



Report to: General Committee

Date Report Authored: June 1, 2012

SUBJECT: Consolidated Stationary Business Licensing By-law
PREPARED BY: W. Wiles, Manager of By-law Enforcement & Licensing, x4581

RECOMMENDATION:

- 1) That the report entitled “Consolidated Stationary Business Licensing By-law” be received; and,
- 2) That Appendix ‘A’ – the Consolidated Stationary Business Licensing By-law be enacted to provide for the licensing and regulation of stationary businesses; and,
- 3) That the 27 separate By-laws currently governing stationary businesses in Markham (see table below), be repealed and replaced as schedules in the proposed Consolidated Stationary Business Licensing By-law; and,
- 4) That By-laws 2007-146, 2008-17 and 2008-18 related to the application of pesticides be repealed; and,
- 5) That the Holistic Practitioners Registry, By-law 2004-309 be repealed; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to seek Council approval for: 1) The consolidation of the following 27 stand alone stationary licensing by-laws into one Consolidated Stationary Business Licensing By-law:

By-law	Number	By-law	Number
Adult Entertainment Parlour (Goods)	2002-286	Fireworks (Sale)	2007-230
Adult Entertainment Parlours (Services)	2002-287	Food Stores	2002-296
Places of Amusement (Carnivals)	2002-288	Garages	2002-297
Places of Amusement (Arcades)	2002-289	Golf Driving Ranges	2002-298
Auctioneers	2002-290	Horse Riding Establishments	2002-299
Bagatelle Establishments	2002-293	Public Halls	2002-304
Barber and Hairdressing Shops	2002-291	Salvage Shops	2002-306
Billiards Halls	2002-293	Salvage Yards	2002-306
Body Rub Parlours	2002-292	Second Hand Dealers	2002-306
Bowling Alleys	2002-293	Second Hand Goods	2002-307
Complementary Healthcare Establishments	2002-292	Signs, Mobile	2002-302
Driveway Paving Contractors	2006-214	Special Sales	2005-87
Dry Cleaning Depots	2002-295	Tobacco Shops	2002-309
Eating Establishments	2002-296		

2) The repealing of the following by-laws regulating pesticides as the sale and application of pesticides is now regulated by the Province of Ontario:

By-law	Number
Pesticides - To Regulate the Non-Essential Use of Pesticides	2007-146
Pesticide Applicators – To License and Regulate Applicators	2008-17
Pesticide Free Yard Applicators - To License and Regulate Applicators	2008-18

3) The repealing of the Holistic Practitioners Registry as authority to establish a business licence registry was removed from the Municipal Act as the registry framework was found to be ineffective and financially onerous for municipalities. The Province is the process of regulating a number of modalities on the Registry which negates the need for municipalities to do so. Repealing Markham's Holistic Practitioners Registry will not impact any listed businesses and/or their operations. Staff will notify businesses listed on the Registry of its repeal once approved by Council.

4) The enactment of several administrative amendments to existing stationary licensing regulations - necessary to ensure the proper consolidation of the various by-laws.

There are no financial implications associated with this report.

BACKGROUND:

The practice of consolidating licensing by-laws is prevalent throughout the Greater Toronto Area, including in Vaughan, Richmond Hill, Oakville, Oshawa and Burlington. The consolidation of Markham's individual licensing by-laws will 1) provide a consistent administrative licensing process for licensees; 2) enhance public safety and improve the administrative efficiency of the Licensing Unit; 3) improve customer service by providing a central repository of stationary licensing regulations; 4) will enshrine existing practices into the by-law; and 5) will allow sufficient flexibility to allow for the eventual introduction of on-line licensing of stationary businesses via Markham's Portal.

The Municipal Act 2001, provides lower-tier Councils with the authority to license and regulate businesses in their municipalities. The Licensing Unit of Legislative Services is responsible for the administration of Markham's regulatory framework respecting stationary businesses. As previously noted, currently all of the Markham's stationary business licensing by-laws are stand alone by-laws - meaning, that for each category of stationary business, there exists a separate by-law.

OPTIONS/ DISCUSSION:

The objective behind consolidating Markham's stationary licensing by-laws (like that of the consolidation of the mobile business by-laws approved by Council in May, 2012), is to provide for greater consistency and transparency in the municipality's regulation of stationary businesses resulting in improved safety for residents and improved service for licensees while improving the administrative efficiency within the Business Licensing Unit. As part of the consolidation process, minor "housekeeping" amendments were necessary - these are outlined in the Table below.

No.	Change/Improvement
1.	Consolidation of 27 by-laws into one for on-line Portal applications
2.	Comprehensive and updated "Definition" section
3.	Consolidation of all administrative requirements (Including an appeal process)
4.	Greater clarity regarding the duties and responsibilities of Licensing Officer.
5.	Standardization of licensing requirements for all stationary businesses.
6.	Opportunity to make legislative changes to the by-laws
7.	Delegation of authority to the Licensing Officer to revoke, suspend and place conditions on a licence.
8.	Improved public safety. (Criminal Background Checks for all Licensees)

FINANCIAL CONSIDERATIONS:

None.

HUMAN RESOURCES CONSIDERATIONS:

None.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed consolidation of the stationary business licensing by-laws will provide clarity for licence applicants and the public and will assist staff in developing and enforcing appropriate controls and Mobile Business Licensing By-law accountability.

BUSINESS UNITS CONSULTED AND AFFECTED:

Legal Department.

RECOMMENDED BY:

22/06/2012

22/06/2012

X



Kimberley Kitteringham
Town Clerk

X



Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

Attachment 'A' – Proposed Stationary Business Licensing By-law