
- 4.3 A person is not eligible for a license unless his or her application is accompanied by the full license fee for that business, as set out in the applicable schedule or as determined under sections 3.3 and 3.4
- 4.4 Except as otherwise provided in the applicable schedule, a license is valid for the specified business under the application and the specified premises.
- 4.5 A license is not transferable.
- 4.6 No person shall carry on any trade, business or occupation for which a license is required under this by-law: (i) if the license has expired ( temporary or special sale)or been revoked; or (ii) while the license is under suspension.
- 4.7 If work that requires a building permit under the *Building Code Act* is to be undertaken on the property to be used for carrying on a business, a person shall not submit an application for a license until the work has been completed in accordance with the requirements of the Act and the building code.
- 4.8 A person is not eligible to hold a license if the proposed use of the land, building or structure is not permitted by the zoning by-law that applies to the property, unless the land, building or structure was lawfully used for this purpose on the day of the passing of the zoning by-law.
- 4.9 A person is not eligible to hold a license if the property to be used for carrying on the trade, business or occupation does not conform with all applicable law, including but not limited to the property standards by-law that applies to the property, the *Tobacco Control Act*, the *Fire Protection and Prevention Act, 1997*, the Fire Code, the Building Code, the *Health Protection and Promotion Act*.
- 4.10 A person is not eligible to hold a license if the operation of his or her business does not conform with the applicable standards and requirements of: (1) every by-law of the Town; (2) every Provincial or Federal Act and regulation made under such an Act; and (3) every instrument of a legislative nature made or issued under a Provincial or Federal Act or regulation, including standards and requirements with respect to the qualifications of the persons carrying on or engaged in the business and with respect to the vehicles and equipment used for the purposes of the business.
- 4.11 Where any order issued by the Licencing Officer has been appealed and upheld by Council, or where there has been no appeal requested, the licencing officer may suspend or revoke the license.
- 4.12 Council may modify, uphold or quash an order issued by the Licensing Officer.

- 4.13 A licensee shall display the license permanently in a prominent place in his or her place of business.
- 4.14 A licensee who does not have a place of business shall carry the license on his or her person at all times while carrying on the business.
- 4.15 Every licensee shall produce the license for inspection on the request of an authorized employee or agent of the Town.
- 4.16 Every person carrying on a trade, business or occupation for which a license may be required under this by-law shall allow, at any reasonable time, an employee or agent of the Town to inspect their place of business and any other premises, equipment, vehicles or property used for purposes related to the trade ,business or occupation , other than a room or place actually being used as a dwelling, to determine compliance with the requirements of this by-law or any other piece of legislation as set out in 4.11.
- 4.17 No person shall obstruct, hinder or otherwise interfere with an authorized employee or agent of the Town while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this by-law.
- 4.18 No licensee shall construct or equip a place of business or other premises used for the business so as to hinder the enforcement of the by-law.
- 4.19 Every licensee shall maintain his or her place of business in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the premises.
- 4.20 No licensee or employee of a licensee shall refuse to permit a person to enter and remain in a place of business or other premises used for the business to which the public are customarily admitted for the reason that he or she is accompanied by a Service Dog.

## 5.0 EXEMPTIONS:

- 5.1 The requirement to obtain a license under this by-law does not apply to a business that is engaged exclusively in the sale of goods by wholesale.
- 5.2 The requirement to obtain a license under this by-law does not apply to those persons or classes of business that are exempted in a schedule to this by-law.

No licence shall be required in respect of:

- if the goods, wares or merchandise are hawked, peddled or sold to wholesale or retail dealers in similar goods;
- if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or an agent or employee of them having written authority to do so, provided that the grower, producer or manufacturer resides in the Town of Smiths Falls;
- 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 his or her own farm;
- if the goods, wares or merchandise are hawked, peddled or sold by a person who operates a licenced premise selling the same products in the Town of Smiths Falls or by his or her agent or employee;
- if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the Town of Smiths Falls in respect of premises used for the sale of such goods, wares or merchandise;
- a vendor who sells to wholesale or retail dealers in similar goods.
- a vendor who sells milk or cream fluid milk products to the consumer or to any person for resale.
- a vendor selling goods, wares or merchandise, or carrying and exposing samples, catalogues, patterns or specimens of any goods, wares or merchandise which are to be delivered afterwards, at an event or trade show hosted or sponsored by a community-based non-profit organization or association.

