

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 222-2022

A By-law of The Corporation of the City of Vaughan to amend Business Licensing By-law 122-2022.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act*"), as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 8(1) of the *Municipal Act* provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act* provides that a by-law may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licences respecting the matter;

AND WHEREAS subsection 11(1) of the *Municipal Act* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 151(1) of the *Municipal Act* provides that a municipality may license, regulate and govern any business, activity or undertaking wholly or partly carried on within the municipality, including refusal to grant a licence, revoking a licence, or suspending a licence;

AND WHEREAS Council has determined that it is desirable to make amendments to By-law 122-2022, as amended, for housekeeping purposes;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That Business Licensing By-law 122-2022, as amended, be further amended by adding the following definitions to Section 3.0(1) in alphabetical order:

"Commercial Dog Walker" means a *Person* who walks *Dogs* for compensation;

"Gross Vehicle Weight Rate" means the maximum operating weight/mass of a vehicle as specified by the manufacturer including the vehicle's chassis, body,

engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers;

"Registered Charity" means an incorporated *Charitable Organization* registered under Canada's *Not-for-profit Corporation Act*, S.C. 2009, c.23;

2. That Business Licensing By-law 122-2022, as amended, be further amended by repealing subsection 16.0(1)(f) and replacing it with following:

(f) a complete Police Criminal Records Check issued by an *Ontario Police Service* for every *Owner*;

3. That Business Licensing By-law 122-2022, as amended, be further amended by deleting the numbers "158-2021" after the words "Fees and Charges By-law" in subsections 16.0(1)(i) and 16.1(1)(a).

4. That Business Licensing By-law 122-2022, as amended, be further amended by adding the following subsections to Section 16.0:

(12) Every *Kennel* shall not keep more than one animal in the same enclosure without prior consent of the *Owner*.

(13) Every *Kennel* shall isolate animals from other animals and people in case of suspected or confirmed contagious diseases.

(14) Every *Kennel* shall ensure that any area containing *Dogs* is secured and closed at all times.

(15) Every *Owner* of a *Kennel* shall have sufficient number of employees competent in the care of animals to properly care for every animal in such *Kennel*.

(16) Every *Owner* of a *Kennel* shall ensure all pets kept in their *Kennel* have current municipal *Licences* and wear tags at all times.

(17) Every *Owner* of a *Kennel* shall keep appropriate records on animals, which shall be provided to Animal Control Officers in case of inspection.

Such records include:

- (a) *Owner's* information;
- (b) emergency contacts;
- (c) information on animals, including vaccination records;
- (d) dates of animal's arrival(s) and departure(s).

- (18) Every *Owner* of a *Kennel* shall ensure that all enclosures in a *Kennel* have durable and impervious surfaces.
 - (19) Every *Owner* of a *Kennel* shall ensure that all enclosures in *Kennel* have species-appropriate temperatures.
 - (20) Every *Owner* of a *Kennel* shall ensure that their personnel are competent in animal care and have knowledge of characteristics, care and handling of the animals.
 - (21) Every *Owner* of a *Kennel* shall keep posted in conspicuous places instructions for handling of emergency situations.
5. That Business Licensing By-law 122-2022, as amended, be further amended by adding the words “*Owner* of either a” after the word “Every” in Section 16.1(6).
6. That Business Licensing By-law 122-2022, as amended, be further amended by repealing Section 16.1(9) and replacing it with the following:
- (9) No *Pet Grooming Establishment* shall:
 - (a) devote more than thirty percent (30%) of its *Gross Floor Area* to the retail of accessory products;
 - (b) include any overnight boarding; or
 - (c) perform any *Services* that are not within a wholly enclosed building or vehicle.
7. That Business Licensing By-law 122-2022, as amended, be further amended by adding the following sections to Section 16.1:
- (13) Every *Owner* of either a *Pet Grooming Establishment* or *Pet Shop* shall have sufficient number of employees competent in the care of animals to properly care for every animal in such *Pet Grooming Establishment* or *PetShop*.
 - (14) Every *Owner* of either a *Pet Grooming Establishment* or *PetShop* shall ensure all pets kept in their *Pet Grooming Establishment* or *PetShop* have current municipal *Licences* and wear tags at all times.
 - (15) Every *Owner* of either a *Pet Grooming Establishment* or *Pet Shop* shall keep appropriate records on animals, which shall be provided to Animal Control Officers in case of inspection. Such records include:

