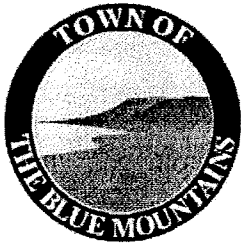


4.8

STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Finance & Admin. Committee  
MEETING DATE: May 22, 2008  
REPORT NO.: SRB.08.33  
SUBJECT: Municipal Licencing  
PREPARED BY: Sharon Long, Administrative Assistant, Building & By-law

#### A. Recommendations

THAT Council receive staff report SRB.08.32 for information purposes and direct Staff to report back to the Finance and Administration Committee on a Draft Licencing By-law regulating Refreshment Vehicles and Temporary Vendors.

#### B. Background

Through the 2008 Budget Process, Council considered a document titled "Licencing Addendum". This document was predicated on the basis of Council's request for Staff to bring forward a Final Report related to municipal licencing as part of the 2008 Budget process. The document recommended that:

"Given current and proposed resources within By-law Enforcement for 2008 and 2009, Staff are satisfied that the following businesses can be addressed during that time frame:

1. Refreshment Vehicles (motorized and non-motorized)
2. Temporary Vendors (<60 days)
3. Kennels
4. Snow Removal Operators

With respect to the first two, it is recommended that they be permitted within all areas of the municipality appropriately zoned for such use save and except for the Thornbury BIA. As to kennels, same would only be permitted in areas appropriately zoned for such use. As Council is aware, the matter of Short Term Accommodation is being addressed separately."

Staff are recommending that a Draft Licencing By-law be developed that will address Refreshment Vehicles and Temporary Vendors at this time. The latter two will be addressed later this year.

#### C. The Blue Mountains' Strategic Plan

*"Providing a strong, well managed municipal government."*

**D. Environmental Impacts**

N/A

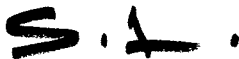
**E. Budget Impact**

\$500.00 in potential revenue and \$500.00 in potential costs.

**G. Attached**

- A. "Licencing Addendum", 2008 Budget Documents
- B. Staff Report SRB.07.25

Prepared by,



Sharon Long  
Administrative Assistant, Building & By-law

Respectfully submitted,



David Finbow  
Director, Building & By-law/CBO

## LICENCING ADDENDUM

"A"

### **Background**

August 27, 2007 Council, through the adoption of the minutes of the July 24, 2007 Finance & Administration Committee, requested that staff bring forward an Interim Report & Presentation related to municipal licensing with anticipated costs as part of the 2008 Budget process.

### **Municipal Act**

Section 150 of the Municipal Act, 2001, provides that a local municipality may licence, regulate and govern any business wholly or partly carried on in a municipality.

### **Current Situation - "Licencing"**

Currently the Town requires "licences" for the following:

- Canines
- Security Alarms
- Sidewalk Patios/Cafes

With it being noted that the Town currently licences approximately 550 canines; Security Alarms are required to be "registered" with the municipality in accordance with By-law No. PS-2007-01; and, the Town currently licences three sidewalk patios/cafes in the municipality.

### **Licencing**

In establishing a licencing regime, a municipality must be satisfied that same is required to address the following:

- A. The economic, social and environmental well-being of a municipality;
- B. The health, safety and well-being of persons; or,
- C. The protection of persons and property, including consumer protection.

