

Report to Community and Protective Services Committee

To: Chair and Members
Community & Protective Services Committee
From: Scott Mathers, MPA, P.ENG., Deputy City Manager
Planning and Economic Development
Subject: Housekeeping Amendments – Administrative Monetary
Penalty Systems and Business Licensing By-law
Date: June 13, 2023

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken:

- (a) the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on June 27, 2023, to amend By-law No. A-54, being “A by-law to implement an Administrative Monetary Penalty System in London” to increase some of the penalty amounts,
- (b) the attached proposed by-law amendments (Appendix “B”) **BE INTRODUCED** at the Municipal Council meeting to be held on June 27, 2023, to amend By-law No. L.-131-16, being “A by-law to provide for the Licensing and Regulation of Various Businesses” in order to update processes and definitions, clean up grammar throughout, and remove an “Adult Entertainment Body-Rub Parlour” location from the By-law, and
- (c) noting that Civic Administration shall provide a Draft Terms of Reference in the Fall of 2023 for a thorough review of the Business Licensing By-law in its entirety including public outreach and participation throughout 2024.

General Overview

This report contains modifications to the Administrative Monetary Penalty System (AMPS) to amend selected penalty schedules to allow staff to further utilize AMPS as a tool to ensure by-law compliance.

This report also proposes several housekeeping amendments to the Business Licensing By-law to update processes and definitions, clean up grammar throughout, and remove an “Adult Entertainment Body-Rub Parlour” location from the By-law. The proposed changes are not intended to alter business operations for licensees; only those Sections and Schedules provided herein are being amended. Those not directly referred to are not being considered for any amendments at this time.

Staff propose preparing a Draft Terms of Reference to be presented to Community and Protective Services Committee (CPSC) in the Fall of 2023 which will outline a major review of the Business Licensing By-law, in its entirety, to consider more substantial changes to the By-law and the Schedules. This project is anticipated to include public outreach and participation by licensees and City-wide interests and shall take place throughout 2024 to be implemented in 2025.

1.2 Strategic Plan

The 2023-27 Strategic Plan recognizes economic growth and a well-run City as a strategic area of focus.

1.3 Municipal Purpose

The Municipal Act is the main statute governing the creation, administration, and government of municipalities in Ontario. *The Municipal Act* provides that a municipality may pass by-laws respecting health, safety, and the wellbeing of people. These provisions may serve as the municipal purpose for the attached by-law amendments.

Summary of Proposed Amendments

1.0 Administrative Monetary Penalty System (AMPS) – Housekeeping Amendments

The proposed penalty increases are related to the by-laws listed below and are being increased to discourage common infractions, cover enforcement costs, and to encourage compliance and prompt payment of fines. In addition, Officers have the discretion to apply escalated penalties (doubling the original penalty) for repeat offences. The penalty amounts contained in Schedules “A-2” and “A-23” (Parking) are proposed to increase by \$5.00 per provision and penalties within Schedule “A-16” (Sound) each have a \$75.00 increase. The following by-laws will be impacted by the proposed increases:

- Traffic and Parking By-law (PS-114)
- Idling Control By-law (PH-15)
- Unauthorized Area Parking By-law (S-3)
- Off-Street Parking By-law (PS-112)
- Sound By-law (PW-12)

Amendment To Repeat Offences Provision

To maintain consistency throughout all penalty schedules impacted by the AMPS By-law, Staff are recommending that the wording “*At the discretion of the Officer, fines may be doubled for any and all subsequent repeat offences.*” be removed from the bottom of all Schedules and added to Section 3 - PENALTY NOTICE. This text change will ensure that this provision applies to all Schedules contained in the By-law.

2.0 Business Licensing – Housekeeping Amendments

The following is a summary of the changes proposed in “Schedule B” attached hereto for the main portion of the By-law and, where pertinent, an explanation of the purpose and effect of the recommendation.

- 1) Within “Part 1 – Definitions”, replace the definition of “Police Record Check” with “Criminal Record and Judicial Matters Check” to align with Municipal, Provincial, and Federal regulations.
- 2) Add a definition for Vulnerable Sector Check to provide flexibility should it be determined that this type of record check is required for specific licences.
- 3) Update “Part 3 - Prohibitions” Section of the by-law to provide additional detail and clean up grammar within three of the subsections (3.2, 3.3, and 3.4).
- 4) Align “Part 4 - Exemptions” subsection 4.1 with language already present in the By-law.
- 5) Amend Part 6
 - Rename “Part 6 - Application for Licences and Renewals” to “Part 6 - New Licence Applications and Licence Renewals”.
 - Replace some of the requirements for new and renewed licences to ensure they match other By-laws, and Federal and Provincial language around corporations and their documentation. Does not have the effect of requiring more items be submitted, simply intended to clarify what is required.
- 6) Amend Part 7
 - Replace “Part 7 - Issuance of Licences”, Subsections 7.1 (d) and 7.2 (a through k) to clean up grammatical errors created between the Subsection header and the clauses.
 - Rewrite Subsections 7.3 through 7.9 to clarify language.
- 7) Add additional clarity to some of the subsections within “Part 8 – Powers of the Licence Manager” by adding details to the subsections, noting that this does not create any new powers, nor expand the powers; it is simply for clarification and consolidation.

