

SCHEDULE 4 TO BY-LAW 2005-115

AUCTIONEERS

GENERAL

1. 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.
2. No person shall conduct an auction unless he/she has an effective licence issued pursuant to the provisions of this By-law.
- 2.1 The licence fee for an Auctioneer shall be issued for a twelve month period from the date of purchase.
3. No person shall act as an auctioneer at an auction sale unless the business operator has a valid business licence with the City of Owen Sound (i.e. transient trader; hawker and peddler).
4. No person shall act as an auctioneer at an auction unless all other businesses or services being offered in conjunction with the auction have a valid business licence with the City of Owen Sound (ie. Delivery business, other sales businesses).

REGULATIONS

5. No Auctioneer shall:
 - 5.1 conduct an auction unless the auctioneer, at the place of each auction, prominently displays their name and business address and, on all public advertisements of any nature used by them in the course of business, includes their name and business address in such advertisement
 - 5.2 conduct an auction unless the auctioneer keeps proper books of account of the business transacted as an auctioneer, which books shall give the names and addresses of the owners of the goods, wares or merchandise to be sold, the description of the same, the price for which the same may be sold, and the names and addresses of the persons purchasing such goods, wares or merchandise, or any portion thereof, and the auctioneer shall forthwith, after the sale of same, of any portion thereof, account for the proceeds and pay the same to the person or persons entitled to such proceeds, less the proper and legal commissions and charges, and the auctioneer shall, in case no sale is made of such goods, on payment of the proper costs and charge, return such goods, to the person or persons entitled to receive the same on proper demand being made therefor; provided that nothing in this subsection (5.2) shall in any way effect or invalidate the claim of any auctioneer for goods warehoused with him/her, and on which he/she shall have made advances.
 - 5.3 permit any disorder in the auction room or business offices
 - 5.4 conduct or permit to be conducted any mock auction
 - 5.5 knowingly make or permit to be made any misrepresentation as to the nature, content quantity or value of any goods, wares, merchandise or effects which may be offered for sale by the auctioneer
 - 5.6 give away articles or sell them for nominal amounts for the purpose of stimulating bidding

SCHEDULE 5 TO BY-LAW 2005-115

BEAUTY SALON

(HAIRDRESSING ESTABLISHMENT)

1. Every owner of a hairdressing establishment within the limits of the City of Owen Sound shall obtain a licence therefor and shall not carry on the business, trade, occupation, or calling of such owner without having obtained such licence.

2. The said licence shall be issued by the City Clerk upon the recommendation and with the approval of the Medical Officer of Health, and all persons in receipt of such licence shall be responsible for the carrying out of the regulations hereinafter set out. All licences so issued may be revoked by the Council.

3. Every person so licensed shall operate his or her hairdressing establishment in a manner which in the opinion of the Medical Officer of Health is not detrimental to the health of patrons thereof and he or she shall observe and cause to be observed by their employees the regulations contained in Sections 4, 5, 6, and 7 of this Schedule in respect of the operation thereof.

4. All razors, scissors, combs, clippers, tweezers, blackhead removers, finger bowls, pushers, buffers and all massage and scalp applicators or other instruments shall be thoroughly cleansed and sterilized by immersion in hot water having a minimum temperature of 170 degrees Fahrenheit for a period of three minutes, or in a solution of sixty percent (60%) alcohol, or in a solution of suitable and efficacious recognized germicide immediately before each and every separate use, or the same shall be thoroughly cleaned and sterilized by any mechanical means approved by the Medical Officer of Health.

4.1 All hair brushes shall be immersed in a strong solution of recognized germicide, rinsed in clear water and dried either with a dry towel or by heat before each and every separate use.

5. Powdered or liquid soap, or other lathering preparation, approved by the Medical Officer of Health, shall be used for shampooing purposes. If any such preparations are prepared or mixed in a mug or bowl the same shall be thoroughly cleansed before each individual use.

5.1 An ample supply of running hot and cold water shall be supplied and hot water tanks shall be used for heating water and for no other purpose.

5.2 Each towel or steamer used shall be individual, fresh and clean and after being used such towel or steamer shall immediately be deposited in a receptacle reserved for that purpose and shall not again be utilized for any purpose before being freshly laundered.

5.3 Caustic or styptic pencils shall not be used. Alum or other astringent may be applied, but only when in liquid or powder form.

5.4 Powder puffs or sponges shall not be used. Cotton wadding shall be used in lieu thereof and each wad shall be used for one patron only.

5.5 No customers shall be served whose neck, face, scalp or other skin surface is inflamed or broken out in a rash or eruption of any kind.

