

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 6, 2004**

Item 1, Report No. 86, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on December 6, 2004.

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**1**

**YORK REGION RAPID TRANSIT PLAN AND  
UPDATE ON RAPID TRANSIT INITIATIVES**

The Committee of the Whole (Working Session) recommends that the presentation of Mr. Paul May, The Regional Municipality of York, 17250 Yonge St., Newmarket, L3Y 6Z1 and the presentation material submitted, be received.

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Item 2, Report No. 86, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on December 6, 2004.

**2** **EMERGENCY MANAGEMENT PROGRAM**

(Referred from the Committee of the Whole (Working Session) Meeting of November 9, 2004)

**The Committee of the Whole (Working Session) recommends:**

- 1) **That the recommendation contained in the following report of the Fire Chief and the Manager of Emergency Planning, dated November 9, 2004, be approved; and**
- 2) **That the confidential memorandum of the Director of Legal Services, dated November 19, 2004, be received.**

Committee of the Whole (Working Session), at its meeting of November 9, 2004 recommended the following:

The Committee of the Whole (Working Session) recommends that this matter be referred to the Committee of the Whole (Working Session) meeting of November 23, 2004, for a legal opinion on the mandatory and optional provisions in the Emergency Management Act.

Report of the Fire Chief and Manager of Emergency Planning, dated November 9, 2004

**Recommendation**

The Fire Chief and Manager of Emergency Planning recommends that:

1. A By-Law be enacted to:
  - i. Adopt an Emergency Management Program
  - ii. Adopt the City of Vaughan Emergency Plan
  - iii. Repeal By-Law 12-90

**Purpose**

To adopt the Emergency Management Program and City of Vaughan Emergency Plan in accordance with the *Emergency Management Act (2003)* and repeal By-Law 12-90.

**Background - Analysis and Options**

The Emergency Management Act became law on April 15, 2003. The Act identifies the mandatory requirements of an Emergency Management Program for all municipalities across the province including:

1. An Emergency Management Program By-Law;
2. An Emergency Plan;
3. Training programs and exercises for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;
4. Public education on risks to public safety and on public preparedness;
5. Identification and assessment of the various hazards and risks to public safety that could give rise to emergency, and the identification of the facilities and infrastructure that are at risk of being affected by emergencies; and
6. Any other element required by the standards for emergency management programs as set under section 14 of the Act.

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Emergency Management Ontario has identified three levels of components - Essential, Enhanced and Comprehensive as the basis of an Emergency Management Program. The Province has advised the Municipalities that the Essential Level elements should be achieved by December 31, 2004 and subsequently the Enhance Level by December 31, 2005 and Comprehensive Level by December 31, 2006.

Attached as Schedule A is the description of the Emergency Management Program for the City of Vaughan, which is based upon the Ontario Emergency Management Program Standards "Framework for Community Emergency Management Programs".

Also attached as Schedule B is the revised City of Vaughan Emergency Plan.

**Relationship to Vaughan Vision 2007**

Development and implementation of an emergency management program to comply with the *Emergency Management Act (2003)* is an objective under Serve Our Constituents – Promote Community Safety, Health and Wellness – evaluate, sustain, enhance and promote community safety, health and wellness through design, education enforcement and response.

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved for the remainder of 2004.

**Conclusion**

To assist the City of Vaughan in achieving compliance with the Emergency Management Act, it is recommended that Council approve the attached Emergency Management Program and Emergency Plan.

**Attachments**

1. Schedule A - Emergency Management Program Description
2. Schedule B - City of Vaughan Emergency Plan

**Report prepared by:**

Sharon Walker  
Manager, Emergency Planning  
Extension 8301

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 3, Report No. 86, of the Committee of the Whole (Working Session), which was adopted, as amended, by the Council of the City of Vaughan on December 6, 2004, as follows:

***By receiving the memorandum from the City Clerk, dated December 3, 2004.***

**3**

**CITY OF VAUGHAN LICENSING BY-LAW**

**The Committee of the Whole (Working Session) recommends approval of the recommendation contained in the following report of the City Clerk, dated November 23, 2004:**

**Recommendation**

The City Clerk, in consultation with the Commissioner of Legal and Administrative Services, the Manager of Licensing and Finance staff, recommends:

- 1) That amendments to Licensing By-Law 2-2001, as noted in Appendix 1, be approved and that a by-law be enacted to implement the amendments;
- 2) That the section in Licensing By-law #2-2001 pertaining to firework permits, special events, filming events, newspaper boxes and outdoor exhibitions be deleted and enacted as separate by-laws; and
- 3) That there be a moratorium on the issuance of taxi owner licenses pending a staff report in mid-2005 addressing the issuance of additional licenses.