The following is a summary of the proposed changes to the By-law Schedules (individual licences) and, where pertinent, a description of the purpose and effect of the recommended change:

Schedule 2: Adult Entertainment Body-rub Parlour

- Recommend the total number of Adult Entertainment Body-rub Parlour licences be reduced from 6 to 5 to reflect the recommended deletion of one of the authorized locations, due to inactivity. The Licensee of one of the licensed premisses was recently convicted of multiple accounts of sexual assault and the premise has closed. No renewal application was submitted and the premise is currently vacant.
- Recommend deleting Schedule 2A – Map 6 – 609 Clarke Road as an approved location.
- Rewrite three of the Adult Entertainment Body-rub Parlour application requirement clauses (Section 5.1, (g), (h), and (i)) to clarify requirements, amend the updated police check language, and better align with municipal job titles.
- Confirm that, in some cases, Adult Entertainment Body-rub Parlour Owners and Operators are subject to the same regulations, where previously the by-law was not clear.
- Clarifies the “residential” zoning location requirement, as the current By-law caused some confusion regarding residential Zoning vs. permitted residential uses. This has the effect of being more restrictive during application review.
- Refines when and where the ‘setback distance’ will be applied in cases where a new Adult Entertainment Body-rub Parlour location is proposed.
- Redefines how, and to whom, a Notice of Application is provided, specifically including tenants where currently only “owner(s) of land” are circulated and requiring a ‘Notice’ to be posted on the exterior of the proposed site.
- Clarifies the order of processing an application for a new licence, or the relocation of an existing licence.

Schedule 3 – Adult Live Entertainment Parlours

- Rewrite three of the Adult Live Entertainment Parlour application requirement clauses (Section 5.1, (g), (h), and (i)) to clarify requirements, amend the updated police check language, and better align with municipal job titles.

- Confirm that, in some cases, Adult Live Entertainment Parlour Owners and Operators are subject to the regulations where previously the by-law was not clear.
- Clarifies the “residential” zoning location requirement, as the current By-law caused some confusion regarding residential Zoning vs. permitted residential use. This has the effect of being more restrictive during application review.
- Refines when and where the ‘setback distance’ will be applied in cases where a new Adult Live Entertainment Parlour location is proposed.
- Redefines how, and to whom, a Notice of Application is provided, specifically including tenants where currently only “owner(s) of land” are circulated and requiring a ‘Notice’ to be posted on the exterior of the proposed site.
- Clarifies the order of processing an application for a new licence, or the relocation of an existing licence.

Schedule 4 – Automotive Service Business

Adds a Prohibition to restrict licensees from charging storage fees for vehicles that they are, or will be, working on. The practice of charging for storage has created a nuisance, as some licensees have been charging storage fees (like impound yards), as previously the by-law was silent on the activity.

Schedule 5 – Commercial Parking Facility

Amendment to the definition within the Schedule to better align with the Zoning By-law and provide clarity for licensing and enforcement staff.

Schedule 7 – Donation Bin Business

Clarify what is required as part of the location map that an operator provides when applying for a licence.

Schedule 8 – Door-to-Door Sales

Changing the language regarding Police Record Check to ensure it aligns with the new definition – CRJMC (Criminal Record and Judicial Matters Check) recommended in Item 1) above.

Adding an administrative regulation requiring all door-to-door sales staff be provided with identification which includes municipal licence and contact information for the licensee.

Schedule 9 - Electronic Cigarette and Tobacco Retail Business

Aligning our by-law definitions with the “Smoke Free Ontario Act” and ensuring we align with all requirements under that Act. This amendment was approved by the Middlesex-London Health Unit.

Schedule 10 – Food Premises

Added an “s” to the end of “Premise” in the Schedule title, and throughout the Schedule to correct a grammatical error: Premises should be used for both the singular and the plural when referring to building(s) and land.

Consolidated the definition.

Schedule 13 – Personal Services Business

Amended the definition to align with the Middlesex London Health Unit to ensure we capture all current and future ‘services’ being (potentially) performed under this umbrella category.

Schedule 18 - Second-Hand Goods and Salvage Yard Businesses

Consolidated and alphabetized the list regarding “Application of This Schedule.”

Added clause (e) “music or movie media such as vinyl records, compact discs (CDs), digital video discs (DVDs) cassettes, or other formats of music or movies.” Expanded “sports trading cards” clause to (g) “sports, or non-sports, trading cards, collectibles, or memorabilia.” These two changes have the effect of licencing fewer second-hand businesses.

Changed “Police Record Check” to “Criminal Records and Judicial Matters Check” as described in Section 1) herein and expanding the CRJMC requirement to include employees who are “acquiring” and/or “disposing” of products.

Reorganized and clarified the Prohibitions in Subsection 6.3 including requiring the Licensee to verify the identity of any seller using two pieces of identification including one with a photo. This change was made after reviewing other Ontario municipal by-laws.

Schedule 21 – Short-term Accommodations

Reduces the amount of general liability insurance from \$5 M to \$2 M to align with other Ontario Municipalities and industry standards.

3.0 Conclusion

Since 2019, the use of Administrative Monetary Penalty System (AMPS) has become recognized as a fair, effective, and more flexible way to address municipal compliance violations. Staff are proposing to increase penalty amounts for infractions within five specific by-laws, while adding consistent language in relation to the doubling of fines for repeat offences to all the schedules of the by-law. The increased penalties are intended to act as a deterrent to non-compliance.

The proposed amendments to the Business Licensing By-law are intended to ensure the By-law is consistent with other Federal and Provincial Acts and Regulations, and to better define instances where Staff, or the public, required more clarity.

Staff have also proposed a larger project to review the Business Licensing by-law in its entirety throughout 2024 for implementation in 2025. Staff propose to submit a Draft Terms of Reference in the Fall of 2023 to outline project milestones, expectations, participation, etc.

Prepared by: Ethan Ling MSc.
Development Policy Coordinator, Municipal Compliance

Submitted by: Nicole Musicco,
Coordinator, Municipal Compliance

**Reviewed &
Concurred by:** Orest Katolyk, MPL, MLEO(C),
Director, Municipal Compliance

Recommended by: Scott Mathers, MPA, P. Eng., Deputy City Manager,
Planning and Economic Development

Appendix "A"

Bill No. _____
2023

By-law No. - _____

A by-law to amend By-law No. A-54, as amended, being "A by-law to implement an Administrative Monetary Penalty System in London" to repeal and replace Schedules "A-2" through to "A-22" and "A-26" through to "A-27".