5.6 No food except small wrapped articles of confectionery such as chocolate bars, chewing gum, etc. and bottled beverages shall be offered for sale or sold on the premises of any hairdressing establishments.

SCHEDULE 6 TO BY-LAW 2005-115

BARBER SHOPS

(HAIRDRESSING ESTABLISHMENTS)

1. Every owner of a barber shop within the limits of the City of Owen Sound shall obtain a licence therefor and shall not carry on the business, trade, occupation, or calling of such owner without having obtained such licence.
2. The said licence shall be issued by the City Clerk upon the recommendation and with the approval of the Medical Officer of Health, and all persons in receipt of such licence shall be responsible for the carrying out of the regulations hereinafter set out. All licences so issued may be revoked by the Council.
3. Every person so licensed shall operate his or her barber shop in a manner which in the opinion of the Medical Officer of Health is not detrimental to the health of patrons thereof and he or she shall observe and cause to be observed by their employees the regulations contained in Sections 4, 5, 6 and 7 of this Schedule in respect of the operation thereof.
4. All razors, scissors, combs, clippers, tweezers, blackhead removers, finger bowls, pushers, buffers and all massage and scalp applicators or other instruments shall be thoroughly cleansed and sterilized by immersion in hot water having a minimum temperature of 170 degrees Fahrenheit for a period of three minutes, or in a solution of sixty percent (60%) alcohol, or in a solution of suitable and efficacious recognized germicide immediately before each and every separate use, or the same shall be thoroughly cleaned and sterilized by any mechanical means approved by the Medical Officer of Health.
 - 4.1 All hair brushes shall be immersed in a strong solution of recognized germicide, rinsed in clear water and dried either with a dry towel or by heat before each and every separate use.
5. Powdered or liquid soap, or other lathering preparation, approved by the Medical Officer of Health, shall be used for shampooing purposes. If any such preparations are prepared or mixed in a mug or bowl the same shall be thoroughly cleansed before each individual use.
 - 5.1 An ample supply of running hot and cold water shall be supplied and hot water tanks shall be used for heating water and for no other purpose.
 - 5.2 Each towel or steamer used shall be individual, fresh and clean and after being used such towel or steamer shall immediately be deposited in a receptacle reserved for that purpose and shall not again be utilized for any purpose before being freshly laundered.
 - 5.3 Caustic or styptic pencils shall not be used. Alum or other astringent may be applied, but only when in liquid or powder form.
 - 5.4 Powder puffs or sponges shall not be used. Cotton wadding shall be used in lieu thereof and each wad shall be used for one patron only.
 - 5.5 No customers shall be served whose neck, face, scalp or other skin surface is inflamed or broken out in a rash or eruption of any kind.
 - 5.6 No food except small wrapped articles of confectionery such as chocolate bars, chewing gum, etc and bottled beverages shall be offered for sale or sold on the premises of any hairdressing establishments.

SCHEDULE 7 TO BY-LAW NO. 2005-115

HAWKERS AND PEDDLERS

1. Every person who goes from place to place or to a particular place with goods, wares or merchandise for sale or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise which is to be delivered in the City of Owen Sound afterwards shall, before engaging in or carrying on any such business, trade or calling, first obtain a licence permitting them so to do. Such licence shall be issued by the City Clerk and no person shall engage in or carry on any such business, trade or calling without having first taken out and having at all times in their possession a licence entitling them so to do. Only one licence shall be required in situations where a group of salespersons represent a licensee.
- 1.1 The licence fee for a Hawker and Peddler shall be issued for a twelve month period from the date of purchase.
2. The licence fee chargeable in any year or any part thereof shall be as follows:

Resident	\$275.00
Non-Resident	\$600.00
- 2.1 The licence fee chargeable for five consecutive days or less once only per year shall be as follows:

Non-Resident	\$300.00
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- 2.3 Notwithstanding the provisions of this By-law the Heritage Place Shopping Mall shall be required to take out a permit that shall be in the amount of \$2,000.00 annually and the said permit shall enable the Heritage Place Shopping Mall to permit Hawkers and Peddlers to locate within the Heritage Place Shopping Mall. The permit fee shall be paid by the Heritage Place Shopping Mall not later than January 31st of each year. As a condition of receiving the annual permit, the Heritage Place Shopping Mall agree to ensure that approvals are obtained from the Bruce-Grey Health Unit for any vendor selling food or food related products.
3. No such licence is required for hawking, peddling or selling goods, wares or merchandise by the following types of businesses:
 - 3.1 Manufacturing or Industrial businesses
 - 3.2 Wholesale businesses
 - 3.3 Natural Resources based businesses
 - 3.4 Exemptions by Ministerial Regulations
 - 3.5 by any person or group of persons lawfully representing properly constituted benevolent, fraternal, charitable or religious organizations based in the City of Owen Sound or providing direct benefit to the residents of the City of Owen Sound from peddling or selling goods, wares or merchandise the proceeds whereof solely benefit such organization.
4. Such servant or employee referred to in paragraph 3 above shall exhibit their authority when required so to do by any municipal or peace officer.
5. No person licensed by the City of Owen Sound as a Hawker or Peddler, whilst carrying on their business, shall carry on their business without having their licence with them and they shall, upon demand, exhibit it to any municipal or Police/By-Law Enforcement Officer.

