



STAFF REPORT

Meeting Date: May 23, 2023

Title: Amend Business Licencing By-law

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Department: Building & Planning

Report Number: Building & Planning-2023-010

Recommendation:

THAT Council accept the proposed Business Licencing By-law to provide clear and up-to-date business licencing regulations and that Chapter 118, Business and Trade Licencing, of the City of Dryden Municipal Code and all amendments thereto are rescinded.

Background:

The Municipal Act grants municipalities the power to create and enforce by-laws that are deemed necessary to licence, regulate and enforce the operation of businesses within the Municipality.

As part of an ongoing objective to remove by-laws from the Municipal Code format and to modernize our by-laws, I was tasked with reviewing and updating the Business Licencing by-law to make necessary changes to keep up with the industry standards.

Discussion:

Most provisions of the current Business Licencing by-law remain unchanged within the proposed by-law, with the following exceptions:

Changes that are introduced in the attached proposed by-law are as follows;

- To allow mobile food premises, such as food trucks, mobile concession stands, and other types of refreshment vendors to operate within designated public locations as determined by the Department.
- To allow for additional enforcement measures to address illegal operation of businesses.
- Clarifying the enforcement process taken when a business is in longer-term contravention of the by-law and compliance cannot be achieved through normal process.
- Referencing the Fees and Charges By-law regarding fees payable by licensees and applicants.
- Allowing the administration of the by-law to be performed by all Building and Planning staff, as approved by the Department Head, in order to simplify workflow and to reduce the Economic Development Manager's workload.
- Increase the limit on the number of garage/yard sales that a resident is permitted to hold in a calendar year without a business licence.

The following provides reasoning behind proposed changes that are included in the proposed By-law.

- To allow mobile food premises, such as food trucks, mobile concession stands, and other types of refreshment vendors to operate within designated public locations as determined by the Department.

Due to an increase in interest of people wanting to operate food trucks, hot-dog carts, and other types of refreshment vehicles, there is a need to allow these types of business to operate on public lands.

Currently, these types of businesses are only permitted to operate within Privately-owned lands that are commercially zoned. Many properties would not conform to the requirements of the zoning by-law and therefore would not be permitted to operate. This proposed change would allow vendors to set up at the soccer fields, baseball fields, Van Horne Landing, and the Tourist Information Centre, as well as other locations that may be requested by the vendor.

An opportunity to fulfill a niche exists and would benefit public space users and vendors alike.

Designated Mobile Food Premise Locations

- Wice Road Soccer Field/Splash Pad Parking Lot
 - Small-footprint vendor(s) such as a Hot Dog Cart or Large-footprint vendors if it is determined sufficient space exists.

- Sandy Beach Baseball Complex
 - Vendor(s) operating within a larger sized structure, food truck or trailer.
 - Government Docks at Van Horne Landing
 - Vendor(s) operating within a larger-sized structure, food truck or trailer.
 - Max the Moose/Tourist Information Centre
 - Small to Medium sized vendor(s), depending on available space and available parking.
- To allow for additional enforcement measures relating to illegal operation of a business and to clarify the enforcement process taken when a business is in longer-term contravention of the by-law and compliance cannot be achieved through normal process.

During 2022, By-law Enforcement Staff, Fire Services, Northwestern Health Unit, and OPP had experience with a business owner who was operating illegally without a licence and had major deficiencies within the property. This business quickly began to develop a negative image in the eyes of the public and visitors to Dryden, ultimately negatively impacting public safety, the tourism industry in Dryden, as well as attracting criminal activity to the property. Having a quick response to achieving compliance was near impossible under the existing by-law. The changes to the business licence by-law will provide some relatively quick methods to have an impact on the illegal operation of businesses. The department has included a number of additional set fines and the ability to issue orders to discontinue a contravention of a by-law.

When an order to discontinue a by-law contravention is not complied with, we can summon an individual to Provincial Offences Court to answer a charge. If found guilty, a Justice of the Peace or Provincial Judge can impose a fine and choose to order the closure of a premises for a period of up to 2 years. An order to close premises will also provide the Municipality with the power to have the local police force barricade the property, dependent on resources available.

- Referencing to the Schedule of Fees and Charges regarding fees payable by licensees and applicants.

This will allow the City to amend current business licence fees if it considers it appropriate, rather than having a static amount of \$125 for a resident licence and \$250 for a non-resident licence. Also proposed is a business licence fee of \$250 for food trucks having a large footprint and \$125 for a vendor with a smaller footprint.

- Allowing the administration of the by-law to be performed by all Building and Planning staff, as approved by the Department Head, in order to simplify workflow and to reduce the Economic Development Manager's workload.

This will allow for the business licence applications, licencing, inspection and enforcement processes to be handled effectively within the department. This will also streamline the process so the Economic Development Manager, Building and Planning Manager, Junior Planner, and By-law Enforcement staff are knowledgeable of which businesses have licences and if they are in compliance or not.

- Increase the limit on the number of garage/yard sales that a resident is permitted to hold in a calendar year without a business licence.

This limit is in place to ensure that persons cannot operate an established business out of their residential business under the guise of a garage or yard sale. Currently, residents wishing to host garage sales or yard sales are limited to the ability of hosting two per calendar year. Proposed is an increase to four calendar days per year, which would allow garage sales or yard sales to be conducted for an entire long weekend or two consecutive weekends.

Financial Implications:

None.

Attachments (Reference Material):

1. Copy of Proposed Business Licencing By-law
2. Schedule A
3. Proposed Set Fine Schedule