WHEREAS section 434.1 of the Municipal Act and Section 15.4.1 of the Building Code Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality;

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System;

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54, being "A by-law to implement an Administrative Monetary Penalty System in London;"

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. A-54 with respect to contraventions of designated by-laws under the Administrative Monetary Penalty System By-Law;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1.) That Schedules "A-2", "A-3", "A-4", "A-5", "A-6", "A-7", "A-8", "A-9", "A-10", "A-11", "A-12", "A-13", "A-14", "A-15", "A-16", "A-17", "A-18", "A-19", "A-20", "A-21", "A-22", "A-26", By-law No. A.54 be amended to **DELETE** the sentence "*At the discretion of the Officer, fines may be doubled for any and all subsequent repeat offences*" and "A-Schedule 27" be amended to **DELETE** "*fines may be doubled for any and all subsequent repeat offences*".

2.) That Section 3.3 of By-law No. A-54, "PENALTY NOTICE" be amended to **ADD** the following sentence:

(i) "*At the discretion of the Officer, fines may be doubled for any and all subsequent repeat offences.*"

3.) That Schedule “A-2”, “A-16”; and “A-23”; be repealed and replaced with the attached Schedules “A-2”, “A-16”; and “A-23”.

4.) This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on June __, 2023,

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June __, 2023
Second Reading – June __, 2023
Third Reading – June __, 2023

Schedule "A-2"

Penalty Schedule for Traffic and Parking By-law, Idling Control By-law, and Unauthorized Area Parking By-law

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.

2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.

3. Column 4 in the following table sets out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1.	Park - facing wrong way	6(1)	\$50
2.	Stop in traffic lane	9(1)(a)	\$70
3.	Stop in prohibited area - signed	9(2)	\$70
4.	Stop on sidewalk	9(1)(b)	\$70
5.	Park between sidewalk and roadway	10(1)(a)	\$45
6.	Park on boulevard	10(1)(b)	\$65
7.	Park in front of driveway access	10(1)(c)	\$65
8.	Park in front of lane	10(1)(c)	\$65
9.	Stop within an intersection	10(1)(c)	\$65
10.	Park within 2 metres of fire hydrant	10(1)(d)	\$110
11.	Stop on crosswalk	10(1)(d)	\$65
12.	Park more than .3 metres from right hand edge of roadway	6(1)	\$50
13.	Park within 6 metres of crosswalk at intersection	10(1)(e)	\$50
14.	Park - obstructing traffic	10(1)(f)	\$70
15.	Park - prevent removal of previously parked vehicle	10(1)(g)	\$45
16.	Park prohibited - 3:00 am to 5:00 am	10(1)(h)	\$50
17.	Park - obstruct ramp or maneuvering area	10(1)(i)	\$45
18.	Park within 15 metres of signal-controlled intersection	10(1)(j)	\$65
19.	Park - on roadway longer than 18 hours	10(1)(k)	\$50

20.	Park - on shoulder longer than 18 hours	10(1)(k)	\$50
21.	Angle park - not within pavement markings	7(1)(a)	\$45
22.	Park - signed prohibited area	11(1)	\$50
23.	Angle park - exceeds 60 degrees	7(1)(b)	\$45
24.	Stop - in bus stop	12(1)	\$70
25.	Stop - in paratransit stop	12(3)	\$110
26.	Park - in taxi stand	13(1)	\$50
27.	Stop - in taxi stand	13(1)	\$70
28.	Park - in a loading zone	14	\$50
29.	Park - where restricted	15(1)	\$50
30.	Park - over time limit	16(1)	\$40
31.	Park vehicle without valid Residential Parking Pass displayed	17(1)	\$45
32.	Angle Park where not permitted	18	\$45
33.	Angle Park with load extending	7(2)(a)	\$45
34.	Stop in rush hour route	19(a)	\$70
	Park motorcycle more than 45-degree angle	20(1)	\$45
36.	Park heavy truck on prohibited street	30(2)	\$110
	Park school bus not in designated School Bus Zone	32(2)	\$45
38.	Park school vehicle not in designated School Bus Zone	32(2)	\$45
39.	Park outside designated parking space in meter zone on street	43(1)	\$45
	Park more than one vehicle in parking space	44(1)	\$45
41.	Park in parking meter zone without payment	46(1)	\$35
42.	Park in parking meter zone exceeding maximum period allowable on street	46(2)	\$40
43.	Park exceeding maximum period allowable	49 (1)	\$50
44.	Angle Park vehicle attached to trailer	7(2)(b)	\$45
45.	Park outside designated space - Metered Lot	58(1)	\$50
46.	Park vehicle in reserved parking space - Metered Lot	60(4)	\$50

47.	Park vehicle exceeding 6.1 metres in length	61	\$45
48.	Park outside designated space - unmetered lot	64	\$50
49.	Park motor vehicle over time limit - unmetered lot	65	\$45
50.	Park during prohibited hours - unmetered lot	66(2)	\$45
51.	Park vehicle exceeding 6.1 metres in length - unmetered lot	67	\$45
52.	Angle Park obstructing traffic	7(2)(c)	\$65
53.	Stop in fire route	75(1)	\$110
54.	Park in fire route	75(2)	\$110
55.	Park in designated accessible space on street	76	\$385
56.	Park in designated accessible space off street	80(1)	\$385
57.	Use a defaced or altered identifying marker	78(b)	\$205
58.	Use an identifying marker in the absence of the person to whom it was issued	78(c)	\$205
59.	Park unlicensed vehicle on highway	81	\$65
60.	Park unlicensed vehicle on parking space	81	\$65
61.	Park vehicle in privately-owned parking lot exceeding maximum period allowable	82	\$65
62.	Park vehicle in privately-owned parking facility exceeding maximum period allowable	82	\$65
63.	Park vehicle in privately-owned parking lot without authorization	82(1)	\$65
64.	Park vehicle in privately-owned parking facility without authorization	82(1)	\$65
65.	Park vehicle on privately-owned land not used as parking lot or parking facility without authorization	82(2)	\$65
66.	Park facing wrong way on one way street	8(1)	\$50