## 6.0 SCHEDULES: ADDITIONAL CONDITIONS FOR INDIVIDUAL BUSINESSES

Schedule A-1 Auctioneers

Schedule A-2 Retail – Goods Services, Amusement Licence

Schedule A-3 Temporary Sales

Schedule A-4 Salesperson, Hawkers and Peddlers

Schedule A-5 Second Hand Goods/Pawn Shops

Schedule A-6 Home Occupations

## 7.0 OFFENCE AND PENALTY PROVISIONS:

- 7.1 Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Municipal Act, 2001, as amended* or the *Provincial Offences Act* and to any other applicable penalties.
- 7.3 Should any sections of this by-law, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

8.0 **VALIDITY:**

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

9.0 COMMENCEMENT:

9.1 This by-law comes into force upon the passing thereof.

AND FURTHER THAT the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. This by-law is hereby enacted.
2. By-law No. 6005-94 with respect to licencing concerning Adult Entertainment and By Law No. 7739-2003, as amended with respect to licencing for Taxi services remain intact.
3. All previous licencing and regulating by-laws and resolutions of Council relating to certain businesses and occupations found in this by-law (with the exception noted above) of are hereby rescinded. In particular:
  - 7991-2006
4. The provisions of this by-law shall come into force and take effect upon the passing thereof.

Read a first and second time this 15<sup>th</sup> day of September, 2008.

Read a third time and passed this 15<sup>th</sup> day of September, 2008.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

- Schedule A-1

### AUCTIONEERS

<b>Applicable to:</b>	Any person selling or putting up for sale goods, wares, merchandise or effects by public auction shall be deemed an auctioneer within the meaning of this by-law.
<b>Exemptions:</b>	<p>This section of this by-law does not apply to a sale sponsored by a service club, the municipal corporation or non-profit organization to raise funds for non-profit or charitable purposes.</p> <p>This section of this by-law does not apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distained for rent.</p>
<b>Reason for Licensing/Conditions:</b>	<p>Health and Safety - overcrowding</p> <p>Consumer Protection – turnover of possible stolen or fraudulent items</p>
<b>Annual License Fee:</b>	<p>The annual fee for an auctioneer's licence shall be \$100.00</p> <p>Te auctioneer's licence fee for a daily auction event/sale shall be \$25.00</p>
<b>Application Circulated to:</b>	<p>(1) Chief Building Official for the Town of Smiths Falls</p> <p>(2) Smiths Falls Police.</p> <p>(3) Chief Fire Official</p>
<b>General Provisions</b>	<p>An Auctioneer will require a separate business licence if he/she operates a permanent business</p> <p>No person shall carry on the business of an auctioneer within the Town of Smiths Falls without first having obtained from the Town a licence for so doing.</p> <p>No auctioneer's licence shall be granted to any applicant who is not of good character, or whose premises are not suitable for the business of an auctioneer or if upon a residential or other highway in which it is deemed not desirable that the business should be carried on. The means of ascertaining whether the applicant is of good character shall be a Criminal Records Check (a report made by the Chief of Police); the means of ascertaining whether the premises are suitable for the business shall be a report made by the Chief of Police, the Chief Building Official and the Chief Fire Official or other designates.</p> <p>No auctioneer shall:</p> <ul style="list-style-type: none"> <li>▪ permit any disorder in his or her auction room or offices;</li> <li>▪ make or permit to be made, any misrepresentation as to the quality or value of any goods, wares, merchandise or effects which may be offered for sale by him or her;</li> <li>▪ give away articles or sell them for nominal amounts for the purpose</li> </ul>

	<p>of stimulating bidding;</p> <ul style="list-style-type: none"><li>▪ do any act that is calculated to confuse, or which may reasonably</li><li>▪ have the effect of confusing, a purchaser as to the amount he or she pays for any article or articles; and</li><li>▪ avail him or her of the services of or act in concert with persons for the purpose of raising or stimulating bids.</li><li>▪ Should the applicant meet the provisions of this section of this by-law, the Licencing Officer may issue an auctioneer's licence.</li></ul>
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Schedule A-2