- (a) *Owner's* information;
 - (b) emergency contacts;
 - (c) information on animals, including vaccination records; *Pet Shops* shall also have records on sources of animals and proof of sterilization;
 - (d) dates of animal's arrival(s) and departure(s).
- (16) Every *Owner* of either a *Pet Grooming Establishment* or *Pet Shop* shall ensure that all enclosures in a *Pet Grooming Establishment* or *PetShop* have durable and impervious surfaces.
- (17) Every *Owner* of either a *Pet Grooming Establishment* or *Pet Shop* shall ensure that all enclosures in *Pet Grooming Establishment* or *PetShop* have species-appropriate temperatures.
- (18) Every *Owner* of either a *Pet Grooming Establishment* or *Pet Shop* shall ensure that their personnel are competent in animal care and have knowledge of characteristics, care and handling of the animals.
- (19) Every *Owner* of either a *Pet Grooming Establishment* or *Pet Shop* shall keep posted in conspicuous places instructions for handling of emergency situations.
- (20) Every *Owner* of a *Pet Grooming Establishment* shall ensure that:
- (a) all *Dogs* kept in its a *Pet Grooming Establishment* have valid vaccination status for rabies, canine distemper, canine adenovirus type 2, canine parvovirus, and canine parainfluenza.
 - (b) all *Cats* kept in its a *Pet Grooming Establishment* have valid vaccination status for rabies, Feline Viral Rhinotracheitis, Calicivirus and Panleukopenia.
- (21) No *Pet Shop* shall:
- (a) offer *Dogs* or *Cats* for adoption or sale unless the animal has been spayed or neutered and has valid rabies vaccination status;
 - (b) offer *Dogs* for adoption or sale unless they have valid vaccination status for canine distemper, canine adenovirus type 2, canine parvovirus, and canine parainfluenza;

- (c) offer *Cats* for adoption or sale unless they have valid vaccination status for Feline Viral Rhinotracheitis, Calicivirus and Panleukopenia.
- (22) Every *Owner* of either a *Pet Grooming Establishment* or *Pet Shop* shall isolate animals from other animals and people in case of suspected or confirmed contagious diseases.
- (23) Every *Owner* of a *Pet Grooming Establishment* shall ensure that any area containing *Dogs* is secured and closed at all times.
- 8. That Business Licensing By-law 122-2022, as amended, be further amended by repealing subsection 20.0(3)(m) and replacing it with following:
 - (m) if food or drink is offered for sale or is otherwise provided on the *Premises*, every *Owner* of a *Personal Services Establishment* shall post a notice of availability of the *Food Safety Inspection Report* issued by York Region Public Health and shall, when so requested by any *Person*, produce the most recent *Food Safety Inspection Report* or reports.
- 9. That Business Licensing By-law 122-2022, as amended, be further amended by replacing the words “ten (10)” with “fifteen (15)” in subsection 25.0(10)(a).
- 10. That Business Licensing By-law 122-2022, as amended, be further amended by replacing the word “Recird” with “Record” in subsection 29.0(4).
- 11. That Business Licensing By-law 122-2022, as amended, be further amended by repealing subsection 29.0(43)(a) and replacing it with following:
 - (a) a copy of the schedule of rates filed with the *Licensing Officer* in accordance with this subsection shall be posted in a conspicuous place in the *Licensed* vehicle at all times and made available upon request of every *Hirer* or *Person* authorized to enforce the provisions of this By-law;
- 12. That Business Licensing By-law 122-2022, as amended, be further amended by adding subsection 29.0(43.1) to read as follows:
 - (43.1) Every *Tow Truck Owner* shall file with the *Licensing Officer* a schedule of rates to be charged to *Hirers* for towing and all other additional *Services* provided to the vehicles with *Gross Vehicle Weight Rate* over 11,794 kg and all corresponding additional fees may not be charged to *Hirers* for towing

until they have been approved by the *Chief Licensing Officer*.

