

BY-LAW 2026-XXX

A by-law of the City of Ottawa to amend By-law No.2002-189, as amended, with respect to the licensing and regulation of food premises

The Council of the City of Ottawa enacts as follows:

1. Section 1 of By-law No.2002-189, entitled “A by-law of the City of Ottawa respecting the licensing, regulating, and governing of certain businesses” as amended, is amended by repealing the definition of “food premises” and replacing it with the following:

“food premises” means any premises where food intended for human consumption is prepared, stored, or offered for sale to the public including but not limited to a bakeshop, a butcher shop, restaurant, catering establishment, expanded activity food premises and shared commercial kitchen;

2. Section 1 of By-law No. 2002-189, entitled “A by-law of the City of Ottawa respecting the licensing, regulating, and governing of certain businesses” as amended, is amended by adding the following definitions:

“catering establishment” means a place where food is prepared in large quantities and is then delivered and consumed elsewhere;

“expanded activity food premises” means a food premises that offers entertainment including but not limited to live music, live performance, or dancing;

“Health Protection and Promotion Act” means the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, and the regulations passed under it;

“Noise By-law” means the City of Ottawa’s Noise By-law No. 2017-255, as amended, or any by-law enacted in substitution thereafter;

“restaurant” means a place where food or beverages are prepared and sold to patrons for immediate consumption on or off-site;

“shared commercial kitchen” means any food premises used for the purpose of utilizing, renting, or leasing commercial kitchen space to individuals or businesses for food preparation, food storage, or any other food-related purpose;

3. Section 1 of the said by-law No.2002-189 is further amended by repealing the definition of “eating establishment”.

4. Subsection 9(7) of the said by-law No.2002-189 is amended by striking out the words “every person who owns or operates a food premises;” and replacing them with the words “every person who owns or operates a food premises or an expanded activity food premises”

5. Said by-law No.2002-189 is further amended by repealing Schedule No.7, Relating to Food Premises, and replacing it with the attached Schedule No. 7, Relating to Food Premises, immediately after Schedule No.6.

6. Schedule “A” of the said By-law No.2002-189 is amended by adding the following item:

| Column 1 | Column 2 | Column 3 |
|---------------------------------|-------------------------|--------------------|
| Types of Licenses | 2026 License Fee | Expiry Date |
| expanded activity food premises | \$448.00 | March 31, 2026 |

EFFECTIVE DATE

7. This by-law shall come into force and effect on May 31, 2026.

ENACTED AND PASSED this XXth day of [Month] [Year].

CITY CLERK

MAYOR

SCHEDULE NO. 7
Relating to Food Premises

LICENSE REQUIRED

1. A separate license of the appropriate class shall be obtained in respect of each premises operating as a food premises.
2. No person shall own or operate a food premises without first obtaining a food premises license of the appropriate class.

EXEMPTIONS

3. This Schedule shall not apply to a food premises where only pre-packaged foods, frozen drinks, or hot beverages are sold or offered or exposed for sale.
4. A food premises licence shall not be required for a food premises operated by a charitable or not-for-profit organization that provides meals for the homeless or that is located in a facility providing residential care services that includes meals.
5. (1) This schedule shall not apply to a home-based food business that:
 - (a) operates exclusively from a residential unit; and,
 - (b) prepares and sells only low-risk food items(2) For the purposes of this Schedule, low risk food items are those that do not require time and temperature control for safety and include but are not limited to:
 - (a) breads and buns without meat or cream fillings,
 - (b) most baked goods without custard,
 - (c) chocolate, hard candies, and brittles,
 - (d) fudge and toffees,
 - (e) coffee beans and tea leaves,
 - (f) granola, trail mix, nuts, and seeds,
 - (g) cakes with non-refrigerated icing, brownies, muffins, and cookies, and
 - (h) any other low-risk food item as defined under the Health Protection and Promotion Act.