67.	Park vehicle on Corporation-owned or occupied land without authorization	84(1)	\$50
68.	Idle Motor Vehicle for more than 2 consecutive minutes	By-law PH-15, 3.1	\$65
69.	Idle Transit Vehicle for more than 5 consecutive minutes	By-law PH-15, 3.3	\$65
70.	Park in Unauthorized Area	By-law S-3, 2.1	\$65
71.	Permit parking in Unauthorized Area	By-law S-3, 2.2	\$65
72.	Park in parking space beyond time paid for	51(1)	\$40
73.	Stop in access aisle abutting accessible parking space	80(2)	\$385
74.	Park vehicle in electric vehicle parking space - not connected to charging station	11(3)	\$50
75.	Park a vehicle on a municipal parking lot without displaying the parking permit issued for that lot	60(3)	\$45

Schedule "A-16"

Penalty Schedule for Sound By-law

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
3. Column 4 in the following table sets out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1	Make (unreasonable noise / noise likely to disturb inhabitants)	2.1	\$250
2	Cause (unreasonable noise / noise likely to disturb inhabitants)	2.1	\$250
3	Permit (unreasonable noise / noise likely to disturb inhabitants)	2.1	\$250
4	Fail to comply with temporary noise permit terms and conditions.	4.4	\$250
5	Contravene order to discontinue activity.	5.4	\$250

Schedule "A-23"

Penalty Schedule for Off-Street Parking By-law

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
3. Column 4 in the following table sets out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1	Park Motor Vehicle on Parking Space that does not comply with Parking Space requirements	2.1	\$65
2	Stand Motor Vehicle on Parking Space that does not comply with Parking Space requirements	2.1	\$65
3	Stop Motor Vehicle on Parking Space that does not comply with Parking Space requirements	2.1	\$70

Appendix “B”

Bill No. _____
2023

By-law No. - _____

A by-law to provide for the Licensing and Regulation of Various Businesses.

WHEREAS subsection 5(3) of the *Municipal Act, 2001* provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS pursuant to the provisions of Part IV of the *Municipal Act, 2001*, as amended, a municipality may pass by-laws for licensing, regulating and governing businesses;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10 of the Act, a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;

- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and,
- (g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licenses established by the municipality.

AND WHEREAS the Municipal Council for The Corporation of the City of London considers it necessary and desirable for the public to exercise its licensing powers for the purposes of:

- (a) Health and safety including health and safety of service providers, consumers, and patrons; and/or
- (b) Nuisance control; and/or
- (c) Consumer protection; and/or
- (d) Suppressing conditions conducive to crime;

AND WHEREAS section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS the Municipal Council for The Corporation of the City of London is of the opinion that the delegation of legislative powers under this by-law to the Licence Manager and the Hearings Officer including without limitation the power to issue, revoke, suspend and impose conditions on a licence and prescribe operational standards to be imposed on licensees, including without limitation operational standards such as signage requirements, advertising requirements, hours of operation and records that are to be kept by licensees and the form and content thereof, are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons:

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,
- (c) for the use of its property including property under its control.

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts the following amendments to the Business Licensing By-law:

PART 1 – DEFINITIONS

1) Replace the definition of “Police Record Check” with:

“Criminal Record and Judicial Matters Check” (CRJMC) means a Criminal record and judicial matters check under the Police Record Checks Reform Act, 2015, which has been obtained directly from the local police service where the person resides, the Ontario Provincial Police (OPP), or an RCMP accredited third party agency.

2) Add the following definition for “Vulnerable Sector Check”

“Vulnerable Sector Check” means a “Vulnerable sector check” under the Police Record Checks Reform Act, 2015, which has been obtained directly from the local police service where the person resides, the Ontario Provincial Police (OPP), or an RCMP accredited third party agency.

PART 3 – PROHIBITIONS

3) Replace Prohibitions, Subsections 3.2 through 3.5 as follows:

3.2 No person shall operate a business that requires a licence under this By-law while a licence issued under this By-law for the same premises, person or persons, corporation, or officers of a corporation is under suspension, has been withheld, or is under review.

3.3 No person shall operate a business that requires a licence under this By-law at a location other than the location for which a valid licence has been issued.

3.4 No person shall operate a business that requires a licence under this By-law under any name other than the name on the licence issued under this By-law.

PART 4 – EXEMPTIONS

4) *Replace Subsection 4.1 with the following:*

4.1 Any exemptions regarding specific classes of licences or businesses shall be listed in the corresponding Schedules to this By-law, if applicable.

PART 6 – APPLICATION FOR LICENCES AND RENEWALS

5) *Replace the Section Title with: PART 6 – NEW LICENCE APPLICATION AND LICENCE RENEWAL*

6) *Replace Part 6, Subsections 6.1 through 6.3 with:*

6.1 Every application for a new licence, or renewal of an existing licence shall be made to the Licence Manager in the format specified herein. Without limitation every application for a new licence or licence renewal shall include the following:

Replace the following clauses:

- (d) the municipal address of the premises where the business is located, if applicable;
- (h) proof satisfactory to the Licence Manager that the premises where the business is located is permitted and/or conforms with the uses and regulations as per the City of London's Z.-1 Zoning By-law, or its successor.

6.2 Every person applying for or renewing a business licence shall provide in full at the time the application is submitted all the information requested on the application form as well as:

- (a) payment of the fee(s) prescribed in "Part 10 – Fees" of this By-law.
- (b) proof satisfactory to the Licence Manager that the Applicant or Licensee has contractual or proprietary interest in the land(s), building(s), vehicle(s), or other property, equipment, training, etc. which are, in the opinion of the Licence Manager, necessary to sufficiently carry on the business.
- (c) if the Applicant or Licensee is a corporation, provide;
 - i) a copy of the articles of incorporation when applying for new licence applications;
 - ii) at the time of licence renewal, a "Corporation Profile Report" dated no later than fifteen (15) days prior to the date of the licence renewal application.