Having regard to the above, and being cognizant of the municipality's financial resources, the following businesses were identified for initial consideration:

1. Adult Entertainment Parlours
2. Auctions (Transient and Permanent)
3. Bed and Breakfast Establishments
4. Kennels
5. Chimney Repair
6. Flea Markets (Transient and Permanent)
7. Message Establishments/Parlours
8. Short Term Accommodation
9. Snow Removal Operators
10. Taxis
11. Temporary Vendors
12. Tow Truck Operators

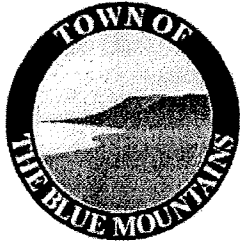
Given current and proposed resources within By-law Enforcement for 2008 and 2009, Staff are satisfied that the following businesses can be addressed during that time frame:

1. Refreshment Vehicles (motorized and non-motorized)
2. Temporary Vendors (<60 days)
3. Kennels
4. Snow Removal Operators (to ensure appropriate insurance related to damage to municipal property and to address improper snow storage within Town right-of-ways)

With respect to the first two, it is recommended that they be permitted within all areas of the municipality appropriately zoned for such use save and except for the Thornbury BIA. As to kennels, same would only be permitted in areas appropriately zoned for such use. As Council is aware, the matter of Short Term Accommodation is being addressed separately.

With regard to the remainder of the businesses, Staff are not satisfied that current staffing levels are adequate nor are Staff satisfied that there would be adequate offsetting revenues to justify the implementation of a more advanced licencing regime without impacting taxation rates.

STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Finance & Administration  
Committee

MEETING DATE: July 24, 2007

REPORT NO.: SRB.07.25

SUBJECT: Municipal Licencing

PREPARED BY: D. Finbow, Director Bldg & B/L

**A. Recommendations**

THAT Council:

1. Receive Staff Report No. SRB.07.25 for information purposes;
2. Provide input to Staff with respect to further businesses that they wish Staff to review with respect to licencing; and,
3. Request Staff to bring forward a Final Report related to municipal licencing as part of the 2008 Budget process.

**B. Background**

1. Section 11 of the *Municipal Act* indicates that a municipality may pass by-laws respecting a number of matters including the following:
  - a. Economic, social and environmental well-being of the municipality;
  - b. Health, safety and well-being of persons; and,
  - c. Protection of persons and property, including consumer protection.
2. Typically, licencing by-laws fall within the scope of the three items noted above.
3. Section 151 of the *Municipal Act* authorizes municipalities to 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 of the businesses in that class in order 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 licences established by the municipality.”
4. A municipality “shall not pass a business licensing by-law providing for a system of licences which makes it illegal for a business listed below to carry on or engage in the business without a licence:
    - i. A manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail.
    - ii. The sale of goods by wholesale.
    - iii. The generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.”
  5. A “by-law providing for a system of licences for a business may require as a condition of obtaining, continuing to hold or renewing a licence that the business comply with land use control by-laws or requirements under the *Planning Act* or any other Act.”
  6. The Town currently regulates by way of licence/permit Security Alarms, Patios/Cafes within Town right-of-ways, and canines.
  7. The Town, in conjunction with Aird & Berlis LLP, is currently reviewing licencing provisions for Short Term Accommodation.
  8. The former Town of Thornbury and the former Township of Collingwood had by-laws in place to licence Hawkers & Peddlars (By-law Nos. 14/1959 and 33/1973 respectively) that expired on January 1, 2006.
  9. The former Township of Collingwood had a by-law in place to licence
  10. In recent times, the Town has authorized a “Chip Wagon” in Clarksburg and a “Hot Dog Cart” in Thornbury.
  11. Council at its meeting of June requested that Town Staff review and report back on other matters that may require licencing in accordance with the provisions of the Municipal Act (Health & Safety, Nuisance, Consumer Protection).
  12. Town Staff met on July 9, 2007 wherein a list of potential matters to be licenced was created. Subsequent to that meeting additional matters were added. Attached is a copy of the list generated.
  13. Given the significant amount of work associated with implementing a licencing regime (public consultation, development of by-laws, establishment and maintenance of a registry system, enforcement, etc.), Town Staff recommend that this matter be brought forward as part of the 2008 Budget process.

**C. The Blue Mountains' Strategic Plan**

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**D. Budget Impact**

To be determined via the 2008 Budget process.

**E. Attached**

1. Businesses for consideration re Licencing

Respectfully submitted,