**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

**BY-LAW NUMBER 2009 - 32**

**A BY-LAW TO AMEND BY-LAW # 2007-38**
**OF THE CORPORATION OF THE TOWN OF WASAGA BEACH**

**WHEREAS** By-Law # 2007-38 passed the 27th day of March, 2007 being a By-Law to licence, regulate and govern businesses carried on within the municipality;

**AND WHEREAS** it is deemed necessary and expedient to amend the said By-Law to include provisions to licence Holistic Practitioners and Barbershop, hairdressing/beauty salon as a Home Occupation;

**NOW THEREFORE,** be it resolved that the council of The Corporation of The Town of Wasaga Beach enacts as follows:

1. **THAT** By-law #2007-38 Schedule "A" is hereby amended by adding the following:

   SCHEDULE "A66" HOME OCCUPATION-HOLISTIC PRACTITIONER
   SCHEDULE "A67" HOME OCCUPATION-BARBERSHOP AND HAIRDRESSING/BEAUTY SALON

2. **THAT** By-Law #2007-38 Schedule "B" is hereby amended by adding a licensing fee for SCHEDULE "A66" HOME OCCUPATION-HOLISTIC PRACTITIONER and SCHEDULE "A67" HOME OCCUPATION-BARBERSHOP AND HAIRDRESSING/BEAUTY SALON.

3. **Effective Date**

3.1 This By-Law shall come into full force and take effect from the date of its passing.

Read a first, second and third time and finally passed this 14th day of April, 2009.

MAYOR

CLERK (Acting)

**SCHEDULE "A66" TO BY-LAW 2007-38**

## HOME OCCUPATION- HOLISTIC PRACTITIONER

A. DEFINITION:

1. "Home Occupation" means a use that is conducted for gain or profit and which is clearly incidental, accessory or secondary to the residential use of a dwelling.

2. "Holistic Practitioners" means physical or psychological therapies designed to improve health or relieve stress and shall include, but are not limited to:

   - Aromatherapy,
   - Reiki
   - Reflexology,
   - Non-medical-therapeutic message therapies,
   - Nutritional Therapies,
   - Herbal/Botanical Therapies,
   - Psychological and Mind/Body Control

   But does not include a Massage Therapist who is dully qualified, licenced and registered to provide medical or therapeutic massage under the laws of the Province of Ontario and Family Physicians, Optometrists, Surgeons, Dentists, Chiropractors, Osteopaths, Physiotherapists, Dental Hygienists, and the like, who are already regulated pursuant to the Regulated Health Professions Act, S.O. 1991, c.18, as amended from time to time, or any successor therof;

3. "Nude" means bare or unclothed, and "Nudity" shall have a corresponding meaning;

4. "Partially Nude" means clothed in a manner that leaves a part of the body uncovered or visible to any person through less than fully opaque clothing, and "Partial Nudity" shall have a corresponding meaning;

5. "Practitioner" means a Person engaged in the practice of a profession, trade, business or occupation in relation to Holistic Therapies and shall include the owner, operator, attendant or apprentice;

6. "Nutritional Therapies" means attempts to achieve health or eliminate diseases through food, diet or nutritional supplements;

7. "Herbal/Botanical Therapies" means attempts to improve health or illnesses through the use of natural or artificially grown herbs or plants;

8. "Physical Therapies" means all therapies involving the manipulation, touch or exercise of the body and shall include, but is not limited to Shiatsu, Reflexology, Acupressure, Tai Chi, Qi Kong, Reiki and Yoga. As well, this section might include physical therapies such as colonic irrigation, hydrotherapy and lymphatic drainage;

## SCHEDULE "A66" TO BY-LAW 2007-38

B. REASONS FOR REQUIRING LICENCE AND/OR IMPOSING CONDITIONS:

1. For the purpose of ensuring that the business in not a nuisance to the surrounding properties and neighborhood.

C. REQUIREMENTS AND CONDITIONS OF LICENCE:

1. No person shall operate or maintain the business of a home occupation-holistic practitioner within the Town without first obtaining a licence to do so.