SCHEDULE 8 TO BY-LAW 2005 - 115

REFRESHMENT BICYCLES

DEFINITION

1. **Bicycle** means and includes bicycle, tricycle or motorcycle.
2. No person shall sell refreshments for the consumption by the public from a bicycle without a licence for this purpose issued by the Council.
3. The annual fee for a licence under this Schedule shall be \$20.00 per vehicle.
4. Every licence under this By-law shall be for one year and unless sooner revoked shall expire on the 31st day of December next following the date of its issue.
5. The Medical Officer of Health for the Bruce-Grey Health Unit shall inspect every such bicycle prior to a licence being issued and every person to whom a licence has been granted shall comply with the requirements of said Medical Officer of Health.
6. Every owner to whom this Schedule relates shall, for each bicycle for which he or she holds a licence, procure a policy of insurance endorsed to the effect that the City of Owen Sound will be given at least 15 days notice in writing of any cancellation, expiry or variation in the amount of the policy, insuring in at least the amount of \$2,000,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss of or damage to property resulting from any one accident. A copy or certificate of such policy shall be deposited with the City Clerk.

SCHEDULE 9 TO BY-LAW 2005 - 115

REFRESHMENT VEHICLES

1. The owner or operator of every vehicle from which refreshments are sold for consumption by the public shall obtain from the City Clerk a licence therefor.
2. The City Clerk, before issuing any such licence, shall obtain the approval of City Council and obtain from the Bruce-Grey Health Unit a report and recommendation regarding the construction and equipment of the vehicle to which the application for licence refers.
3. The licence fee for the first vehicle shall be \$220.00 per year and \$25.00 per year for each subsequent vehicle. Licence fees shall be paid in full upon approval of the licence application. Licences shall be effective for one year from the date of issue.
4. No person shall operate a vehicle from which refreshments are sold for consumption by the public except in conformity with the following conditions:
 - 4.1 The interior walls and ceiling of such vehicle shall be painted and finished with enamel or other washable type of paint. The floor shall be painted or covered with some impermeable substance.
 - 4.2 The heating units used in any such vehicle for the preparation of food shall be of a smokeless type and must be vented to prevent the escape of gasses and carbon monoxide which may contaminate food. No person shall use commercial cooking equipment which causes grease laden vapors while cooking unless a hood, exhaust and extinguishing system are installed.
 - 4.3 All cooked foods shall be adequately protected against contamination from droplet infection and flies.
 - 4.4 All uncooked foods shall be maintained at all times in a clean sanitary condition.
 - 4.5 Provisions shall be made for the disposal of all waste materials including paper containers so that the same shall be disposed of in such a manner that the area in which such a vehicle is parked shall be kept free from garbage, refuse and waste water at all times.
 - 4.6 All persons engaged in the operation of such a vehicle including their employees shall wear washable white or light coloured clothing which shall be kept clean at all times.
 - 4.7 All such operators and their employees shall satisfy the Medical Officer of Health as to their freedom from communicable disease and shall submit to X-ray examinations of such other tests as the Medical Officer of Health may require.
5. Any licence issued pursuant to the provisions of this By-law may be revoked by direction of this Council upon the production before it of evidence indicating that any of the regulations contained in the next proceeding paragraph have not been observed.

SCHEDULE 10 TO BY-LAW 2005-115

TRANSIENT TRADERS

1. This By-law shall not apply to the sale of the stock of a bankrupt or an insolvent, within the meaning of any Bankruptcy or Insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock.
2. This By-law shall not apply to the sale of a business to a purchaser who continues the business.
3. Every Transient Trader shall cause the licence to be prominently and permanently displayed in the Transient Trader's place of business during the full term in which the Transient Trader is carrying on business as a Transient Trader and in default thereof is guilty of an offence.
4. Every application for a Transient Trader licence shall, as part of the application for such licence, furnish a statement in writing containing a full description of the goods, wares or merchandise which is proposed to be sold or offered for sale under such licence.