

Status of our current Business Licensing By-law

Under our current by-law the
purposes for licensing are as follows:

Health

Safety

Wellbeing

...where there is a **municipal interest*** that is not
otherwise provincially or federally legislated.

*What is considered to be a municipal interest?

Where the following exists:

- Food handling/preparation/sales
- Invasive procedures
- Where there are large assemblies of people (100 or more)
- Where people are sleeping
- Where it is required or allowed by legislation

Categories proposed to be licensed

- Adult Entertainment Establishment
- Adult Entertainment Retail (included in Adult Entertainment Establishment)
- Amusement Establishment
- Bed and Breakfast
- Catering Company
- Flea Market – indoor only (included in Public Hall)
- Food Shop (included in Food Premise)
- Food Premise (to include Food Shop and Restaurant)
- Food Vehicle
 - > Chip Wagons
 - > Mobile Preparation Vehicle
 - > Refreshment Vehicle
- Hair Salon (included in Personal Service)
- Holistic Services (including operators and practitioners)
- Hotel Establishments
- Pawnbroker
- Personal Service Establishment (includes Hair Salon)
- Private Parking Agent
- Public Hall (includes Flea Market – indoor only and Theatre, 100+ capacity)
- Restaurant (included in Food Premise)
- Street Vendor – City tendered
- Theatre (included in Public Hall)

Categories proposed to no longer require a licence

- Auctioneer
- Billiards Establishment
- Bowling Alley
- Door-to-Door Sales Business
- Driving Instructor/Driving School
- Flea Market – outdoor only
- Food Vehicle
 - > Mobile Barbeque Facility
 - > Refrigerated Bicycle Carts
- Laundromat/Dry Cleaner
- Pet Shop
- Physical Fitness Centre
- Plumbing Contractor/Backflow Device Tester/Drain Contractor
- Retail Business
- Temporary Sale
- Tobacco
- Vehicle Service Establishment

Why are these categories proposed to be deleted?

A A municipality's authority is limited when it comes to licensing for the purpose of consumer protection

e.g. Retail

The trades (e.g. plumbing and drain contractors)

Vehicle Service Establishment

B Some are now governed by provincial or federal legislation

e.g. Tobacco sales

Proposed new application process

The proposed new application process for a business licence will be a two-step process.

Step 1 – the inspection process

- complete an application for inspection(s)
- ensure your required inspections are completed before you apply for your business licence
- provide a floor plan (for all location licences)
- ensure your inspections are completed within 90 days
- 3 inspections are included. If you require more than 3 inspections, a new inspection application and fee will be required
- a 30 day extension is available if you provide proof that work has begun
- a fee for inspection is required

Step 2 – the application process

- complete an application for a business licence once your inspections have passed. This must be received by the Clerk's Office within 90 days of completing your inspection; otherwise a new inspection application and fee is required
- submit all your paperwork such as insurance, partnership/corporation documents, association membership (if required)
- a fee for application processing is required

Proposed renewal process

The renewal process

- inspections must be completed by your business licence expiry date
- 2 inspections are included. If you require more than 2 inspections a new inspection application and fee is required
- copies of current valid insurance and current valid membership in association (if applicable) are required
- if the renewal application is not received by your licence expiry date, a new inspection application and business licence application is required
- if your application has been received but your inspections have not been completed by the expiry date, a 30 day extension is available with proof that work has begun
- a fee for licence renewal is required

Proposed new fee structure

New Application

I Inspection process = inspection + vehicle costs

II Application process = administration + enforcement + vehicle costs

administration = processing costs

enforcement + vehicle = visits throughout the year

I + II = fee required to obtain a business licence

Renewal

Renewal = inspection + administration + enforcement + vehicle costs

Options for proposed new fee structure

- A** (i) Cost recovery (based on staffing + vehicle costs) including annual indexing
- (ii) Cost recovery, no annual indexing

- B** (i) Cost recovery, not including enforcement with annual indexing
- (ii) Cost recovery, not including enforcement with no annual indexing

- C** (i) 2 year phase in for A (i) Cost recovery/annual indexing
- (ii) 2 year phase in for A (ii) Cost recovery/no annual indexing
- (iii) 2 year phase in for B (i) Cost recovery/no enforcement and annual indexing
- (iv) 2 year phase in for B (ii) Cost recovery/no enforcement/no indexing

Indexing

Indexing means year over year increase based on the consumer price index before your renewal notice has been issued.

Highlights of proposed by-law changes

General

- changes (e.g. hours of operation, floor plan) to be reported to the Clerk's office within 15 days
- main entrance to remain unlocked and accessible during hours of operation
- charities and non profit organizations not exempt from paying fee
- new licence inspection and application required if renewal for licence has not been made by the day following the licence expiry date
- new ground to be added for refusal to issue or renew a licence or revoking/suspending or cancelling a licence if there is a prohibition order or other federal or provincial order ceasing that activity
- refund of fee on refusal to issue or renew a licence which is not appealed shall be equivalent to the enforcement portion of the fee

Application process

- all businesses to carry minimum \$2 million insurance
- proof of interest in lands or premises to be provided
- floor plans (to scale) to be provided (for location businesses)
- hours of operation to be included in application and posted on exterior of Business (except dwellings)
- corporations and partnership information to be provided

Appeal process

- composition of Appeals tribunal to include some or all citizens
- appeals Tribunal decision to be final and binding
- processing fee of \$50 required as part of appeal
- appeals to be submitted during office hours within 20 days from the notice being issued
- secretary of the appeals tribunal may refuse appeals which are late

Highlights of proposed changes for specific categories

Amusement

- defined as indoor facilities only
- arcades, internet gaming and internet cafes not included

Holistic

- psychological therapies not included
- façade view to non service areas to be unobstructed from exterior
- professional liability insurance and membership in good standing to professional association to be provided upon renewal for practitioners

Personal Service

- list of services and fees to be posted
- no area other than designated area to be used for services
- where a personal service and holistic service are one business, both licences are required and the license fee shall be the greater of the two
- linens to be laundered after each use
- contact surface to be clean according to public health best practices
- first aid kit to be provided
- toilet and washroom to be provided
- hand washing basin with hot water and drying materials to be provided
- provisions of this category to apply to hair salon

Public Hall

- applies to indoor premises with capacity of 100 or more
- if operating as a flea market, conditions of current category apply
- add condition from theatre category that sidewalk and highway to be unobstructed and attendant to be present
- no exit or corridor to be blocked or obstructed

The City of Guelph would like your input

Please provide your thoughts
on the comment sheet

or e-mail your comments
by **May 14, 2009** to
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Next steps

June 9, 2009

Recommendations to be brought forward to
Finance Administration Community Services Committee

June 22, 2009

Tentatively planned to go to Council for approval.

By-law effective September 2009