6.3 The Licence Manager may require affidavits in support of an application for a new business licence or the renewal of a business licence.

8) Amend PART 7 – ISSUANCE OF LICENCES, Section 7.1 subsection (d) as follows:

7.1 (d) the municipal address of the premises where the business is located, if applicable.

7.2 Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions for obtaining, continuing to hold, and renewing a licence, all of which shall be performed and observed by the Owner, Applicant, or the Licensee as required:

- (a) pay all licence fees prescribed in Section 10 of the By-law;

- (b) pay all fees, fines, and penalties owed by the Owner, Applicant, or Licensee to the City;
- (c) allow, at any reasonable time, the city to inspect the premises used for the business;
- (d) ensure that the premises and equipment used for the business are not constructed, installed, or equipped to hinder enforcement of this By-law;
- (e) ensure that their conduct, or the conduct of any partner, officer, director, employee, or agent for the Applicant or Licensee, shall not afford reasonable cause to believe that the operation of the business shall not be undertaken in accordance with all applicable laws, with honesty, and integrity;
- (f) maintain the premises where the business is located or operates, including all equipment used for the business, in accordance with the requirements of, but not limited to, the *Building Code Act* and its Regulations, the *Fire Protection and Prevention Act, 1997* and its Regulations, the City's Property Standards By-law No. CP-16, or any successor legislation or by-laws;
- (g) ensure that any alteration to the premises where the business is located or equipment used by the business is done in accordance with the *Building Code Act* and its Regulations, the *Fire Protection and Prevention Act, 1997* and its Regulations, and the City's Property Standards By-law No. CP-16, or any successor legislation or By-laws;
- (h) ensure that the Zoning By-law permits the use at the location that the business is licenced for, or that it is operating from;
- (i) ensure that the operation of any business licensed under this By-law complies with all federal and provincial laws and municipal By-laws;
- (j) be able to demonstrate contractual or proprietary interest in the premises where, or within which, the business is to be operated that is sufficient, in the opinion of the Licence Manager, for the Applicant or Licensee to carry on the business;
- (k) meet all requirements of this By-law.

7.3A licence issued under this By-law shall be valid only for the period for which it is issued. Unless expressly stated on the face of the licence, all licences issued under this By-law shall expire annually on January 31 at 11:59 pm. An application for business license renewal shall submitted on or before the expiry date of the licence being requested for renewal.

7.4 The issuance of a licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the City for the Licensee to contravene or fail to observe or comply with any Federal, Provincial or Municipal law or By-law.

7.7 The Licensee shall notify the Licence Manager of any change to the name of the owner, the business name, or any information relating to their licence within fifteen (15) days following such change. Licences may be required to be returned to the City for amendment, at the discretion of the Licence Manager.

7.8 Where the Licensee is a corporation, the Licensee shall notify the Licence Manager of any changes to the names or addresses of the business offices, officers or directors, the ownership of shares, or any other information relating to the corporation or the licence within fifteen (15) days following such change by providing an updated Corporation Profile Report. Licences may be required to be returned to the City for amendment, at the discretion of the Licence Manager.

7.9 Where the Licensee is a partnership, an updated partnership agreement shall be provided to the Licence Manager if changes to the names or addresses of the partners, the composition of the partnership, or any information relating to the partnership occur by providing an updated partnership agreement within fifteen (15) days following such change. Licences may be required to be returned to the City for amendment, at the discretion of the Licence Manager.

9) Amend PART 8 – POWERS OF THE LICENCE MANAGER as follows;

8.2 The Licence Manager shall issue a new licence or renew a licence when they are satisfied that all the requirements, terms, and/or conditions of this By-law have been fulfilled.

8.3 The Licence Manager may refuse to issue or renew, or revoke, or suspend a licence, and/or impose terms or conditions on a licence on the following grounds:

- (b) an Applicant or Licensee is carrying on activities that are in contravention of this, or any other Federal, Provincial, or Municipal Law or By-law;
- (c) there is reason to believe that the application or any documents provided to the Licence Manager by, or on behalf of, the Owner, Applicant, or Licensee contains false information.
- (d) that any information provided to the Licence Manager has ceased to be accurate and the Licensee has not provided current, accurate information to allow the Licence Manager to conclude that the licence should be issued or renewed;

- (e) If at any time an Applicant or Licensee does not meet all the requirements of this By-law, or any conditions imposed on the licence;
- 8.4 Notwithstanding any other provision of this By-law, the Licence Manager may impose terms and conditions on any licence at issuance, renewal, or any time during the term of the licence, including special conditions, as deemed necessary in the opinion of the Licence Manager to give effect to this By-law.
- 8.6 Where the Licence Manager has made a decision under section 8.5 of this By-law, the Licence Manager's written notice of that decision shall be given to the Applicant or the Licensee by regular or electronic mail sent to the last address provided by the Applicant or Licensee and written notice of the decision shall be deemed to have been given on the third day after it is mailed. Service on a corporation may be affected by registered mail to the address of the corporation's registered head office.
- 8.10 In addition to any other power, duty or function prescribed in this By-law or any Schedule to this By-law, the Licence Manager may make regulations under this By-law including:
- (b) prescribing the form of and minimum requirements for Criminal Record and Judicial Matters Checks (CRJMC), Vulnerable Sector Checks (VSC), and insurance policies as applicable; and

SCHEDULE 2 – ADULT ENTERTAINMENT BODY-RUB PARLOUR

The following amendments to this Schedule are recommended. All other Subsections remain:

4.0 LIMITATION ON NUMBER OF LICENCES

4.1 Subject to section 4.2 the total number of Adult Entertainment Body-Rub Parlour Owner licences authorized under this By-law is limited to five (5), and not more than one (1) licence shall be issued with respect to each defined area or location shown on Schedule 2A of this By-law.

