

SPECIAL COUNCIL NOVEMBER 21, 2005

COMPREHENSIVE LICENSING BY-LAW

Recommendation

The City Clerk in consultation with the Manager of Special Projects, Licensing and Permits and the Solicitor/Special Services recommends:

1. That Council adopt the reasons for licensing and imposing conditions on classes of businesses and activities as set out in Attachment No. 1 to this Report, in accordance with the requirements of subsection 150(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
2. That Council enact a new comprehensive Licensing By-law for the five-year period commencing January 1st, 2006, as required by subsections 150(13) and 457(1)(a) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended and repeal By-law Number 2-2001, as amended; and
3. That input from the public be received and taken into consideration.

Economic Impact

Not Applicable.

Purpose

The purpose of this report is for Council to enact a new five-year comprehensive Licensing By-law and confirm the reasons for licensing and imposing conditions on various classes of businesses or activities carried on within the municipality, as required by subsections 150(13) and 457(1)(a) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

Background - Analysis and Options

The current comprehensive Licensing By-Law Number 2-2001, as amended, which licenses, regulates and governs businesses, activities and undertakings carried on in the City of Vaughan, in accordance with the transition provisions at subsection 457(1)(a) of the new *Municipal Act, 2001*, will expire on January 1st, 2006. The City is required to enact its new licensing by-law on or before January 1st, 2006 for the next five (5) year period. In accordance with the requirements of the Act and the City's Notice By-law, By-law Number 394-2002, notice of a public meeting to be held on November 21, 2005, to consider this By-law has been given to the public.

Five years ago, the City carried out an in-depth review of its various separate licensing by-laws, resulting in the enactment of the current comprehensive Licensing By-law. The current by-law consolidated a number of separate licensing by-laws that had been enacted over the prior decades. The proposed comprehensive Licensing By-law for the upcoming five years contains few substantive amendments. The proposed new five-year Licensing By-law complies with some additional procedural requirements in the *Municipal Act, 2001* and consolidates recent amendments to By-law Number 2-2001 as well as provisions related to the Licensing Committee established by Council in May, 2005,

One of the new requirements imposed by subsection 150(3) the *Municipal Act, 2001*, requires that the City include an explanation of the reasons the municipality is licensing and imposing conditions on various classes of businesses or activities to establish a relationship with the purposes for licensing contained in subsection 150(2) of the Act. The general purposes for licensing as provided in subsection 150(2) of the Act include health and safety, nuisance control and consumer protection.

In an effort to comply with the new requirements, staff has undertaken a comprehensive review of each class of business and the reasons for licensing or imposing conditions. A summary of the reasons for licensing the classes together with imposing conditions is attached to this report (Attachment No. 1). These reasons are listed beside the relevant purposes as set out in the Act as shown in the summary. The explanation of the reasons for licensing each class of business or activity and imposing conditions is incorporated into a new schedule, Schedule A, to be appended to the new five-year Licensing By-law.

In addition as noted above, and as previously reported to Council on May 24, 2005, subsection 150(8) of the Act limits the authority to Council to refuse, revoke or suspend licenses and to impose conditions on licenses. In keeping with Council's decision approving the appointment of a Committee of Council (the "Licensing Committee") that will conduct all licensing hearings and make its recommendation to Council, the relevant sections have been added to the proposed new Licensing By-law to implement this decision. These provisions include sections related to the composition and powers of the Licensing Committee and Council, and related to procedural matters including notice requirements and how hearings are to be conducted by the Committee.

In addition to the above proposed amendments, in the course of the review of the proposed new Licensing By-law, administrative amendments or improvements have been incorporated into some sections for clarity and to eliminate any duplications of requirements related to, for example, applications for licences.

Relationship to Vaughan Vision 2007

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

Conclusion

Staff recommends that a new comprehensive Licensing By-law be enacted so as to comply with the requirements of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

Attachments

1. Summary of Reasons for Licensing and Imposing Conditions on Classes of Businesses or Activities.

Report prepared by:

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

Carolyn P. Stobo
Solicitor/Special Services

Respectfully submitted,

John D. Leach
City Clerk

SUMMARY

REASONS FOR LICENSING AND IMPOSING CONDITIONS ON CLASSES OF BUSINESSES

1. Adult Entertainment and Body Rub Establishments and Attendants:

Adult Entertainment Parlours and Attendants:

Health and Safety: to encourage safe, proper operational and/or business practices, including but not limited to compliance with health regulations, building code requirements, fire code requirements and liquor regulations; to conduct police background checks of principals and attendants, attendant age checks and any applicable medical reviews;

Consumer Protection: to ensure compliance with all applicable regulations, including but not limited to health requirements and regulations and age restrictions;

Nuisance Control: to ensure compliance with zoning requirements, noise control and other related requirements;

Body Rub Parlours and Attendants:

Health and Safety: to encourage safe, proper operational and/or business practices, including but not limited to compliance with health regulations, building code requirements, fire code requirements and liquor regulations; to conduct police background checks of principals and attendants, attendant age checks and any applicable medical reviews; to ensure proper record-keeping, including proper records of appointments, bookings and arrangements for services;

Consumer Protection: to ensure compliance with all applicable regulations, including but not limited to health requirements and regulations, age restrictions and ensuring attendants are adequately clothed to protect clients from improper exposure, etc.;

