

<b>TO:</b>	<b>CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE DECEMBER 5, 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>BUSINESS LICENSING BY-LAW REVIEW – NEW AND REVISED REGULATIONS</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official, the Business Licensing By-law ( attached) **BE INTRODUCED** at the Municipal Council meeting of December 12, 2017, it being noted that the new and revised regulations were developed with consideration of public comments received from eight public participation meetings .

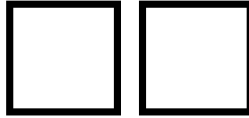
<b>PREVIOUS REPORTS</b>
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June 21, 2016	CPSC	Proposed new categories / existing by-law changes
November 15, 2016	CPSC	Putting Consumers First Act
December 13, 2016	CPSC	Status Update
January 24, 2017	CPSC/PPM	General Provisions, Payday Loans, Door to Door Sales
February 22, 2017	CPSC/PPM	Contractors, Donation Bins, Personal Service Establishments, Tobacco and Electronic Cigarette Retailers
April 25, 2017	CPSC/PPM	Commercial Parking, Pet Shops, Public Halls, Seasonal Sales Businesses
May 24, 2017	CPSC/PPM	Food Premises, Refreshment Vehicles, Auto Services
June 20, 2017	CPSC/PPM	Adult Entertainment Establishments
July 18, 2017	CPSC/PPM	Lodging houses, Second Hand Stores, Salvage Yards
September 12, 2017	CPSC/PPM	Adult Entertainment Establishments, Unsolicited Motor Vehicle Towing and Storage
October 4, 2017	CPSC/PPM	Omnibus public participation meeting

<b>BACKGROUND</b>
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In December 2016, Civic Administration presented a report to CPSC outlining proposed new categories of businesses to be licensed for a variety of different municipal purposes and identifying existing categories of businesses licensed under the City’s Business Licensing By-law which require updated regulations. A number of new business categories were proposed (i.e. payday loan lenders, donation bin operators) and a number of changes were proposed to existing regulations (i.e. adult entertainment, second-hand shops). The proposed new business categories and revised regulations can generally be categorized into the following municipal purposes:

- consumer protection,
- nuisance control,
- public health and safety,
- crime prevention,
- streamlining/consolidation.



A total of eight public participation meetings were held starting in January 2017 and concluding in October 2017.

Municipal Council, at its meeting held on October 17, 2017 resolved:

That the following actions be taken with respect to the revised proposed Business Licensing By-law, as appended to the staff report dated October 4, 2017 from the Managing Director, Development and Compliance Services and Chief Building Official, that the draft Business Licensing By-law **BE REFERRED** to the Chief Municipal By-law Enforcement Officer for additional review, based on the comments heard at the public participation meeting held on October 4, 2017, with a report back within two meeting cycles.

The purpose of this report is to present the recommended by-law and outline any substantive changes since receiving public comments at the omnibus public participation meeting in October 2017.

### **Technical Wording Clarification**

Some technical wording changes were made in the by-law to address operational and administrative issues. Notable changes include: delegation authority of Licence Manager in his/her extended absence, recognition of mobile businesses not associated with an operating address and successor legislation or by-laws.

### **Fees**

The fee schedule has been amended to recognize a very recent enforcement staffing consolidation which involved the leasing of additional enforcement vehicles and potential additional office space. The annual licence fees were increased by \$10 to cover these expenses.

### **Adult Live Entertainment and Body-Rub Parlour**

Civic Administration continued to meet with organizations who presented at previous public participation meetings on this business category. There was previously no policy direction from Council to amend the by-law regulations to allow for limited touching between patrons and entertainers at adult live entertainment parlours. The preamble to the draft by-law was amended to clarify that the one municipal purposes of this business category and others is to ensure the health and safety of both the service providers and the general public. In the current Business Licensing by-law, one of the municipal purposes for licensing adult live entertainment parlours is to protect the health and safety of the attendants while the same municipal purpose is repeated for the body-rub parlours with a focus on the patrons. In order to clarify the municipal purposes of all categories, the preamble was amended to clearly specify that licensing these categories is for the purpose of the health and safety of service providers and patrons alike.

Definitions within the of Body-Rub Parlour category were amended to better clarify the services provided in body rub parlours. The proposed definitions mimic the current definitions and provide clear differentiation between massages provided for medical or therapeutic purposes and massages designed to appeal to erotic or sexual appetites or inclinations where the principal features of the body rub is the nudity or partial nudity of an attendant.

### **Donation Bin Business**

Upon further review, there are several examples of donations bins located in medium and high density residential complexes which are managed well and do not contribute to any negative community issues. The proposed regulations prohibit the placement of donations bins in residential areas. This regulation was amended to prohibit bins in only low density residential complexes.

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**Door to Door Sales**

In response to the public participation meetings, the draft regulations were amended to exempt organizations such as youth sports organizations and other youth fundraisers who depend on door to door donations to fundraise from obtaining a business licence.

**Pet Shops**

The definition of “animal” in the pet shop category was amended to align with the Municipal Act definition of “animal”. This change has no material difference in the regulations.

**Refreshment Vehicles**

In response to the public participation meetings, the Class 2 refreshment vehicle category was amended to recognize that non-motorized refreshment vehicles selling prepackaged food products (ice cream bars) can operate at multiple locations.

**Second Hand Stores**

In response to the public participation meetings, the Licence Manager will prescribe a regulation stating that a gold dealer who purchases gold in bulk from a licensed second hand store will not be required to hold the product for five days prior to disposing of the product

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>OREST KATOLYK, MLEO (C ) CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>

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