5.0 APPLICATION FOR LICENCES AND RENEWALS

5.1 In addition to all the requirements of Part 6 of this By-law, every application for a new Adult Entertainment Body-Rub Parlour Owner and/or Operator licence and/or application for licence renewal shall include the following:

- (g) the municipal address of the location where the proposed Adult Entertainment Body-Rub Parlour will operate;
- (h) a Criminal Record and Judicial Matters Check dated within sixty (60) days of the application for licence for the Applicant, for any partner if the Applicant is a partnership, and - in the case of an Adult Entertainment Body-rub Parlour Owner licence - for any officer(s), director(s), or shareholder(s) of the corporation if the Applicant is a corporation; and,
- (i) in the case of an Adult Entertainment Body-rub Parlour Owner licence, a floor plan, drawn to scale, of the premises, confirmed by inspection by the Manager, Municipal Compliance & Animal Welfare Services and approved by the Licence Manager, that clearly shows that the Adult Entertainment Body-Rub Parlour, including any common areas, is not more than 225m² in size.

6.0 POWERS OF THE LICENCE MANAGER

- 6.1
- (a) prescribing operational standards for Adult Entertainment Body-Rub Parlour Owners and Operators
 - (d) prescribing the manner, form, and content of records to be kept by Adult Entertainment Body-Rub Parlour Owners and Operators under subsection 8.1(f) of this Schedule.

8.0 REGULATIONS

8.1 Every Owner of an Adult Entertainment Body-Rub Parlour shall:

- (b) post within, and keep posted in a prominent location, at every entrance to the Adult Entertainment Body-Rub Parlour, signs satisfactory to the Licence Manager which indicate clearly to any person entering, or already within the building, that no person under the age of eighteen (18) is permitted to enter or remain within the building or any part thereof.

- (f) maintain a detailed record of all Attendants employed by or within the Adult Entertainment Body-Rub Parlour as prescribed by the Licence Manager.

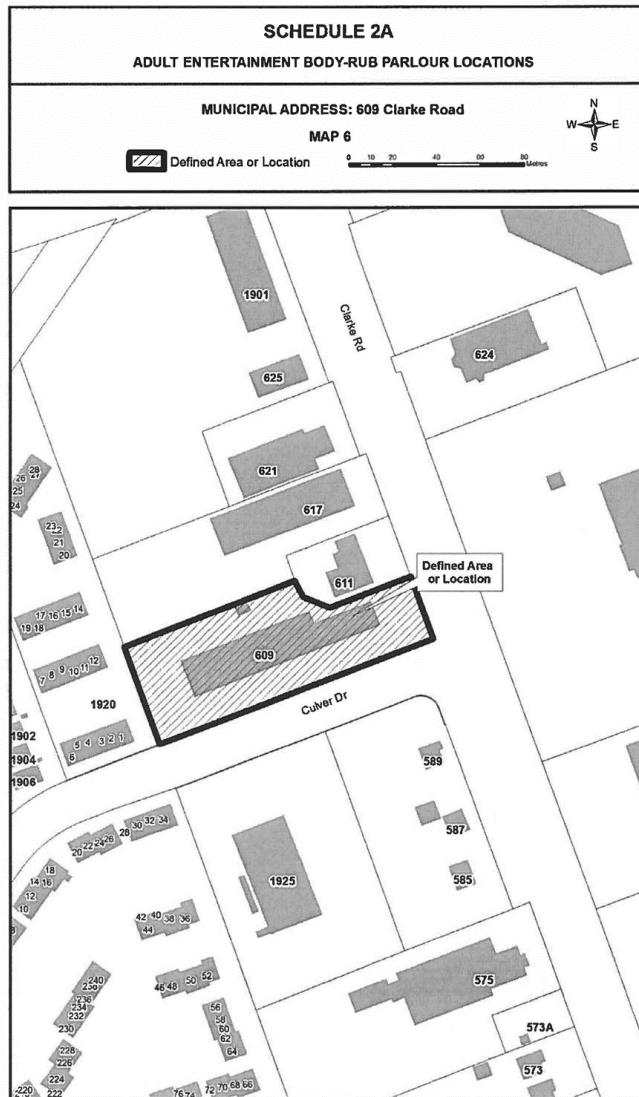
9.0 LOCATION REQUIREMENTS

- 9.2(1) (a) An Adult Entertainment Body-Rub Parlour shall not be located in a premises where residential uses are permitted, according to the City of London's Z.-1 Zoning By-law, or its successor;
 - (b) An Adult Entertainment Body-Rub Parlour shall not be located within one hundred metres (100m) of lands which permit residential uses according to the City of London's Z.-1 Zoning By-law, or its successor;
 - (c) Where an application for amendment to this Schedule has been made which seeks to add a new Adult Entertainment Body-Rub Parlour location to the Schedule, the location shall not be located within one-hundred metres (100m) of a school, a day-care centre, or a place of worship, existing on the date the application for amendment is accepted as complete as per Section 5.0 of this Schedule;
- 9.2(2) Separation distances prescribed in subsections 9.2(1)(b) and (c) of this Schedule shall be measured in any direction by a straight line from the closest point on the perimeter of the lot of the proposed Adult Entertainment Body-Rub Parlour to the nearest point on the perimeter of the lot where the residential uses are permitted, of the school, of the day-care centre, or of the place of worship.
- 9.3 Any request under section 9.1 of this Schedule shall be made to the Licence Manager and shall be accompanied by a complete application for an Adult Entertainment Body-Rub Parlour Owner licence.
 - 9.4 The Licence Manager shall give notice of the application by mail to landowners and tenants within 120 meters of the proposed new location. A Notice of Application shall also be posted on the proposed premises. Public comments and recommendations shall be received by the Licence Manager in respect of the requested amendment. The public shall be granted a minimum of 30 (thirty) calendar days from the date of the notice to comment on the application.
 - 9.5 Comments and recommendations received by the Licence Manager in response to the notice in section 9.4 of this Schedule, together with the application material prescribed in Section 9.3, and any additional information that the Licence Manager considers necessary or useful to Council, shall be submitted to the Community and Protective Services Committee for use at the public participation meeting described Section 9.6 for the Committee's recommendation to Council as per Section 9.7, and Council's decision.

