

Staff Report

Presented By: Dawn Mittelholtz, Manager, Legislative Services/Clerk
Meeting Date: January 6, 2025
Subject: Business Licensing By-law Update
Attachment(s): Proposed Business Licensing By-law Update – Redlined Version
Proposed Business Licensing By-law Update – Clean Version

Recommendation

That Council receive the Business Licensing By-law report for information.

Report Summary

This report proposes an updated Business Licensing By-law to be considered by Council. The intent of the update is to reflect the values of the Town and promote fair and transparent business practices that protect the interests of residents and visitors. A By-law reflecting these changes will be brought to the next Council meeting for approval.

Background/Analysis

An update to the Town's Business Licensing By-law has been on the Clerk's Division Business Plan since 2022, but was deferred into 2023, then 2024. If anything, this deferral illustrates the need for updated by-laws that promote a simplification of the licensing practices and a regulatory environment that adds value to the community. As a growing Town with a diverse population, regulations need to make sense and be aligned with the values of the Town.

The Business Licensing regime in Saugeen Shores includes Temporary Sales Hawkers and Peddlers, Refreshment Vehicles, Entertainment, and Horse Drawn Vehicles. These classes of businesses were included in the current by-law along with Taxis and Limousines. In 2004, when the current by-laws passage, the Municipal Act required that business licensing only be permitted to regulate in the interest of health and safety, nuisance control and consumer protection. These same requirements no longer exist allowing for a broader approach to why business licensing may be implemented provided it is within the municipality's sphere of jurisdiction.

Council committed to a review in 2025 of the taxicab and rideshare licensing to investigate a County wide solution. This update does not propose any changes to those sections of the By-law, as those discussions are scheduled for 2025. The remaining sections of the By-law have

been reviewed with proposed amendments. For ease of review, a redlined version and clean version are attached to this report. In the redlined version, yellow highlights indicate where something new was added and red font with a strikethrough indicates something was removed.

General Amendments

- The section titles were amended to be more concise throughout the document.
- Redundancies and opportunities to make the provisions more concise and easier to interpret were incorporated into the amendments.

Recitals and General Provisions

- The preamble was edited to remove recitals of outdated legislation and unnecessary exposition.
- In Part 1, General provisions, a large section was removed that reiterated from the Municipal Act, 2001, the legislative powers municipalities have with regards to business licensing.

Temporary Sales Hawker and Peddler

- Added the promotion and sale of services and memberships to clarify the need for a licence when various home services or commercial memberships are sold door-to-door. Residents are often leery of door-to-door solicitation and having a Town issued licence may provide some assurances that the salesperson is legitimate.
- Edited and condensed the language of the Exemptions.
- Clarified that licences are not required for hawkers and peddlers for exhibiting at events such as Pumpkinfest, craft shows, flea markets, etc. as the event organizers would have signed an agreement or application with the Town for the event, which would include sales at the event.

Refreshment Vehicle

- Exemptions were added to clarify the relationship and obligations between refreshment vehicle licensees and event organizers. This is to prevent misunderstandings about licensing requirements and give event organizers more autonomy over their events.
- Added to the list of locations that are eligible for Class 3 Licences, a general option of "other locations" was added for consideration of proposals on a case-by-case basis and would involve circulation to various internal departments for consultation on potential impacts to the community and Town operations.

Horse Drawn Vehicle Service

- This Part was removed since the Town has not issued a Horse Drawn Vehicle Business Licence since 2010. This removal is recommended as the use of such vehicles on highways or Town-owned property would be regulated under other by-laws or legislation

such as the Parks By-law, Traffic By-law, Parking By-law or Highway Traffic Act, and matters relative to animal welfare or the health of a horse would be referred to the Ontario Society for the Prevention of Cruelty to Animals.

Schedules

- Removed the fees and charges schedule from the by-law as they are provided for and updated annually in the Corporate Fees and Charges By-law.
- The Set Fines will be forwarded to the Office of the Attorney General for approval.
- The licence applications were removed from the By-law to be updated using the Town's online application for creating forms. Operationally, not having the application included as part of the by-law allows for updating the application as needed. Hardcopies will be provided upon request.

Linkages

- Strategic Plan Alignment: Pillar 1: Meeting the Needs of a Growing Community
- Business Plan Alignment: Corporate Services Division Highlight

Financial Impacts/Source of Funding

No costs or revenue are associated with this report.

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Reviewed By: Jim Bundschuh, Director, Corporate Services

Approved By: Kara Van Myall, Chief Administrative Officer