

<b>TO:</b>	<b>CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE PUBLIC PARTICIPATION MEETING ON April 25, 2017</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>PUBLIC PARTICIPATION MEETING BUSINESS LICENSING BY-LAW REVIEW  Commercial Parking Facilities, Pet Shops, Public Halls, Seasonal Sales Businesses</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official, this report **BE RECEIVED** as information, it being noted that upon completion of all public participation meetings related to the review of the Business Licensing By-law, a further public participation meeting will be scheduled to repeal and replace the current Business Licensing By-law as per the direction of Municipal Council on December 19, 2016.

<b>PREVIOUS REPORTS</b>
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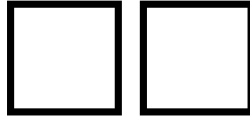
June 21, 2016	CPSC	Proposed new categories / existing by-law changes
November 15, 2016	CPSC	Putting Consumers First Act
December 13, 2016	CPSC	Status Update
January 24, 2017	CPSC/PPM	General Provisions, Payday Loans, Door to Door Sales
February 22, 2017	CPSC/PPM	Contractors, Donation Bins, Personal Service Establishments, Tobacco and Electronic Cigarette Retailers

<b>BACKGROUND</b>
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Civic Administration previously reported on a number of new categories of businesses to be licensed for a variety of municipal purposes, as well as consideration of existing businesses that require updated licensing regulations. The purpose of this report is to receive public comments on proposed licensing regulations for the following:

- Commercial Parking Facilities
- Pet Shops
- Public Halls
- Seasonal Sales Businesses

As previously reported, Civic Administration is proposing to utilize section 23 of the *Municipal Act* authorizing the delegation of legislative powers. The intent of this section is to streamline City Council's decision-making process and enable it to focus on larger issues in a more strategic manner. The Licence Manager has a written Standard Operating Procedure on delegated authority of regulation development including public consultation and posting of the regulations on the City's web site.



**Commercial Parking Facilities (revised regulations)**

Commercial parking facilities are currently licensed under the Business Licensing By-law for the purpose of consumer protection such that the consumer will know who to contact in the case of fee disputes, malfunctioning parking meters or any other difficulties faced by consumers in the parking lot. These regulations were adopted at least 20 years ago and require modernization.

As noted above, the proposed by-law will utilize the delegation of legislative powers in prescribing the manner form and content of signage to be posted in the parking facilities. The key public information is the fare charged, parking lot management contact information and fine/notice amounts. The Licence Manager will also prescribe maintenance standards with respect to debris removal and snow storage. The issue of occasional parking facilities is also addressed in the by-law. There have been several issues in the downtown area where special event parking is occurring on business parking lots, many in the absence of the property owner or tenant having any knowledge of the occurring property trespass.

The proposed annual fee for this business category is \$223. This fee takes into consideration enforcement (initial inspection, random inspections) and administration costs related to the Business Licensing by-law.

**Pet Shops (new category)**

The municipal purpose of licensing pet shops is for the health and safety of the animals being displayed or sold as well as the health and safety of all the patrons and occupants of the store, and for the purpose of consumer protection and ensuring that such pet stores operate legally in accordance with other municipal and provincial legislation.

Over the last decade, animal welfare associations have lobbied municipalities to not only regulate pet shops that sell animals for retail sale, but also ban certain industry practices, most notably the sale of animals which originated from commercial sources other than humane societies and shelters. Concerns over commercial breeding facilities, commonly referred to as “puppy mills”, supplying pet stores with animals have initiated ethical animal welfare concerns globally.

Such advocacy has occurred in London, most notably in 2013 regarding London City Council’s position to adopt a “no-kill open shelter” strategy. This goal is outlined in the City’s Strategic Plan. The proposed regulations permit the sale of animals from the following sources: London Animal Care Centre; the London Humane Society and City approved rescue groups. In many local pet stores, the sale/adoption of animals is currently occurring at weekend adoption events administered by local rescue groups.

Every holder of the licence shall maintain a record of animals obtained and sold. The licence manager will maintain a list of permitted animals to be sold. This list will be developed in consultation with local animal welfare specialists.

The proposed annual fee for this business category is \$179 per licence. This fee takes into consideration enforcement (initial inspection, random inspections) and administration costs related to the Business Licensing by-law.

**Public Halls (revised regulations)**

Public halls are currently licensed for the purposes of health and safety of persons who enter the public hall and to ensure that the business is not a nuisance to the surrounding community.

The current regulations reference maximum building occupancy and certification that the electrical wiring has been inspected. These current regulations are addressed in the general provisions section in the new by-law with respect to compliance with provincial legislation.

Over the past few years there have been some neighbourhood complaints regarding noise and emanating nuisances allegedly from activities occurring at public halls. Re-occurring nuisances can be addressed by the license manager having the authority of placing the public hall on conditions to address the potential nuisances generally associated with specific events (i.e. private parties) .

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The proposed annual fee for this business category is \$91. This fee takes into consideration enforcement (initial inspection, random inspections) and administration costs related to the Business Licensing by-law.

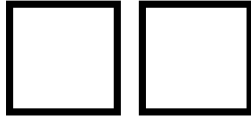
**Seasonal Sales Businesses (revised regulations)**

Under the current Business Licensing by-law, seasonal sales businesses are classified under the category of hawkers and pedlars. The municipal purpose of regulating this form of business is to ensure the vendor is following all health related regulations related to the products being sold, to ensure that the business is not causing a nuisance by hindering vehicles or pedestrian traffic or causing a hazard in any way, and to protect the consumer who is purchasing the products being sold.