CONDITIONS FOR ISSUANCE OF A FOOD PREMISES LICENSE

6. No applicant for a food premises license shall be issued a license unless:
 - (a) the applicant is eighteen (18) years of age or older,

- (b) the Fire Chief has reported, in writing, that the premises complies with fire regulations,
 - (c) the Medical Officer of Health has reported, in writing, that the premises in connection with which the license is sought is suitable for the purpose of a food premises,
 - (d) the premises from which it is proposed to operate the food premises complies with the zoning, building, and property standards requirements of the City,
 - (e) the applicant has provided proof of insurance in accordance with Section 8 of this Schedule,
 - (f) the applicant has indicated on the application the type of food premises to be operated,
 - (g) if applying for an expanded activity food premises license, the original documents, dated less than sixty (60) days prior to the date of application or renewal for a license, from the appropriate agency outlining the results of investigations related to the applicant for a Criminal and Judicial Matters Check (Level 2), to the satisfaction of the Chief License Inspector, and;
 - (h) the applicant has paid the fees of the appropriate class set out in Schedule "A" of this by-law.
7. The Chief License Inspector may waive any or all of the requirements listed in Section 6, paragraphs (b), (c) or (d), that the Chief License Inspector determines do not apply.

INSURANCE

8. (1) Every licensee shall obtain and maintain insurance while licensed under this by-law as follows:
- (a) Commercial General Liability coverage subject to limits of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof.
 - (b) If applicable to the licensed activity, such insurance shall be endorsed to include Liquor Licence Act Liability or Host Liquor Liability insurance.

GENERAL REGULATIONS

9. Every licensee shall post the license in a prominent location in the licensed premises so as to be clearly visible to the public.

10. Every licensee shall ensure that the operation of the food premises complies at all times with Ontario Regulation 493/17 and Ontario Regulation 319/08 of the Health Protection and Promotion Act.
11. Every licensee shall ensure that:
 - (a) washroom facilities are kept in proper sanitary and working condition to the satisfaction of the Medical Officer of Health, and
 - (b) the operation of the food premises is conducted in a manner that is not adverse to the public interest.
12. (1) Every licensee shall ensure that public waste receptacles
 - (a) are provided in sufficient numbers to receive the waste generated by the food premises operation,
 - (b) are located near the public entrances and exits outside the premises to the satisfaction of the Chief License Inspector and do not conflict with any by-law of the City,
 - (c) do not obstruct or interfere with pedestrian or vehicular traffic,
 - (d) do not interfere with street or sidewalk maintenance,
 - (e) do not exceed a volume capacity of 100 litres,
 - (f) are emptied of waste as often as necessary,
 - (g) are kept clean and odourless,
 - (h) are water impermeable, and
 - (i) are kept covered at all times.
- (2) Clause (b) of Subsection (1) does not apply to a food premises that exclusively operates as a shared commercial kitchen

SHARED COMMERCIAL KITCHENS

13. (1) Every licensee operating a shared commercial kitchen shall ensure that each person using the premises for food preparation, food storage, or any other food-related purpose obtains and maintains Commercial General Liability coverage subject to limits of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death, and property damage including loss of use thereof.
- (2) Proof of insurance required by subsection (1) shall be retained by the licensee and made available upon request to the Chief License Inspector or the Medical Officer of Health.

14. (1) Every licensee operating a shared commercial kitchen shall maintain a current and accurate log of all clients using the premises for the purpose of food preparation, food storage or any other food-related purpose.
 - (2) The log required under subsection (1) shall include the name of the client, contact information, dates and times of each premises use, and the nature of food-related activities including type of food.
 - (3) The log required under subsection (1) shall be retained for a minimum of twelve (12) months after each use.
15. No person shall claim that food was prepared in a shared commercial kitchen when it was not.

EXPANDED ACTIVITY FOOD PREMISES

16. Any food premises offering entertainment, including but not limited to live entertainment, live music, or dancing, shall obtain an expanded activity food premises license.
17. The Chief License Inspector is authorized to require the licensee to take the following corrective measures for an expanded activity food premises in order to ensure compliance with the Noise By-law or any other City by-law:
- (a) closing doors and windows during entertainment hours;
 - (b) relocating noise-generating equipment within the premises;
 - (c) obtaining a professional engineer's report with recommendations to achieve compliance, along with proof that the recommended remediation actions have been undertaken.
18. The Chief License Inspector is authorized to require an expanded activity food premise to provide a detailed plan to manage patron line-ups outside the premises, processes for entry and re-entry, or any other procedure for monitoring line-ups of patrons.
19. The cost of the corrective measures in Section 17 and the plans in Section 18 shall be borne by the licensee.