Minute No. 98
Report "A" - Executive Policy Committee – December 12, 2007

Item No. 3 **Red Tape Commission, Recommendation 3 – Doing Business in Winnipeg By-law**
File GG-5

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the principles upon which a new Doing Business in Winnipeg By-law will be based, as proposed within the report from the Director of Community Services, Fire Paramedic Chief, Acting Chief of Police and Acting Director of Planning, Property and Development dated December 7, 2007, be adopted.

2. That based on the principles contained in the said report, the Winnipeg Public Service be directed to prepare a Doing Business in Winnipeg By-law, including a new fee structure, to come into force on June 1, 2008 and report back to Council with same by April 2008.

3. That The City of Winnipeg License By-law No. 6551/95 be repealed, effective June 1, 2008 (the date the new Doing Business in Winnipeg By-law comes into effect).

4. That minor modifications to existing By-laws to facilitate enforcement and accommodate the new Doing Business in Winnipeg By-law be enacted at the same time, including:

    A. repealing The Meat and Poultry By-law No. 3354/83 and The Milk and Dairy Products By-law No. 3218/82 and consolidating any relevant provisions of those into The Food Services Establishment By-law No. 5160/89;

    B. adding requirements for Wood Energy Technology Transfer (WETT) Certificates, currently imposed under the License By-law, to The Fire Prevention By-law No. 150/2004.

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COUNCIL DECISION (continued):

5. That as transition measures:

   A. The City enact the by-law to repeal the business license requirements under The City of Winnipeg License By-law No. 6551/95 for hawkers, and plant stalls (renewable on January 1) effective January 1, 2008 (Appendix A); and

   B. Business licenses issued under The City of Winnipeg License By-law No. 6551/95 that are subsisting at the time the new Doing Business in Winnipeg By-law takes effect will be recognized as valid until their expiry date (This will only effect mobile food vendors and rooming houses as their license renewals are due on January 1).

6. That all remaining business licensing requirements be contained within the Doing Business in Winnipeg By-law rather than through a conditional occupancy permit issued under the Winnipeg Building By-law, as identified in Red Tape Recommendation 3.4.

7. That Recommendations 3.5 and 3.6 (consolidation of fire, police and public health inspection processes) be addressed during the course of the by-law enforcement consolidation review currently underway.

8. That the Standing Policy Committee on Finance review license fees 18 months after implementation to ensure that the fees in the new system substantially achieve the goal of cost-recovery.

9. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 12, 2007, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

On March 22, 2006, the Executive Policy Committee directed the Chief Administrative Officer to prepare and forward reports on all remaining recommendations of the Red Tape Commission in an expedited manner, in a manner reflecting a list of priorities.

RE: Red Tape Commission Recommendation 3 – Doing Business in Winnipeg By-law

FOR SUBMISSION TO: Executive Policy Committee

ORIGINAL REPORT SIGNED BY: Clive Wightman
Director of Community Services

Jim Brennan
Fire Paramedic Chief

Doug Webster
Acting Chief of Police

Jim Paterson
Acting Director of Planning, Property & Development

REPORT DATE: December 7, 2007

RECOMMENDATION:

1. That Council adopt the principles upon which a new *Doing Business in Winnipeg By-la*w will be based, as proposed within this report;

2. That based on the principles contained herein, the Winnipeg Public Service be directed to prepare a *Doing Business in Winnipeg By-law*, including a new fee structure, to come into force on June 1, 2008 and report back to Council with same by April 2008;

3. That *The City of Winnipeg License By-law No. 6551/95* be repealed, effective June 1, 2008 (the date the new *Doing Business in Winnipeg By-law* comes into effect);

4. That minor modifications to existing By-laws to facilitate enforcement and accommodate the new *Doing Business in Winnipeg By-law* be enacted at the same time, including;
    a. repealing *The Meat and Poultry By-law No. 3354/83* and *The Milk and Dairy Products By-law No. 3218/82* and consolidating any relevant provisions of those into *The Food Services Establishment By-law No. 5160/89*;
    b. adding requirements for Wood Energy Technology Transfer (WETT) Certificates, currently imposed under the License By-law, to *The Fire Prevention By-law No. 150/2004*;

5. That as transition measures:

   (a) the City enact the attached by-law to repeal the business license requirements under the *City of Winnipeg License By-law No. 6551/95* for hawkers, and plant stalls (renewable on January 1st) effective January 1, 2008 (Appendix A); and

   (b) business licenses issued under the *City of Winnipeg License By-law No. 6551/95* that are subsisting at the time the new *Doing Business in Winnipeg By-law* takes effect will be recognized as valid until their expiry date (This will only effect mobile food vendors and rooming houses as their license renewals are due on January 1st);

6. That all remaining business licensing requirements be contained within the *Doing Business in Winnipeg By-law* rather than through a conditional occupancy permit issued under the Winnipeg Building By-law, as identified in Red Tape Recommendation 3.4;

7. That Recommendations 3.5 and 3.6 (consolidation of fire, police and public health inspection processes) be addressed during the course of the by-law enforcement consolidation review currently underway;

8. The Standing Policy Committee on Finance review license fees 18 months after implementation to ensure that the fees in the new system substantially achieve the goal of cost-recovery.