RETAIL- GOODS, SERVICES AND AMUSEMENT LICENCE

<p><b>Applicable to:</b></p>	<p>“Retailer” includes any person operating a business providing goods and/or services in the Town.</p> <p>All general retail stores including but not limited to Electrical Supply Stores, Personal Health Centers (Gymnasiums ect.) Massage Parlors, Hair Salons/Barbers, Places of Amusement, Arcades, Pool/Billiard Halls, Lazertag, Paint Ball Arcades, Plumbing Supply Stores and Restaurants</p>
<p><b>Exemptions:</b></p>	<p>This by-law shall not apply to the sale of the stock of a bankrupt or insolvent within the meaning of any bankruptcy or insolvency legislation in force in Ontario, nor to the sale of any stock damaged by or by reason of fire provided that such stock was on sale in the Town prior to the bankruptcy or insolvency or fire and that no goods or merchandise are added to such stock.</p>
<p><b>Reason for Licensing/Conditions:</b></p>	<p>Health and Safety – safe food handling procedures and inspections</p> <p>Consumer Protection – ensure necessary inspections for fire safety</p>
<p><b>Annual License Fee:</b></p>	<p>No Fee</p>
<p><b>Application Circulated to:</b></p>	<ul style="list-style-type: none"> <li>✓ Chief Building Official for the Town of Smiths Falls</li> <li>✓ Chief Fire Official</li> <li>✓ The Health Unit (613-283-2740)</li> </ul>
<p><b>General Provisions</b></p>	<ul style="list-style-type: none"> <li>▪ No person shall offer goods, wares merchandise or services for sale by within the limits of the Town without first having obtained from the Town a licence for so doing.</li> <li>▪ The retailer shall be located in a structure situated on land properly zoned for the carrying out of the sale of goods and services.</li> <li>▪ The retailer shall maintain his/her place of operation in a clear and orderly fashion, both within and outside of the building.</li> <li>▪ The retailer shall abide by the By-laws related to the general operation of retail operations within the Town (i.e. Hours of Operation/Holiday Hours, Zoning Requirements).</li> <li>▪ That the place of operation adheres to the requirements of the Fire Marshall Office and has been inspected by the Chief Fire Official or designate.</li> <li>▪ That the place of operation adheres to the requirements of the Building Code and has been inspected by the Chief Building Official or designate.</li> </ul>

Schedule A-3

TEMPORARY SALES

<p>Applicable to:</p>	<p><i>“temporary sale”</i> means every person who proposes to conduct a daily sale or a sale for a period of up to two weeks at a specific location within the Town of Smiths Falls for the sale of goods, wares or merchandise either directly or by way of sample, catalogue pattern or specimens for delivery later, shall obtain a “specific location daily sales licence. Notwithstanding, the application fee will be waived for existing businesses.</p>
<p>Exemptions:</p>	<p>Not applicable</p>
<p>Reason for Licensing/Conditions:</p>	<p>Health and Safety – safe food handling procedures and inspections Consumer Protection – ensure necessary inspections for fire safety</p>
<p>Annual License Fee:</p>	<p>No Fee</p>
<p>Application Circulated to:</p>	<ul style="list-style-type: none"> <li>✓ Chief Building Official for the Town of Smiths Falls</li> <li>✓ Chief Fire Official</li> <li>✓ The Health Unit (613-283-2740)</li> </ul>
<p>General Provisions</p>	<ul style="list-style-type: none"> <li>▪ No person shall offer goods, wares merchandise or services for sale by within the limits of the Town without first having obtained from the Town a licence for so doing.</li> <li>▪ A separate license shall be required for each location</li> <li>▪ Sales Location to be approved by the Licencing Officer, and may require Council approval prior to issuing a licence</li> </ul>