**Purpose**

To report on amending the City's Comprehensive Licensing By-Law to ensure compliance with the new licensing provisions of the Municipal Act.

**Background - Analysis and Options**

The last few years have seen unparalleled changes to municipal government in Ontario. Municipalities have been restructured and costs have been downloaded by the Province and municipalities' opportunities to generate revenue have been restricted including municipal licensing. Historically municipal licensing served two purposes: consumer protection and revenue generation. Municipalities will no longer be able to generate revenue from licensing beyond recovering the costs directly related to the issuance of the licenses.

On January 1, 2003, a new Municipal Act, S.O. 2001, C25, hereinafter referred to as the Act, came into effect setting out a new legislative framework for business licensing in Ontario. Section 150 of the Act is the primary licensing section.

Pursuant to section 150 (2) licensing powers must only be exercised for one or more of the stated purposes. These include, health and safety, nuisance control and consumer protection. Sub-section 150 (3) of the Act makes these stated purposes mandatory. A by-law licensing or imposing any conditions on any business or class of business passed after this section comes into force should include an explanation as to why a municipality is licensing it or imposing the condition (s) and how that relates to the purpose referenced under Sub-section 150 (2). Staff have reviewed the various classes of businesses presently being licensed by the municipality and are confident that these classes fall within at least one of the categories listed in Sub-section 150 (2). These purposes have been referenced in the preamble of the Licensing By-law as well as on Schedule "A"

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Section 150 (4)(a) of the Act requires that a Council shall, before passing a by-law under this section, except in the case of an emergency, hold at least one public meeting at which any person in attendance may make representation with respect to the matter being considered. Section 150 (4)(b) states that Council shall ensure that notice of the public meeting is given. The public meeting may be held subsequent to the passing of the by-law where a by-law is passed in an emergency situation, however, the notice requirements must be met as soon as practicable after its passage. The public hearing will be held on November 29, 2004 and was advertised in the Liberal on November 11, 2004.

**Activity Costing of Licensing Fees**

Recognizing the impact of the Municipal Act on justifying certain user fees and charges, the Finance department initiated a study to address the impact of the development application approval process which involves building permit and planning fees. In order to be efficient and proactive, the study included an activity costing of licensing fees. This study engaged C.N. Watson, in association with Performance Concept Consulting, to complete the study. Both firms had previous experience in activity costing and in the interpretation of the new Municipal Act. This report addresses the activity costing and user fee justification of the licensing fees. The impact on building permit and planning fees is the subject of a separate report at a later date.

Section 150 (9) of the New Municipal Act imposes limitations on the fees that can be charged in relation to licensing fees and sets the parameters. It states:

“The total amount of fees to be charged for licensing a class of business shall not exceed the costs directly related to the administration and enforcement of the by-law or portions of the by-law of the municipality licensing that class of business.”

The key phrase in the clause is “The total amount of the fees...shall not exceed the costs directly related ...”. However, the interpretation of what is direct cost versus indirect according to the legislation differs from the traditional accounting delineation of direct and indirect costs. The legal interpretation of the “directly related” requirement is that municipalities must be able to draw a straight line from the cost to the licensing fee. This means that if a cost can be linked directly to the administration and enforcement of a license, it will be deemed direct. As such costs for Information Technology, Payroll, Fire Mechanical, Legal, Records Management, Occupancy Costs, etc., would be eligible for inclusion in the justification of the fee.

The first step in the process was to undertake an exhaustive time sample study identifying direct staff time from specifically involved departments in the processes of administration and enforcement of all licenses. The sampling was completed and the costing has been updated to reflect 2004 salary rates. It should also be noted that the licensing activity costing study, which incorporates the sample study, as well as legislative defined direct related costs, is complete and is the basis for the licensing fees requiring approval in this report. In the activity costing study, the departmental direct related time study involvement, as well as the departmental allocated costs such as By-law, and the initial and renewal volumes are based on assumptions from the Licensing department.

In addition, the consultants advised that the activity costing meets legislation in that the selected cost objects meet the case law reasonableness test for Part X11 of the Act, user fee costing. They have further advised that the costing design promotes both legislation compliance and the justification of individual licensing fees.