- 9.6 Before the Community and Protective Services Committee makes a recommendation as per Section 9.7 regarding the request to amend Schedule 2A of this By-law, the Committee shall hold at least one public meeting to allow the proponent, and any member of the public, to make written or oral submissions regarding the application.
- 9.7 Following the public meeting described in Section 9.6, the Community and Protective Services Committee shall make a recommendation to Council regarding the amendment application. The City Council shall make the final decision regarding amending Schedule 2A of this By-law.

SCHEDULE 2A – ADULT ENTERTAINMENT BODY-RUB LOCATIONS

Delete: SCHEDULE 2A - MUNICIPAL ADDRESS: 609 Clarke Road - MAP 6



SCHEDULE 3 – ADULT LIVE ENTERTAINMENT PARLOUR

The following amendments to this Schedule are recommended. All other Subsections remain:

5.0 APPLICATION FOR LICENCES AND RENEWALS

5.1 In addition to all the requirements of Part 6 of this By-law, every application for a new Adult Live Entertainment Parlour Owner and/or Operator licence and/or application for licence renewal shall include the following:

- (g) the municipal address of the location where the proposed Adult Live Entertainment Parlour will operate;
- (h) a Criminal Record and Judicial Matters Check dated within sixty (60) days of the application for licence for the Applicant, for any partner if the Applicant is a partnership, and - in the case of an Adult Live Entertainment Parlour Owner licence - for any officer(s), director(s), or shareholder(s) of the corporation if the Applicant is a corporation; and,
- (i) in the case of an Adult Live Entertainment Parlour Owner licence a floor plan drawn to scale of the premises, confirmed by inspection by the Manager, Municipal Compliance & Animal Welfare Services and approved by the Licence Manager, that clearly shows all patron area(s), walls, curtains, or other enclosures, and (maximum 2) designated Entertainment Areas.

9.0 LOCATION REQUIREMENTS:

9.2(1) (a) An Adult Live Entertainment Parlour shall not be located in a premises where residential uses are permitted, according to the City of London's Z.-1 Zoning By-law, or its successor;

(b) An Adult Live Entertainment Parlour shall not be located within one hundred metres (100m) of lands which permit residential uses according to the City of London's Z.-1 Zoning By-law, or its successor;

(c) Where an application for amendment to this Schedule has been made which seeks to add a new Adult Live Entertainment Parlour location to the Schedule, the location shall not be located within one-hundred metres (100m) of a school, a day-care centre, or a place of worship, existing on the date the application for amendment is accepted as complete as per Section 5.0 of this Schedule

9.2(2) Separation distances prescribed in subsections 9.2(1)(b) and (c) of this Schedule shall be measured in any direction by a straight line from the closest point on the perimeter of the lot of the proposed Adult Live Entertainment Parlour to the nearest point on the perimeter of the lot where the residential uses are permitted, of the school, of the day-care centre, or of the place of worship.

- 9.3 Any request under section 9.1 of this Schedule shall be made to the Licence Manager and shall be accompanied by a complete application for an Adult Live Entertainment Parlour Owner licence.
- 9.4 The Licence Manager shall give notice of the application by mail to landowners and tenants within 120 meters of the proposed new location. A Notice of Application shall also be posted on the proposed premises. Public comments and recommendations shall be received by the Licence Manager in respect of the requested amendment. The public shall be granted a minimum of 30 (thirty) calendar days from the date of the notice to comment on the application.
- 9.5 Comments and recommendations received by the Licence Manager in response to the notice in section 9.4 of this Schedule, together with the application material prescribed in Section 9.3, and any additional information that the Licence Manager considers necessary or useful to Council, shall be submitted to the Community and Protective Services Committee for use at the public participation meeting described Section 9.6 for the Committee's recommendation to Council as per Section 9.7, and Council's decision.
- 9.6 Before the Community and Protective Services Committee makes a recommendation as per Section 9.7 regarding the request to amend Schedule 3A of this By-law, the Committee shall hold at least one public meeting to allow the proponent, and any member of the public, to make written or oral submissions regarding the application.
- 9.7 Following the public meeting described in Section 9.6, the Community and Protective Services Committee shall make a recommendation to Council regarding the amendment application. The City Council shall make the final decision regarding amending Schedule 3A of this By-law.

SCHEDULE 4
AUTOMOTIVE SERVICE BUSINESS

The following amendment to this Schedule is recommended. All other Subsections remain as is:

2.0 PROHIBITIONS

2.2 No Automotive Service Business shall charge any fee to an owner or for any motor vehicle that is kept, parked, or stored for the purposes of evaluation, repair, salvage, or other service(s) being performed, or to be performed, on a vehicle.

**SCHEDULE 5
COMMERCIAL PARKING FACILITY**

The following amendment to this Schedule is recommended. All other Subsections remain as is:

1.0 DEFINITIONS

1.1 In this Schedule:

“Commercial Parking Facility” means a non-accessory parking area or structure, other than a street, used for the temporary parking of two or more vehicles for profit or gain. This does not include a parking facility used exclusively for the parking of motor vehicles of customers, visitors, patrons, employees, students, clients, or patients of a business, educational facility, hospital, medical clinic, nor dental clinic.

