

COMMITTEE REPORT



TO **Finance, Administration and Corporate Services
Committee**

SERVICE AREA Information Services, Clerk's
DATE April 14, 2009

SUBJECT **Business Licence By-law Review Process**
REPORT NUMBER

RECOMMENDATION

That the information report of the Director of Information Services/City Clerk regarding the Business Licence By-law Review Process dated April 14, 2009 be received.

BACKGROUND

In 2004 Council passed the current business licensing bylaw (2004)-17551. On January 1, 2007, Bill 130, the Municipal Statute Law Amendment Act, came into force and effect substantially changing the provisions pertaining to business licensing.

The amended act gave municipalities broader licensing and enforcement powers. Specifically, municipalities were no longer limited regarding the reasons for licensing which were as follows:

- health & safety,
- consumer protection
- nuisance control.

As a result, Council approved a recommendation On October 15, 2007 to reflect that the purpose for licensing businesses is primarily for the health, safety and well-being of the public, where there is a municipal interest that is not otherwise legislated. Examples of businesses meeting these purposes are establishments where food is prepared or sold, or where large assemblies are inherent in the business. These are cases where there is a greater interest in health, sanitation, and safety where a higher degree of inspections is warranted.

Staff initiated a review of the business license bylaw, accordingly, to conform to the new reasons for licensing. Concurrently, a service review was conducted which resulted in a consolidation of bylaw enforcement including the enforcement of the business licensing bylaw.

REPORT

A review of the legislation and other municipalities' documents was conducted, among them, Barrie, Burlington, Cambridge, Kitchener, Kingston, Waterloo. Projections of actual costs for fire, building, zoning, Public Health inspections and administration including enforcement were calculated. A staff working group and sub groups comprised of representatives from City Clerks, Building, Zoning, Court Services, Fire Services, Legal services, Guelph Wellington Dufferin Public Health met on several occasions. There was also consultation with Guelph Police Services.

Based on the criteria established by Council, staff will be proposing that the following business categories continue to be licensed:

- Adult entertainment (to include establishment and retail)
- Amusement establishment
- Bed and breakfast
- Catering company
- Food premises to include restaurant and any other premise or vehicle where food prepared or packaged is sold
- Holistic services/ operator/practitioner (not to include mind control)
- Hotel establishments
- Pawnbroker
- Personal service establishment (to include hair salon)
- Private parking agent
- Public Hall (to include halls, theatres & indoor flea markets exceeding 100 people)
- Street vendor (City tendered vendor on City Property)

The business categories retained are consistent with the new purposes for licensing being the health, safety and well-being of the public where there is a municipal interest.

Staff will be recommending that 14 categories be removed. 5 categories have been incorporated into the remaining business to be licensed. 18 categories will continue to be licensed.

Many of these licences are proposed to be discontinued because they are regulated or governed by another level of government or agency. An example is the tobacco licence which predated the Smoke Free Ontario Act. The province now has the authority under this legislation to regulate tobacco sales. With regard to pet stores, the *Ontario SPCA Act* mandates the Society to enforce animal cruelty laws and provides Ontario SPCA Community investigators with police powers to do so. Retail establishments, Auctioneer and Door to door sales are being removed as the city has removed Consumer protection as a reason for licensing.

Please note that all business, regardless of whether they are licensed or not, are still subject to the requirements of the Building Code, the Fire code and the zoning By-law.

The categories proposed to be discontinued are as follows:

Auctioneer
Billiards Establishment
Bowling Alley
Door to door sales
Driving Instructor/ school
Laundromat/drycleaner
Pet shop
Physical fitness centre
Plumbing contactor
Backflow device Tester
Drain contactor
Retail business
Tobacco
Vehicle service establishment

Staff will be developing a distinct process for inspections related to business licensing and the application for the licence. The cost for such is proposed to be based on actual costs of inspection and processing the application. Therefore a new schedule of fees will be proposed.

The following consultation plan and Committee/Council schedule is being proposed to seek input from the public and groups representing businesses in the City of Guelph:

April 24: Ad in paper advertising Business licensing open house
By May 8: Open house with presentations from staff &
Meet with Chamber of Commerce & Downtown Board representatives
May 29: Ad in paper regarding report to be presented to FACS committee
meeting and pursuant to Notice provisions policy re: Council decision
regarding New Business licence bylaw
June 8: Report regarding new business license bylaw to FACS committee
June 22: Report regarding new business license bylaw to Council for approval
Sept. 28: Passing of Bylaw as directed by Council in June
After Sept 28: Ad in paper regarding new Business licensing bylaw
Jan. 2/10: New licensing Bylaw in effect

CORPORATE STRATEGIC PLAN

This report supports the following goals in the strategic plan:

5.3 - Open, accountable and transparent conduct of municipal business; and
5.6 - Organizational excellence in planning, management, human resources and people practices

FINANCIAL IMPLICATIONS

There may be an impact on the amount of license fees and renewals collected as a result of the categories to be licensed under the proposed By-law.

DEPARTMENTAL CONSULTATION

A working group was established, comprised of the city Building Services, Zoning Services, Court Services, Fire Services, Legal Services, Bylaw Enforcement, City Clerks and Guelph Wellington Dufferin Public Health. Guelph Police Services is also being consulted.

COMMUNICATIONS

Refer to consultation schedule in body of report.

ATTACHMENTS

N/A

Prepared By:

Tina Agnello
Deputy Clerk
519 822-1260 x 2811
tina.agnello@guelph.ca

Recommended By:

Lois Giles
Director of Information
Services/City Clerk
519 822-1260 x2232
lois.giles@guelph.ca