Report Summary

Key Issues:

- The City of Winnipeg currently regulates and licenses the carrying on of 80 business activities under the City of Winnipeg License By-law 6551/95.
- As per Red Tape Recommendation 3, an inter-departmental review of the License By-law 6551/95 has been undertaken and consistent with Red Tape Recommendation 3.3 a new *Doing Business in Winnipeg By-law* is proposed.
- The proposed By-law is a new regulatory framework that is based on just three rationales for regulation: public health protection, fire protection and law enforcement/crime prevention.
- Using these three categories, the new Doing Business in Winnipeg By-law incorporates the following key changes:
  - 49 of the current business licenses are proposed to be eliminated pending some minor modifications to other existing by-laws (see Appendix B).

- Several of these 49 business activities will continue to be regulated through other existing by-laws.
- New licensing provisions are proposed for public swimming pools, whirlpools and large indoor sporting venues.
- As per Red Tape Recommendation 3.2, the *Doing Business in Winnipeg By-law* will not require a new business to appear before Community Committee to obtain approval to operate. Any need for approvals will now occur under the new *Zoning By-law 200/2006* which includes a broad "restricted activities" condition in the zoning system to entirely exclude some regulated activities from certain land designations.
- Where Dating and Escort Services and Massage Parlous can operate will now be regulated by the new *Zoning By-law 200/2006* and the *Downtown Winnipeg Zoning By-law*, rather than the *Doing Business in Winnipeg By-law*. The new *Zoning By-law 200/2006* prohibits them from being located outside the area regulated by the *Downtown Zoning By-law*. The *Downtown Zoning By-law* allows them as a conditional use. This change appropriately consolidates land use regulations for Winnipeg businesses within the City's Zoning By-laws. Any future changes with regard to regulating the location of these businesses would be done by Council amendments to the Zoning By-laws, which require public hearing processes.
- The By-law will regulate "Converted Residential Dwellings" as opposed to "Rooming Houses" and identifies regulatory requirements based on fire safety and public health protection.
- The current requirements concerning the collection and transfer to police of personal information from customers which is gathered by used goods dealers (including pawn shops) will be changed to reflect recent case law and be consistent with the goals of law enforcement and crime prevention.

- In addition, several business activities will continue to be licensed pending more substantial reviews of the regulations that affect them. These activities include massagists and massage parlours, escorts and escort services and massage therapists.
- This report proposes that the new *Doing Business in Winnipeg By-law* be the primary means for regulating ongoing business activities in Winnipeg, rather than reducing remaining requirements for a license into requirements for conditional occupancy under the Winnipeg Building By-law, as suggested in Red Tape Recommendation 3.4. This approach is based on the following rationale:

- This report proposes that the new *Doing Business in Winnipeg By-law* be the primary means for regulating ongoing business activities in Winnipeg, rather than reducing remaining requirements for a license into requirements for conditional occupancy under the Winnipeg Building By-law, as suggested in Red Tape Recommendation 3.4. This approach is based on the following rationale:
    - The purpose of the Winnipeg Building By-law's Occupancy Permit is to ensure that new and renovated buildings comply with the construction requirements under the Building Code; and grants permission to occupy any building, or part thereof. This is a one-time approval, designed to regulate land use and construction codes, not the ongoing operation of the business activity.
    - In contrast, a business license provides a mechanism for regulating business activities on an ongoing basis. This report therefore recommends that ongoing requirements for health, fire inspections or record keeping for the prevention of crime, would be more suitably enforced under a business licensing system. The proposed *Doing Business in Winnipeg By-law* is a streamlined approach to regulation that reduces and or eliminates red tape associated with the current License By-law 6551/95.
- The new fee structure will be provided for Council consideration at the time that the new By-law is brought forward. License fees will be structured based on cost-recovery of inspection and enforcement costs. It is expected that the new fee structure will be mill rate support neutral in that any change in costs of enforcement will be offset by a similar change in the total revenue.
- There are a number of outstanding issues that could not be adequately addressed within the scope of this report and will require further analysis and/ or stakeholder consultation, including:
    - Proposed amendment to the Residential Building Fire Safety By-law to align intended use and application.
    - Further information and analysis concerning recent fire inspection obligations imposed by the Province of Manitoba.
    - Reviewing the regulations for massagists, massage parlours, escorts and escort services as well as adult-oriented businesses.
    - Review of the current regulatory requirements for massage therapists.
    - Further review of businesses licensed within the Public Health category, and the possible consolidation of the Food Service Establishment permit and the Business License into one, pending the outcome of the review of jurisdiction responsibility for the delivery of Environmental Health Services as identified in Red Tape Recommendation 21.

Implications of the Recommendation(s):

General Implications

( ) None

(X) For the organization overall and/or for other departments

(X) For the community and/or organizations external to the City

( ) Involves a multi-year contract

- Comment(s): Adoption of the recommendations proposed in this report will result in the removal of business licensing requirements for 49 business activities and the implementation of a new *Doing Business in Winnipeg By-law*. Several of these business activities will continue to be regulated through other existing by-laws.