13. That Business Licensing By-law 122-2022, as amended, be further amended by repealing subsection 29.0(44) and replacing it with following:

(44) Every *Tow Truck Owner* and every *Tow Truck Driver* who tows or otherwise conveys a vehicle with *Gross Vehicle Weight Rate* not exceeding two thousand seventy-one (2271) kilograms from a *Collision Scene* in the *City of Vaughan* to any point within the *City* or any point outside the *City*, shall only charge or cause to be charged:

- (a) an all-inclusive, flat-rate fee of two hundred and eighty (\$280.00) dollars, with no additional charges other than applicable federal and provincial taxes;
- (b) a maximum additional fee of one hundred (\$100.00) dollars for an *Off-Road Recovery*, the mileage rate in subsection 29.0(46) of this By-law, or the Collision Reporting Centre wait time rate in subsection 29.0(47) of this By-law;
- (c) a maximum additional fee of no more than forty-five (\$45.00) dollars, if a vehicle requires the use of dollies;
- (d) a maximum additional fee of no more than one hundred and fifty (\$150.00) dollars, if a vehicle requires the use of a second truck;
- (e) a maximum additional winch fee of no more than forty-five (\$45.00) dollars per 1/4 hour;
- (f) a maximum fee of no more than twenty (\$20.00) dollars, if a vehicle requires tarping;
- (g) a maximum fee of no more than ten (\$10.00) dollars for a bag of absorbent material (oil dry);
- (h) any other additional fees shall be approved by the *Chief Licensing Officer*.

14. That Business Licensing By-law 122-2022, as amended, be further amended by repealing subsection 29.0(45) and replacing it with following:

(45) No *Tow Truck Owner* or *Tow Truck Driver* shall, where an estimate is required to be given to a *Hirer* of the cost of towing or related *Services*,

charge the *Hirer* an amount more than 10% above the estimated amount.
No *Tow Truck Owner*, *Tow Truck Driver* or storage provider shall charge a *Hirer* for any tow and other *Services* unless the *Hirer* or a *Person* acting on behalf of the *Hirer*, if the *Hirer* is unable to give authorization in circumstances provided for in O. Reg. 17/05 of the *Consumer Protection Act*, 2002, authorizes the *Services*.

15. That Business Licensing By-law 122-2022, as amended, be further amended by adding 29.0(46.1) to read as follows:

(46.1) Every *Tow Truck Owner* and every *Tow Truck Driver* who tows or otherwise conveys a vehicle with a *Gross Vehicle Weight Rate* exceeding two thousand two hundred and seventy-one (2,271) kilograms but less than eleven thousand seven hundred and ninety-four (11,794) kilograms from a *Collision Scene* in the *City* to any point within the *City* or any point outside the *City*, shall only charge or cause to be charged:

- (a) an all-inclusive, flat-rate fee of three hundred and seventy-three (\$373.00) dollars, with no additional charges other than applicable federal and provincial taxes;
- (b) a maximum additional fee of one hundred (\$100.00) dollars for an *Off-Road Recovery*, the mileage rate in subsection 29.0(46) of this By-law, or the Collision Reporting Centre wait time rate in subsection 29.0(47) of this By-law;
- (c) a maximum additional fee of no more than seventy-five (\$75.00) dollars, if a vehicle requires driveshaft pulled;
- (d) a maximum additional fee of no more than two hundred and fifty (\$250.00) dollars, if a vehicle requires the use of a second truck;
- (e) a maximum additional winch fee of no more than seventy-five (\$75.00) dollars per 1/4 hour;
- (f) a maximum fee of no more than twenty (\$20.00) dollars, if a vehicle requires tarping;
- (g) a maximum fee of no more than ten (\$10.00) dollars for a bag of absorbent material (oil dry);

(h) any other additional fees shall be approved by the *Chief Licensing Officer*.