Schedule A-3

Salesperson, Hawkers and Peddlers

<p><b>Applicable to:</b></p>	<p>Every person who goes from place to place on foot or in a vehicle for the purpose of:</p> <p>Selling goods and services;</p> <p>Entering into contracts for the sale of goods or services which are to be delivered at a later date; or</p> <p>Promoting the sale of goods and services by encouraging individuals to come to a person's regular place of business</p>
<p><b>Exemptions:</b></p>	<p>No licence shall be required in respect of:</p> <ul style="list-style-type: none"> <li>▪ if the goods, wares or merchandise are hawked, peddled or sold to</li> <li>▪ wholesale or retail dealers in similar goods:</li> <li>▪ if the goods, wares or merchandise are grown, produced or</li> <li>▪ manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or an agent or employee of them having written authority to do so, provided that the grower, producer or manufacturer resides in the Town of Smiths Falls;</li> <li>▪ 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 his or her own farm;</li> <li>▪ if the goods, wares or merchandise are hawked, peddled or sold by</li> <li>▪ a person who operates a licenced premise selling the same products in the Town of Smiths Falls or by his or her agent or employee;</li> <li>▪ if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the Town of Smiths Falls in respect of premises used for the sale of such goods, wares or merchandise;</li> <li>▪ a vendor who sells to wholesale or retail dealers in similar goods.</li> <li>▪ a vendor who sells milk or cream fluid milk products to the</li> <li>▪ consumer or to any person for resale.</li> <li>▪ a vendor selling goods, wares or merchandise, or carrying and</li> <li>▪ exposing samples, catalogues, patterns or specimens of any goods, wares or merchandise which are to be delivered afterwards, at an event or trade show hosted or sponsored by a community-based non-</li> </ul>

	profit organization or association.
<b>Reason for Licensing/Conditions:</b>	<p>Health and Safety – storage of merchandise in safe manners</p> <p>Consumer Protection – regarding sale of defective merchandise</p> <p>Nuisance Control – Sale of merchandise from private property/diverting customers of on site business/blocking sidewalks</p>
<b>Annual License Fee:</b>	<p>The annual fee for a salesman, hawkers and peddlers licence shall be \$500.00.</p> <p>The fee for a “specific location daily licence shall be \$50.00 for the day specified or consecutive days specified (maximum 4 days)</p> <p>Where an application is made for a salesman, hawkers and peddlers licence by a bona fide charitable organization, the fee to be paid for such licence shall be \$50.00 for the year in which it is issued or any part thereof.</p>
<b>Application Circulated to:</b>	<ul style="list-style-type: none"> <li>✓ Chief Building Official for the Town of Smiths Falls</li> <li>✓ Chief Fire Official</li> <li>✓ Smiths Falls Police (613-283-0357)</li> <li>✓ The Health Unit (613-283-2740)</li> </ul>
<b>General Provisions</b>	<ul style="list-style-type: none"> <li>▪ No person shall go from place to place or to a particular place or places in he Town of Smiths Falls with goods, wares or merchandise for sale, hawk or peddle, or to carry and expose samples, catalogues, patterns or specimens of any goods, wares or merchandise which are to be delivered afterwards, without first having obtained from the Town a licence for doing so.</li> <li>▪ Notwithstanding the previous sub-section every person who proposes to conduct a daily sale, or for consecutive days not exceeding three days, in a specific location within the Town of Smiths Falls for the sale of goods, wares or merchandise either directly, or by way of sample, catalogue pattern, or specimens for delivery later, shall obtain a "specific location daily sales licence".</li> <li>▪ The applicant for a salesperson's licence or a specific location daily sales licence shall provide the following documents and information in writing to he Clerk prior to the issuance of any licence: <ul style="list-style-type: none"> <li>▪ what wares, goods or merchandise are being hawked, peddled or</li> <li>▪ sold, or orders taken for delivery at a later date or dates:</li> <li>▪ the location proposed, if applicable, for the sale of the said wares,</li> </ul> </li> </ul>