2. Prior to a business licence being issued by the Business Licensing Officer, the applicant must obtain the approvals listed below:

    a. Zoning Department
    b. Building Department
    c. Fire Department
    d. Property Standards Office
    e. Health Unit

3. A licence for a home occupation-holistic practitioner shall not be issued by the Business Licensing Officer unless the following restrictions have been adhered to:

    a. The home occupation-holistic practitioner shall be clearly secondary to the existing dwelling unit and shall not change the residential character of the property.

    b. A Canadian Police Information Center clearance letter that shall fail to reveal a record, furnished by the police agency where the applicant resides. The clearance letter shall be dated within thirty days preceding in the date of application.

    c. The applicant shall provide to the Business Licencing Officer at the time of the application, proof of liability insurance in the minimum amount of $2,000,000.00. Said policy shall be endorsed to provide that the policy will not be altered, cancelled or allow to lapse without thirty (30) days prior written notice to the Town.

    d. A certificate signed by him, confirm that he does not have any currently outstanding criminal charges or warrants pending before any courts;

    e. The applicant for a home occupation-holistic practitioner licence shall submit at the time of application an original copy of a certificate, diploma, or other such document to the Business Licensing Officer, indicating each Practitioner has successfully completed a course of training at an educational institution within Canada, relevant to their trade;

    f. Not more than one (1) person shall be involved in the home occupation-holistic practitioner and must be permanent residents of the dwelling.

g. No floor area devoted to the home occupation-holistic practitioner, including the storing of materials and finished products, shall exceed more than 15% of the gross floor area of the dwelling, shall be confined to the main dwelling on the lot, and shall not be in any attached or detached garage or accessory building.

h. No retail sales may take place on the property or premises of the home occupation-holistic practitioner; however, catalogue, mail order or telemarketing sales, as ordered by the customers of a local representative, would be permitted (similar to Avon, Tupperware and Amway)

i. No inventory may be maintained in the dwelling for point of purchase sales.

j. The home occupation-holistic practitioner shall only permit the practice of a *Holistic Practitioner* as defined in this schedule.

k. No more than two (2) persons or clients shall be located within the home occupation-holistic practitioner while waiting for or receiving therapies from a Practitioner

l. No Practitioner shall perform any therapies while Nude or Partially Nude.

m. No person shall receive any therapies while Nude or Partially Nude

n. No practitioner shall provide therapies while impaired by alcohol or drugs.

4. The home occupation-holistic practitioner shall provide sufficient room for vehicular parking on the surfaced driveway of the property containing the home occupation-holistic practitioner and no parking shall be permitted on any public road.

5. There shall be no parking or storage of vehicles in the front yard or exterior side yard other than on a surfaced driveway

6. The home occupation-holistic practitioner shall not create or become a public nuisance, in particular in regards to traffic, parking, noise, vibration, fumes, odour, dust, glare or radiation, which is apparent or audible from adjacent properties.

7. The home occupation-shall not interfere with television, radio reception or electrical service.

8. There shall be no external storage of goods or materials and the home occupation-holistic practitioner shall not involve hazardous or toxic chemicals.

9. There shall be no delivery of merchandise to the home occupation-holistic practitioner, other than by a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries.

10. There shall be no external display of advertising to indicate to persons outside that any part of the dwelling unit is being used for a purpose other than residential.

SCHEDULE "A67" TO BY-LAW 2007-38

## HOME OCCUPATION- BARBERSHOP AND HAIRDRESSING/ BEAUTY SALON

A. DEFINITION:

1. "Home Occupation" means a use that is conducted for gain or profit and which is clearly incidental, accessory or secondary to the residential use of a dwelling.

2. "Barbershop/Hairdressing" means a business or premise where the shaving or trimming of the beard or mustache and/or the cutting, trimming, dyeing, conditioning, streaking, shampooing or dressing of the hair is carried on, commonly in the service of males.

3. "Beauty Salon" means a business or premise offering facial or other skin or body treatments, cutting and/or dressing of the hair including but not limited to cutting, trimming, dyeing, bleaching, streaking, frosting, conditioning, shampooing, etc., of the hair, manicures, pedicures or similar treatments, electrolysis or any other similar treatment service, piercing of earlobes, but not including the piercing of other body parts and tanning, tanning rooms, tanning beds or similar devices, etc.

B. REASONS FOR REQUIRING LICENCE AND/OR IMPOSING CONDITIONS:

1. For the purpose of ensuring that the business in not a nuisance to the surrounding properties and neighborhood.

C. REQUIREMENTS AND CONDITIONS OF LICENCE:

1. No person shall operate or maintain the business of a home occupation- barbershop and hairdressing/beauty salon within the Town without first obtaining a licence to do so.

2. Every person licensed as the operator of a home occupation- barbershop and hairdressing/beauty salon shall observe and comply with the regulations of the Health Unit as set out in the Public Health Act or under authority of any other Statute, Regulation or By-law by the Medical Officer of Health.