16. That Business Licensing By-law 122-2022, as amended, be further amended by repealing subsection 29.0(47) and replacing it with following:

(47) Where an *Tow Truck Owner* or *Tow Truck Driver* is ordered to tow or otherwise convey a vehicle from a *Collision Scene* in the *City* to a Collision Reporting Centre, the *Tow Truck Owner* or *Tow Truck Driver* may charge no more than sixty-eight (\$68.00) dollars for the first hour or part thereof, and every fifteen (15) minutes after the first hour of wait time calculated at the Collision Reporting Centre shall cost no more than seventeen (\$17.00) dollars.

17. That Business Licensing By-law 122-2022, as amended, be further amended by adding 29.0(48.1) to read as follows:

(48.1) Every *Tow Truck Owner* or a *Tow Truck Broker*, that had entered into a written contract or agreement with a government agency, is exempt from the schedule of rates referred to in Sections 29.0(44) and 29.0(46.1), provided that a copy of such written schedule of rates and the contract or agreement relating thereto is filed with the *Licensing Officer* at least thirty (30) days before any *Services* to which such contract or agreement applies are to be provided.

18. That Business Licensing By-law 122-2022, as amended, be further amended by replacing **Part 32.0 Reserved** with the following:

32.0 Commercial Dog Walkers

(1) In addition to the requirements set out in Part 4.2, every application for a *Commercial Dog Walker Licence* and every renewal of such *Licence(s)* shall be accompanied by the following:

(a) proof, satisfactory to the *Director*, that the *Applicant* is at least 19 years of age, which shall be evidenced by the production of one piece of Canadian federally or provincially issued photo identification;

(b) a complete Police Criminal Records Check issued by an *Ontario*

Police Service, dated not more than ninety (90) days prior to the date application for the *Applicant*, and each employee of the *Applicant*;

- (c) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage;
- (d) information on *Commercial Dog Walker's* vehicle(s) used for transport of *Dogs*.

- (2) Every *Commercial Dog Walker* shall ensure that every *Dog* in his or her custody wears a valid municipal *Licence* tag, as required, or other visible identification with its *Owner's* contact information.
- (3) Every *Commercial Dog Walker* shall ensure that every *Dog* in his or her custody has a valid vaccination status for rabies, canine distemper, canine adenovirus type 2, canine parvovirus and canine parainfluenza.
- (4) Every *Commercial Dog Walker* shall display his or her *Licence* on his or her *Person* in a visible manner at all times while conducting *Business*.

19. That Business Licensing By-law 122-2022, as amended, be further amended by replacing **Part 33.0 Reserved** with the following:

33.0 Clothing Donation Drop Boxes

- (1) Every *Owner* of property on which a *Clothing Donation Drop Box* is used or located shall ensure that the *Clothing Donation Drop Box* is clean, rust free, in good repair, and free of graffiti.
- (2) Every *Owner* of property on which a *Clothing Donation Drop Box* is used or located shall ensure that all areas immediately adjacent to the *Clothing Donation Drop Box* are clean and free of litter, refuse and debris.
- (3) Only organizations registered as a *Registered Charity* under the federal *Income Tax Act*, R.S.C. 1985, c. 1, as amended, are permitted to make application for a *Licence* to provide, place, maintain or secure a *Clothing Donation Drop Box* on private property within the *City*.
- (4) A *Clothing Donation Drop Box* shall be located within designated areas and subject to compliance with the provisions of this By-law.
- (5) The *Applicant* shall:

- (a) pay in full and in advance an annual permit fee of twenty-five (\$25.00) plus, fifty (\$50.00) dollars for each *Clothing Donation Drop Box* location;
 - (b) provide proof of insurance in an amount of at least two million (\$2,000,000) dollars;
 - (c) agree, in writing, to indemnify and save harmless the *City* from any action, claims, damages or loss whatsoever arising from the issuance of the permit or anything done or neglected to be done in connection with the privilege conferred;
 - (d) provide a letter of consent from the property *Owner*, acknowledging responsibilities under the By-law and permission from the property *Owner* for installation of said *Clothing Donation Drop Boxes* on the property;
 - (e) provide a sketch and description of the location on the private property for the proposed *Clothing Donation Drop Box*.
- (6) Every *Licensee* shall follow the placement criteria for the placement of a *Clothing Donation Drop Box* as follows:
- (a) no *Clothing Donation Drop Box* shall be placed:
 - (i) on any street or property owned or maintained by the *City*;
 - (ii) on the frontage of any property zoned residential;
 - (iii) within a parking space or 1 meter thereof;
 - (b) *Clothing Donation Drop Boxes* shall only be placed:
 - (i) on private property in a common area, grouped together and approved by and to the satisfaction of the *City*;
 - (ii) set back 1m from all property lines, so as not to restrict sight lines from nearby driveways or pathways.
- (7) Only the following information and identification of the *Registered Charity* shall be permitted on *Clothing Donation Drop Box*:
- (a) the name of the *Registered Charity* in a conspicuous place on the *Clothing Donation Drop Box*, in lettering no smaller than 100 millimetres x 75 millimetres, and of a contrasting colour;

- (b) a notice on the *Clothing Donation Drop Box* to indicate that all donated articles must fit into *Clothing Donation Drop Box*, with a prohibition on items such as paint, garbage, soiled rags, propane tanks or any like items that may create a safety hazard;
 - (c) a pick-up schedule of donations between 9 a.m. and 9 p.m. so as to ensure there is not an overflow and accumulation of goods left outside the *Clothing Donation Drop Box* which is unsightly, and to minimize pilferage of goods.
- (8) In the event that *Clothing Donation Drop Boxes* are not maintained in accordance with this By-law, the *City* may issue a notice to the *Owner* of property on which a *Clothing Donation Drop Box* is used or located and/or the *Licensee* to rectify same, failure of which may lead to suspension and/or revocation of the *Licence*.
- (9) The *Licensee* shall provide to the *Chief Licensing Officer*, an up-to-date list of all *Clothing Donation Drop Box* locations in the *City*.
- (10) In the event the *Licence* is revoked or not renewed, the *Licensee* shall remove any *Clothing Donation Drop Box* and all of its installations within seven (7) days of written notice from the *Chief Licensing Officer*. If the *Licensee* neglects, refuses or fails to do so within the seven days (7) specified in the written notice, the *City* may remove, without notice, any such *Clothing Donation Drop Box* and all of its installations.
- (11) When the *City* removes a *Clothing Donation Drop Box* pursuant to Section 33.0(10), a charge of three hundred (\$300.00) dollars shall be imposed against the *Licensee*. The *Clothing Donation Drop Box* will be stored at a *City* facility for a maximum period of thirty (30) days at a cost of five (\$5.00) dollars per day, payable by the *Licensee* to the *City* upon retrieval of the *Clothing Donation Drop Box*. Failure by the *Licensee* to retrieve the *Clothing Donation Drop Box* within the thirty (30) day period may result in the *City* disposing, without notice, the *Clothing Donation Drop Box* as it sees fit.

Enacted by City of Vaughan Council this 28th day of September, 2022.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 9 of Report No. 24
of the Committee of the Whole
Adopted by Vaughan City Council on
May 17, 2022.