	<ul style="list-style-type: none"><li>▪ goods or merchandise:</li><li>▪ written proof or authorization to sell goods, wares or merchandise</li><li>▪ for the manufacturer or producer:</li><li>▪ vehicles, if any, to be used in the hawking, peddling or selling;</li><li>▪ frequency of hawking, peddling or selling; and</li><li>▪ proposed days and hours of hawking, peddling or selling in Smiths Falls.</li><li>▪ Should the applicant meet the conditions of this section of this by-law, the Clerk may issue a salesperson's licence.</li><li>▪ Any licence granted to vendors shall be prominently displayed on any vehicle or equipment used in the business or the licensee shall carry it with him or her, and shall upon demand show it to any municipal officer or person requesting to see the licence.</li><li>▪ No salesperson, hawker or peddler who goes from place to place within the Town of Smiths Falls shall not be permitted to stop in any one location for longer than is necessary to complete a sale or sales.</li><li>▪ All licensees shall comply with all municipal parking requirements and any other applicable laws or regulations.</li></ul>
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Schedule A-4

SECOND HAND GOODS/PAWN SHOPS

<p><b>Applicable to:</b></p>	<p>“Second hand goods” includes any person operating a business providing second hand goods in the Town of Smiths Falls.</p> <p>Pawn shops including every person who carries on the business of a pawnbroker i.e., who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon.</p>
<p><b>Exemptions:</b></p>	<p>This by-law does not apply to persons engaged in any of the objects mentioned in this by-law for charitable or patriotic purposes.</p> <p>This by-law does not apply to any person operating a business in a commercial or permitted zone providing the operation and/or dealing in second hand goods is a secondary business.</p> <p>This by-law does not apply to any person or person engaged in a garage, lawn, yard sale.</p>
<p><b>Reason for Licensing/Conditions:</b></p>	<p>Health and Safety – safe food handling procedures and inspections</p> <p>Consumer Protection – ensure necessary inspections for fire safety</p>
<p><b>Annual License Fee:</b></p>	<p>No Fee</p>
<p><b>Application Circulated to:</b></p>	<ul style="list-style-type: none"> <li>✓ Chief Building Official for the Town of Smiths Falls</li> <li>✓ Chief Fire Official</li> <li>✓ The Health Unit (613-283-2740)</li> </ul>
<p><b>General Provisions</b></p>	<p>No person shall operate a second hand shop, deal in second hand goods or go from house to house or along any highway in the Town for the purpose of collecting, purchasing or obtaining second hand goods without first having obtained from the Town a licence for so doing.</p> <p>No person shall exercise the trade of a pawnbroker without first having obtained from the Town a licence for so doing.</p> <p>Every licensee shall keep a record of all goods purchased or taken in exchange by him/herself, his agent, employee or servant. The entry in the record shall be made at the time of transaction or immediately thereafter and shall include the price paid, a brief description of the article or articles, name of purchaser and seller, and serial number of item or good, if any.</p> <p>Goods redeemed on pawn tickets, purchased or taken in exchange by licenced dealers shall be treated as purchases and so entered in the records.</p> <p>Should the applicant meet the conditions of this by-law, the Clerk may issue a salesperson's licence.</p>

SCHEDULE A-5  
HOME OCCUPATIONS

Applicable to:	Every business which operates out of a residence.
Exemptions:	None
Reason for Licensing/Conditions:	Health and Safety – safe food handling procedures and inspections Consumer Protection – ensure necessary inspections for fire safety
Annual License Fee:	No Fee
Application Circulated to:	<ul style="list-style-type: none"> <li>✓ Chief Building Official for the Town of Smiths Falls</li> <li>✓ Chief Fire Official</li> <li>✓ Smiths Falls Police (613-283-0357)</li> </ul> The Health Unit (613-283-2740)
General Provisions:	<ul style="list-style-type: none"> <li>▪ No person shall offer goods, wares merchandise or services for sale from their residence within the limits of the Town without first having obtained from the Town a licence for so doing.</li> <li>▪ The owner of a home occupation shall be located in a structure situated on land properly zoned for the carrying out of the sale of goods and services.</li> <li>▪ The owner of a home occupation shall maintain his/her place of operation in a clear and orderly fashion, both within and outside of the building.</li> <li>▪ The the owner of a home occupation shall abide by the By-laws related to the general operation of retail operations within the Town (i.e. Hours of Operation/Holiday Hours, Zoning Requirements).</li> <li>▪ That the place of operation adheres to the requirements of the Fire Marshall Office and has been inspected by the Chief Fire Official or designate.</li> <li>▪ That the place of operation adheres to the requirements of the Building Code and has been inspected by the Chief Building Official or designate.</li> </ul>