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Schedule “A” in Appendix I sets out the fees for new applications and renewals thereof. The costing model used to arrive at these fees has taken into account all costs across the corporation that can reasonably be attributed to the cost of administering and enforcing a license. To ensure the accuracy of licensing fees, sampling updates will take place periodically throughout 2005 to ensure costing information is kept up to date.

#### **Renewal Process**

In order to streamline the process for the renewal of licenses and to eliminate the high volume presently being experienced by staff in June and December when the majority of licenses come up for renewal, staff is proposing to spread out renewal dates throughout the year. By so doing, staff will be able to provide a more efficient service to licensees. Staff is proposing that all non-vehicular licenses be renewed by March 31 of every year. With respect to vehicular licenses, staff is proposing various dates for renewal. In these cases, renewal dates align themselves or are close to renewal dates in other municipalities in which licensees hold licenses. This will assist licensees in their renewal processes. Attached as Schedule “G” are the proposed renewal dates.

Section 150 (13) of the Act causes a by-law passed under the Act to expire 5 years after it comes into force or on the day it is repealed, whichever comes first. Amendments to a by-law licensing a business does not affect the term of the by-law. The present licensing by-law was enacted on January 15, 2001. Accordingly, a new by-law will need to be enacted no later than January 15, 2006.

Section 158 of the Act establishes a requirement that the municipality maintain a list for public inspection indicating those businesses that require licensing and the license fees to be charged for each class of business. In addition, the list shall identify the cost of administering and enforcing the business licensing by-law with respect to each class and how the amount of the business-licensing fee is calculated. Attached, as Appendix II, is a copy of the list.

It is staff’s opinion that those sections presently in the licensing by-law relating to firework permits, filming permits, outdoor exhibitions, special events and newspaper boxes do not fall within any of the categories listed under Section 150 (2) of the Act. Accordingly, it is recommended that these sections be deleted from the present licensing by-law and re-enacted as self-standing by-laws.

#### **Relationship to Vaughan Vision 2007**

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

#### **Conclusion**

Council’s approval of the recommended amendments to the Licensing By-Law will ensure compliance with the Municipal Act regulations applicable to the licensing of businesses in the municipality.

#### **Attachments**

Appendix I – Table of Changes

Appendix II – Fee Summary

Schedule A – Annual Fees for Application for Licenses and Renewal of Such Licenses

Schedules C1, C2, D1, D2, E1, E2 – Subject Lands

Schedule F- Wheelchair Sign

Schedule G – Renewal and Expiry Dates

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**Report prepared by:**

Joseph A. V. Chiarelli  
Manager Special Projects & Licensing  
Insurance-Risk Management

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 4, Report No. 86, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on December 6, 2004.

**4 DEPUTATIONS FROM THE SENIORS ASSOCIATION OF VAUGHAN INC. (S.A.V.I.)  
WITH RESPECT TO SENIORS ISSUES AND SERVICES**

The Committee of the Whole (Working Session) recommends:

- 1) That the following deputations and written submissions be received:
  - a) Ms. Maria Eva Cristante, SAVI, 88 Fieldgate Drive, Maple, L6A 1K9, and written submission, dated November 23, 2004;
  - b) Mr. Tony Piarulli, Villa Giardino Seniors Group, 2502/2504/2506 Rutherford Road, L4K 5N6, and written submission, dated November 23, 2004; and
  - c) Mr. Allan Froom, Garnet Williams Seniors, 7601 Bathurst Street, Apt. #1201, Thornhill, L4J 4H5, and written submission, dated November 23, 2004; and
- 2) That staff prepare a comprehensive list of all proposals made by the three deputants, including any other matters identified, to the Clerk, by SAVI or its members' clubs before December 6, 2004 and that each proposal be referred to the appropriate department for detailed comments.

That comments include policy and procedures options for consideration by Council at a future Committee of the Whole meeting, not later than March 31, 2005; and

- 4) That the written submission of SAVI, be received.



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Item 5, Report No. 86, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on December 6, 2004.

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**5**

**UPDATE – FIRE AT 10525 KEELE STREET**

**The Committee of the Whole (Working Session) recommends that the verbal update of the Deputy Fire Chief, be received.**

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Item 6, Report No. 86, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on December 6, 2004.



**6                      NEW BUSINESS – TOW TRUCK LICENSING AND OPERATIONS**

**The Committee of the Whole (Working Session) recommends that staff provide a report on tow truck licensing and operations, as it pertains to consumer protection.**

The foregoing matter was brought to the attention of the Committee by Regional Councillor Jackson.