Nuisance Control: to ensure compliance with zoning requirements, noise control and other related requirements;

2. Auction Halls and Auctioneers:

Consumer Protection: to ensure competence of auctioneers, encourage proper business and record-keeping practices, fairness and consistency in the conduct of auctions, equal and fair treatment of public and to prevent unfair or potentially unfair business practices;

Health and Safety: to encourage safe business and/or operational practices, including but not limited to compliance with building and fire code requirements;

3. Banquet Halls:

Health and Safety: to encourage safe business and operational practices, including but not limited to compliance with building and fire code requirements and relevant liquor and health regulations and requirements;

Nuisance Control: to ensure compliance with zoning, noise control and other related requirements;

4. Billiard Halls:

Health and Safety: to encourage safe business and/or operational practices, including but not limited to compliance with building and fire code requirements, and relevant liquor and health regulations and requirements;

Nuisance Control: to ensure compliance with zoning, noise control and other related requirements;

5. Driving Schools, Operators and Instructors:

Health and Safety: to encourage safe business and/or operational practices, including but not limited to competence of instructors, mechanical condition and safety of vehicles;

Consumer Protection: to ensure competence of instructors, compliance with provincial instructor/operator licensing requirements, adequacy of insurance and mechanical condition of vehicles, to encourage proper business practices, proper testing and record-keeping practices; mechanical fitness and safety of vehicles;

6. Dry Cleaners & Laundromats:

Health and Safety: to encourage proper business and safe operational practices, including but not limited to compliance with building and fire code requirements, health requirements, and relevant environmental regulations;

Nuisance Control: to ensure compliance with zoning, environmental, noise control and other related requirements;

7. Eating Establishments:

Health and Safety: to encourage safe structural and operational practices, including but not limited to compliance with building and fire code requirements and relevant liquor and health regulations and requirements;

Nuisance Control: to ensure compliance with zoning, noise control and other related requirements;

8. Fireworks:

Health and Safety: to encourage safe operational practices, including but not limited to compliance with building, fire code and relevant federal or provincial regulations or requirements related to fireworks or explosives;

Nuisance Control: to ensure compliance with zoning, noise control and other related requirements;

9. Foodstuffs Establishments:

Health and Safety: to encourage safe structural and operational practices, including but not limited to compliance with building and fire code requirements and relevant health regulations and requirements;

10. Kennels:

Health and Safety: to encourage safe operational practices, including but not limited to compliance with building, fire code and Ontario Society for the Prevention of Cruelty to Animals regulations or requirements respecting proper animal breeding and boarding practices;

Consumer Protection: to ensure proper business practices and to prevent unfair or potentially unfair business practices;

Nuisance Control: to ensure compliance with zoning, noise control and other related requirements;

11. Limousine Owners and Operators:

Health and Safety: to encourage safe business and operational practices, including but not limited to competence of operators, mechanical fitness or safety of vehicles, and cleanliness of vehicles;

Consumer Protection: to encourage proper business practices and to ensure competence of operators, adequacy of insurance, condition and cleanliness of vehicles;

12. Personal Services:

Health and Safety: to encourage safe business and operational practices, including but not limited to compliance with building and fire code requirements, and all relevant health, as well as provincial requirements or regulations governing specific personal service trades;

Nuisance Control: to ensure compliance with zoning, environmental, and other related requirements;

13. Places of Amusement:

Health and Safety: to encourage safe business and operational practices, supervision of patrons, compliance with building and fire code requirements and any other relevant regulations or requirements;

Nuisance Control: to ensure compliance with zoning, noise and other related regulations or requirements;

14. Public Garages:

Health and Safety: to encourage safe operational practices, including but not limited to compliance with building and fire code requirements;

Nuisance Control: to ensure property is maintained in a clean and tidy condition free of rubbish and debris, and to regulate storage of vehicles and parts on property;

15. Refreshment Vehicles:

Health and Safety: to encourage safe business and operational practices, including but not limited to records of ownership of vehicle, provincial licensing and adequacy of insurance;

16. Second Hand Goods:

Consumer Protection: to encourage proper business and record-keeping practices and to prevent unfair or potentially unfair business practices;

17. Taxi Cabs:

Health and Safety: to encourage safe business and operational practices, including but not limited to mechanical fitness or safety of vehicles, provincial licensing requirements, adequacy of insurance, competence of operators/drivers, certificate of health of operators/drivers; police

clearance letter, and cleanliness of vehicles;

Consumer Protection: to encourage proper business practices, ensure the availability of sufficient cabs and control numbers of cab licenses or plates issued, to encourage courteous treatment of passengers;

18. Tobacco Shops:

Health and Safety: to encourage safe structural and operational practices, including but not limited to compliance with building and fire code requirements and relevant provincial smoking control regulations and requirements;

19. Tow Trucks:

Health and Safety: to encourage safe operational practices, including but not limited to confirmation of ownership of vehicles, compliance with provincial licensing requirements, competence of operators and adequacy of insurance and setting standards for picking up vehicles and accident scenes;

Consumer Protection: to ensure fair and courteous treatment of customers and cleanliness of vehicles;

20. Video Stores:

Health and Safety: to ensure proper record-keeping, including lists of all adult videotapes on the premises, compliance with building and fire code requirements, and cleanliness of premises;

Consumer Protection: to ensure control of underage persons who are not permitted to enter the premises.