Generally, seasonal sales offer seasonal products for sale such as Christmas trees, flowers, fresh produce, gardening products and sporting memorabilia. In the past, the complaints with respect to seasonal sales have focused on proliferation of signage, selling from City property, pedestrian or vehicular obstruction.

The proposed annual fee for this business category is \$545 for a one week licence and \$435 for a 1-3 month licence per location. This fee takes into consideration enforcement (initial inspection, random inspections) and administration costs related to the Business Licensing by-law. There are more enforcement issues related to one week licenses (fireworks, sports memorabilia, flower sales) than there are with 1-3 month licences (produce stands).

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
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**SCHEDULE “\_\_”  
COMMERCIAL PARKING FACILITY**

**1.0 DEFINITIONS**

1.1 For the purpose of this Schedule:

“**Commercial Parking Facility**” means any parking lot, structure or building intended for the use of parking motor vehicles of the public for any fee but does not include a parking facility used exclusively for the parking of motor vehicles in association with specified land uses;

**2.0 POWERS OF THE LICENCE MANAGER**

2.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

- (a) prescribing the manner, form, content and location of signage to be posted at the Parking Facility.
- (b) prescribing standards for the maintenance of Commercial Parking Facilities.

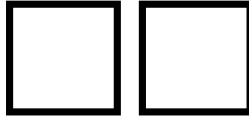
**3.0 PROHIBITIONS**

3.1 No person shall operate a Commercial Parking Facility without holding a current valid licence issued under this By-law.

**4.0 REGULATIONS**

4.1 Every holder of a Commercial Parking Facility Licence shall post in his or her Commercial Parking Facility signage as prescribed by the Licence Manager.

4.2 Every holder of Commercial Parking Facility Licence shall maintain his or her Commercial Parking Facility in accordance with the standards prescribed by the Licence Manager.



**SCHEDULE “\_\_\_\_”  
PET SHOP BUSINESS**

**1.0 DEFINITIONS**

1.1 For the purpose of this Schedule:

“**Pet Shop**” means a shop, place or premise, where animals or birds for use as pets are displayed, sold or kept for sale.

“**Animal**” includes a member of any species of animal, bird, reptile, fish or insect.

**2.0 POWERS OF THE LICENCE MANAGER**

2.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

- (a) prescribing the manner, form and content of records to be kept by a Pet Shop Licence holder under section 4.4 of this Schedule;
- (b) prescribing animals or classes of animals permitted to be displayed in, sold or offered for sale by a Pet Shop Licence holder;
- (c) prescribing the manner, form and content of the list of animals or classes of animals permitted to be displayed in, sold or offered for sale by a Pet Shop Licence holder required to be posted in a Pet Shop under this section;
- (d) prescribing the information that the Pet Shop Licence holder must provide to a person who purchases, acquires or obtains an animal from the Licence holder;
- (e) prescribing a list of approved rescue groups for the purpose of section 4.1(d) of this Schedule.

**3.0 PROHIBITIONS**

3.1 No person shall operate a Pet Shop without holding a current valid licence issued under this By-law.

**4.0 REGULATIONS**

4.1 Every holder of a Pet Shop Licence, when acquiring an animal for the purpose of offering the animal for sale, shall obtain the animal only from the following sources:

- a) a municipal animal shelter;
- b) a registered human society;
- c) a registered shelter; or
- d) a rescue group approved by the Licence Manager.

4.2 Every holder of a Pet Shop Licence shall post in a conspicuous place in the Pet Shop the list of animals or classes of animals prescribed by the Licence Manager that are permitted to be displayed, kept or sold in a Pet Shop;

4.3 No Pet Shop Licence holder shall display, sell, offer for sale or give to a person an animal that is not listed as permitted as prescribed by the Licence Manager for display or sale;

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- 4.4 Every Pet Shop Licence holder shall maintain a record containing all of the information as prescribed by the Licence Manager relating to animals displayed, kept, acquired, offered for sale or sold by him or her;
- 4.5 Every Pet Shop Licence holder shall maintain a record as required under section 4.4 of this Schedule in the manner and form as prescribed by the Licence Manager;
- 4.6 No Pet Shop Licence holder shall display, sell, offer for sale or give an animal to a person under the age of 18 years;
- 4.7 Every Pet Shop Licence holder shall provide a person who purchases or acquires an animal from him or her information about the animal as prescribed by the Licence Manager.

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**SCHEDULE “ \_\_\_ ”  
SEASONAL SALES BUSINESS**

**1.0 DEFINITIONS**

1.1 For the purpose of this Schedule:

“**Seasonal Sales Business**” means a business where products including but not limited to flowers, fresh produce, gardening products, Christmas trees, pumpkins and sporting memorabilia are exhibited or offered for sale on a temporary basis, and includes a registered charity.

**2.0 POWERS OF THE LICENCE MANAGER**

2.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

- (a) prescribing regulations for specific premises to ensure that the Seasonal Sales Business does not obstruct or hinder pedestrian or vehicular traffic.

**3.0 PROHIBITIONS**

3.1 No person shall operate a Seasonal Sales Business without holding a current valid licence issued under this By-law;

3.2 No person shall operate a Seasonal Sales Business on premises other than premises to which the licence applies.

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**SCHEDULE “ \_\_\_ ”  
PUBLIC HALL**

**1.0 DEFINITIONS**

1.1 For the purpose of this Schedule:

“**Public Hall**” means a building, including a portable building or tent that is offered for use or is used as a place of public assembly, and facilities for the on-site preparation of food and beverages.

**2.0 APPLICATION**

2.1 This Schedule does not apply to buildings used for religious gatherings.

**3.0 PROHIBITIONS**

3.1 No person shall operate a Public Hall without holding a current valid licence issued under this By-law.