3. Prior to a business licence being issued by the Business Licensing Officer, the applicant must obtain the approvals listed below:

   a. Zoning Department;
   b. Building Department;
   c. Fire Department;
   d. Property Standards Office;
   e. Health Unit.

## SCHEDULE "A67" TO BY-LAW 2007-38

4. A licence for a home occupation- barbershop and hairdressing/beauty salon shall not be issued by the Business Licensing Officer unless the following restrictions have been adhered to:

    a. The home occupation- barbershop and hairdressing/beauty salon shall be clearly secondary to the existing dwelling unit and shall not change the residential character of the property.

    b. The applicant for a home occupation- barbershop and hairdressing/beauty salon licence shall submit at the time of application an original copy of a current certificate of qualifications as a barber or a hairdresser issued pursuant to the regulation made under the Apprenticeship and Certification Act to the Business Licensing Officer.

    c. The applicant shall provide to the Business Licencing Officer at the time of the application, proof of liability insurance in the minimum amount of $2,000,000.00. Said policy shall be endorsed to provide that the policy will not be altered, cancelled or allow to lapse without thirty (30) days prior written notice to the Town.

    d. Not more than one (1) person shall be involved in the home occupation- barbershop and hairdressing/beauty salon and must be permanent resident of the dwelling.

    e. No floor area devoted to the home occupation- barbershop and hairdressing/beauty salon, including the storing of materials and finished products, shall exceed more than 15% of the gross floor area of the dwelling, shall be confined to the main dwelling on the lot, and shall not be in any attached or detached garage or accessory building.

    f. No room in any premises licensed hereunder in which barbering, hairdressing or beauty salon services is done, shall be used as living, eating, food preparing, bathing or sleeping quarters and shall only be used for barbering, hairdressing or beauty salon services.

    g. No retail sales may take place on the property or premises of the home occupation- barbershop and hairdressing/beauty salon; however, catalogue, mail order or telemarketing sales, as ordered by the customers of a local representative, would be permitted (similar to Avon, Tupperware and Amway)

    h. No inventory may be maintained in the dwelling for point of purchase sales.

    i. The home occupation- barbershop and hairdressing/beauty salon shall only permit the practice of a *barbershop and hairdressing/beauty salon* as defined in this schedule.

j. No more than two (2) persons or clients shall be located within the home occupation- barbershop and hairdressing/beauty salon while waiting for or receiving services.

5. The home occupation- barbershop and hairdressing/beauty salon shall provide sufficient room for vehicular parking on the surfaced driveway of the property containing the home occupation- barbershop and hairdressing/beauty salon and no parking shall be permitted on any public road.

6. There shall be no parking or storage of vehicles in the front yard or exterior side yard other than on a surfaced driveway

7. The home occupation- barbershop and hairdressing/beauty salon shall not create or become a public nuisance, in particular in regards to traffic, parking, noise, vibration, fumes, odour, dust, glare or radiation, which is apparent or audible from adjacent properties.

8. The home occupation-shall not interfere with television, radio reception or electrical service.

9. There shall be no external storage of goods or materials and the home occupation-barbershop and hairdressing/beauty salon shall not involve hazardous or toxic chemicals.

10. There shall be no delivery of merchandise to the home occupation- barbershop and hairdressing/beauty salon, other than by a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries.

11. There shall be no external display of advertising to indicate to persons outside that any part of the dwelling unit is being used for a purpose other than residential.

12. No person shall offer for sale or sell food or beverages on the premises.

13. Every person licensed under this By-law as the operator of a home occupation-barbershop and hairdressing/beauty salon shall satisfy the Health Unit as to his freedom from communicable or transmissible disease and submit to such medical examinations and tests as the Health Unit may require.

14. No person licensed as the operator of a home occupation- barbershop and hairdressing/beauty salon shall operate the business of a home occupation-barbershop and hairdressing/beauty salon outside the premises for which the licence was issued, except in the following circumstances:

    a. where the person served is so ill or physically incapable so as to be unable to attend at the operators home occupation- barbershop and hairdressing/beauty salon;

    b. to dress the hair of members of a bridal party on the day of the wedding;

c. to dress the hair of models of a fashion or theatre show.

15. The licence of persons operating a home occupation-barbershop and hairdressing/beauty salon shall be revoked upon a recommendation of the Medical Officer of Health that such licence should be revoked.