**SCHEDULE 7
DONATION BIN BUSINESS**

The following amendment to this Schedule is recommended. All other Subsections remain:

2.0 APPLICATIONS FOR LICENCES AND RENEWAL

2.1 (b) a plan or drawing of the property which clearly depicts where the bin(s) will be located on the premises, to the satisfaction of the Licence Manager, and;

SCHEDULE 8 DOOR TO DOOR SALES

The following amendments to this Schedule are recommended. All other Subsections remain:

3.0 APPLICATIONS FOR LICENCES AND RENEWALS

3.1 In addition to all of the requirements set out in this By-law, every application or renewal for a Door-to-Door Sales licence shall include the following:

- (a) a Criminal Record and Judicial Matters Check for the Applicant, any partner if the Applicant is a partnership, or any officer and/or director of the corporation if the Applicant is a corporation dated no later than sixty (60) days prior to the application for a licence.

6.0 REGULATIONS

6.1 (c) obtain a Criminal Record and Judicial Matters Check each year for every person conducting Door to Door Sales on behalf of the Licensee;

6.1 (d) produce the Criminal Record and Judicial Matters Check required under subsection 6.1(c) of this Schedule to the Licence Manager or an Enforcement Officer immediately upon request.

6.1 (e) ensure that every person conducting Door to Door Sales on behalf of the business carries with them proof of the corresponding City of London business licence including information on how to contact the Door-to-Door Sales Licensee, and that the information is made available to anyone who requests it.

SCHEDULE 9
ELECTRONIC CIGARETTE AND TOBACCO RETAIL BUSINESS

The following amendments to this Schedule are recommended. All other Subsections remain:

1.0 DEFINITIONS

1.1 In this Schedule:

“Electronic cigarette” has the same meaning as in the Smoke Free Ontario Act, 2017 S.O. 2017, c.26, Sched. 3

“Electronic Cigarette Retail Business” means any person engaged in the business of selling electronic cigarettes, and/or e-substances;

“e-substance” has the same meaning as in the Smoke Free Ontario Act, 2017 S.O. 2017, c.26, Sched. 3 as amended, or any successor legislation.

“Tobacco retail business” means any person engaged in the business of selling tobacco products; and/or tobacco product accessories;

“Tobacco product” has the same meaning as in the Smoke Free Ontario Act, 2017 S.O. 2017, c.26, Sched. 3 or any successor legislation;

“Tobacco product accessories” has the same meaning as in the Smoke Free Ontario Act, 2017 S.O. 2017, c.26, Sched. 3 or any successor legislation;

SCHEDULE 10 FOOD PREMISES

The following amendments to this Schedule are recommended. All other Subsections remain:

- Amend the title of the Schedule, adding an 'S' to the end of 'PREMISE'
- Replace every instance of the word "premise" in the schedule with "premises."

1.0 DEFINITIONS

1.1 In this Schedule:

Replace the definition of "Food Premise" with:

"Food Premises" means any place where food or drink intended for human consumption is prepared for sale, offered for sale, sold, or stored, for immediate consumption within, on, or off the premises.

SCHEDULE 13
PERSONAL SERVICES BUSINESS

The following amendment to this Schedule is recommended. All other Subsections remain:

1.0 DEFINITIONS

1.1 In this Schedule

"Personal Services" means any service where substances, instruments, tools or other equipment are applied to, any part of the human body for purposes of aesthetic, cosmetic or therapeutic treatment, where there is a risk of exposure to blood, or a public health risk including, but not limited to, hairdressing haircutting and barbering, tattooing and micropigmentation, body piercing, manicures, pedicures, tanning, hair removal, and;

SCHEDULE 18

SECOND-HAND GOODS AND SALVAGE YARD BUSINESSES

The following amendments to this Schedule are recommended. All other Subsections remain:

3.0 APPLICATION OF THIS SCHEDULE

3.1 This Schedule does not apply to:

- (a) The sale of goods for charitable purposes;
- (b) The sale of goods as part of a Household Sale/Garage Sale.

3.2 This Schedule does not apply to a business that primarily sells any of the following second-hand goods:

- (a) auto parts other than vehicle stereo systems;
- (b) books, magazines, comics, or other similar publications
- (c) clothing;
- (d) household goods, appliances, or furnishings;
- (e) music or movie media such as vinyl records, compact discs (CDs), digital video discs (DVDs) cassettes, or other formats of music or movies;
- (f) rugs or carpets;
- (g) sports, or non-sports, trading cards, collectibles, or memorabilia

4.0 APPLICATIONS FOR LICENCE AND RENEWALS

4.1 In addition to the licensing requirements of Part 6 of this By-law, every Salvage Yard and Second-hand Goods Business Licence application and application for Licence renewal shall include a Criminal Record and Judicial Matters Check for each officer if the applicant is a Corporation, each partner if the applicant is a Partnership, or the proprietor of a Sole Proprietorship, dated no more than sixty (60) days prior to the licence application.

6.0 PROHIBITIONS

6.3 No holder of a Salvage Yard or Second-hand Goods Business licence, or their employee(s), shall Acquire any goods, articles, or objects;

- (a) on which the serial number has been obliterated, altered, mutilated, or removed without the prior written approval of the London Police Service;
- (b) from any person without first verifying their identity using two pieces of authentic, valid, current, government-issued identification, one of which shall include a photograph, in the presence of the person being verified;
- (c) from any person who is, or who appears to be, under the age of eighteen (18) years of age, or;
- (d) from any person who appears to be under the influence of drugs or alcohol.

6.6 No person shall be employed by a Salvage Yard or Second-hand Goods business for the purpose of acquiring or disposing of goods or materials without the Licensee acquiring a Criminal Record and Judicial Matters Check related to that employee. The Licensee shall keep a record of all persons acquiring or disposing of second-hand goods, and a copy of their most recent CRJMC. The CRJMC shall be updated annually at the time of licence renewal.

Schedule 21
SHORT-TERM ACCOMMODATIONS

The following amendment to this Schedule is recommended. All other Subsections remain:

- 5.0 (h) an insurance certificate demonstrating general liability insurance for the operations of the proposed Short-term Accommodation against claims filed against the applicant with respect to bodily injury, including personal injury and death, and property damage with a per occurrence limit of at least \$2,000,000;