

Report

TOWN OF FORT FRANCES
PLANNING & DEVELOPMENT DIVISION

To: Mayor & Council
From: Elizabeth (Lisa) Slomke, Town Clerk
Date: October 3, 2016
Subject: Business Licensing By-law

BACKGROUND

The Municipal Act, 2001 section 150 provides Municipalities with the authority to license businesses within the boundaries of the municipality. Previous Councils have regulated the licensing of businesses in an effort to promote health and safety, nuisance control and / or consumer protection for the residents of the Town of Fort Frances.

In the summer of 2015, staff met to review the entire Business Licensing process in an effort to find efficiencies and make some positive changes to the process. Subsequent to that a significant amount of research was undertaken to review how other municipalities in Ontario handle business licensing. Regular meetings were held with various staff present as we gathered wording that would ultimately create a 'made in Fort Frances' Business Licensing By-law. The intent was always to make the existing by-law better and easier to use for the public, business owners and the enforcement officers. There are not any significant additions or deletions to the categories as they presently exist in our current business licensing by-law. The majority of our time was spent sourcing clear, concise wording in order to provide clarity and consistency.

After all the compilation and edits were complete, staff scheduled an Open House on Wednesday August 24 from 4-6pm. The hope was that we would have business owners come out to have some discussion and obtain their feedback on the draft by-law. We were lucky enough to have approximately 30 members of the business community attend our open house. Items listed below were discussed and further researched by staff.

DISCUSSION ITEMS

WSIB – Many business owners were concerned that they would not receive a business license because they were not eligible to obtain WSIB coverage. We clarified that if you are unable to obtain the coverage from WSIB (due to small business size) then the town would not withhold your business license. It should be noted that if at any time a business owner's status with WSIB changes and now a business owner does qualify under the guidelines of WSIB, we would expect said business owner to notify us accordingly. We have amended the wording to indicate that WSIB information will be gathered (if applicable). PDEC accepted this amendment.

Insurance – We had the privilege of having a couple of representatives from Gillons on hand at the open house, who provided the clarification to the wording that Business owners were looking for. We have amended the wording under section 2.6 Insurance and have obtained support from Gillons and Frank Cowan (Town's insurer). PDEC accepted this amendment.

Professionals – It is important to note that the Business Licensing by-law does not provide the Town with the authority to tell a professional whether they can practice within their field, instead the intent of the business licensing by-law is to permit the establishment of a business location within the limits of the Town of Fort Frances. When a business location is identified, it must be zoned accordingly and meet other necessary approvals and inspections depending on the type of business. We also spoke with other regional neighbour's to inquire how they handle the professional category and found a variety of responses. From all business license fees collected on a one-time basis, to not being licensed. It is important to note that the City of Kenora is currently reviewing their by-law with the intention of adding a professional category as we have already done in 2005. PDEC considered this matter in more detail and have accepted this explanation and will not be removing this category from the Business Licensing By-law.

Hairstylists – this category has recently been added to the College of Trades and will be handled in the same fashion as other trades. PDEC accepted this amendment.

Committee Composition – the draft by-law establishes a Licence Appeal Committee composed of Council members currently sitting on the Planning & Development Executive Committee. We have been requested to consider the addition of lay people, not business owners as a means to add unbiased opinions to the committee. It is important to note that members of Council are elected by the public and expected to act in the best interests of the Town at all times with regard to all matters. PDEC members felt they would be unbiased if a matter came to them under the guise of the License Appeal Committee requirements outlined in the Business Licensing By-law, thus the composition of the License Appeal Committee will remain as outlined in the Draft previously presented.

Fundraising – clarification was sought in regard to the requirement for business licenses for youth charitable groups. The town currently does not require these groups to be licensed, and would not change the current practice in the future. PDEC accepted this explanation.

PROCESS

Upon receipt of a new application or renewal application, the application is circulated to various Town departments including Planning, Building, Fire and By-law to determine whether the type of business and location are in compliance with Town By-laws.

Fees for business licensing are collected to offset the cost of the related enforcement and inspection programs as the cost of administering and enforcing the associated regulations should be borne by the businesses, not the public at large.

Also, when the public come to the town with a complaint then it is the information gathered through the business licensing process that is used to guide the resident. As with all other Town by-laws, the business licensing by-law is complaint driven, which means that if someone comes to town to sell their service/wares a complaint must be filed with the Town in order for us to begin the process of pursuing this person/business.

RECOMMENDATION

The Planning & Development Executive Committee considered this report, the attached draft business licensing by-law as well as two written submissions from L. Locker and C. Brunetta with their comments about the proposed Business Licensing By-law. PDEC recommended that staff prepare the by-law (with the minor revisions requested by the Committee) and it be brought forward for Council consideration.

<p>Council approval of this report will agree to the recommendation of the Planning & Development Executive Committee to approve the amended Business Licensing By-law and further that the Business Licensing By-law be brought forward at the next Council meeting for Council's consideration.</p>