Policy Implications

( ) No

(X) Yes

Comment(s): This report proposes that a new *Doing Business in Winnipeg By-law* be adopted for implementation on June 1, 2008 and that the *City of Winnipeg License By-law 6551/95* be repealed concurrently with the adoption of the new bylaw.

Regulatory Implications

( ) None

(X) Eliminates or reduces regulatory impact

(X) Proposes regulatory impact

Comment(s): Adoption of the recommendations proposed in this report will result in the removal of business licensing requirements for 49 business activities and the implementation of a new *Doing Business in Winnipeg By-law*.

In preparing the new *Doing Business in Winnipeg By-law* every attempt was made to streamline the requirements for like business activities where doing so would not impede the regulatory process. Redundant or unnecessary licensing requirements have been eliminated resulting in a more streamlined approach.

Within the new *Doing Business in Winnipeg By-law*, businesses that will be regulated have been grouped into categories that clearly define the rationale for regulation at the municipal level of government. In other cases, regulation has been moved to other more relevant and already existing By-laws.

In the future, the *Doing Business in Winnipeg By-law* will be amended as necessary to regulate new business activities where this is necessary to protect public health, safety, welfare and to protect people or to prevent or minimize nuisances.

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

(X) No

( ) Yes

Comment(s):

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s): Should Council approve the proposed framework for the Doing Business in Winnipeg By-law contained within this report, financial implications will be provided in a subsequent report brought forward with the actual By-law in April 2008. The financial impact of the new fee structure is anticipated to be mill rate support neutral.

Report

REASON FOR THE REPORT:

At its meeting of March 22, 2006, the Executive Policy Committee directed the Chief Administrative Officer to prepare and forward reports on all remaining recommendations of the Red Tape Commission in an expedited manner, reflecting a list of priorities. One of these recommendations was **Recommendation 3**, namely:

> *Eliminate business licenses in the City of Winnipeg. Merge important public safety requirements now in the business license system into the occupancy permit system, and consolidate others within a simpler Doing Business in Winnipeg B-law.*
>
> *3.1 Repeal the (Business) License By-law effective as of a predetermined transition date.*
>
> *The motion to do so should include any necessary transitional measures, and businesses normally required to register for a business license would still do so until the transition date(s).*
>
> *3.2 New rules should be enacted to eliminate the use of Community Committees to approve for any business to operate in any area. Instead, Council should either:*
>
> *(a) Delegate authority to a designated public servant to approve conditional occupancy for businesses of a certain type in certain locations, and/or*
>
> *(b) Ensure that any zoning reforms proposed by the ongoing Planning, Property and Development Zoning Review include a broad "restricted activities" condition in any new zoning system to entirely exclude some regulated activities from certain land designations.*
>
> *3.3 Prior to the transition date, develop a Doing Business in Winnipeg By-law. This by-law would result in the replacement of trade-specific requirements in the business by-law system with a streamlined approach to regulating hours of business, age limits and socially restricted activities in one by-law.*
>
> *3.4 Phase-in the proposed new system, reducing all remaining requirements for a license into requirements for conditional occupancy, with appropriate penalties.*

Under this system, the occupancy permit would be a conditional approval that could be revoked for non-compliance with certain identified conditions attached to each permit. The City should amend by-laws to enact this approach.

Occupants operating a business with historic fire hazards or occupying a location deemed to pose a fire risk will require a regular fire inspection as a condition of occupancy.

Occupants operating a business of traditional concern to law enforcement officials will be required to comply with police access and record review requirements as a condition of occupancy.

Occupants operating a business with health risks or occupying a location deemed likely to pose a health risk will require a regular health inspection as a condition of occupancy.

3.5 While this recommendation is primarily designed to reduce the paperwork burden for small business, it is also designed to better meet public safety expectations by focusing resources and regulations on key areas of public concern, shifting enforcement from a two-layered model into a system based on one permit and one pattern of enforcement.

The Winnipeg Public Service should have appropriate discretion to make organizational changes to achieve this goal in a manner that draws on the talent and experience of all pertinent enforcement offices. If necessary, fee charges described in Recommendation 3.7 should be set to recover costs for cross-training to a maximum use of enforcement experience in the relevant staff units.

3.6 Once operational, the new system should assign fire, police or health inspection requirements flexibly rather than through a fixed, trade-specific by-law schedule to allow the system to remain modern in the face of changes to business practices.

3.7 Under the new system, fees for necessary inspections and enforcement will be charged to the applicant for an occupancy permit on a cost recovery basis, and/or to those businesses receiving inspections and/or complying with record review requirements under the new model. 'Cost-recovery" implies cost-recovery for each enforcement function and its administration in the new occupancy permit system, not simply cost-recovery for the functions transferred from the previous license system.

The transition can and should be broadly revenue-neutral from the City's perspective, based on user-pay adjustments distributing costs to those who apply for occupancy permits, and those who receive user-pay inspections.

The Fiscal Issues Committee should review fees one year after implementation to ensure that the fees in the new system substantially achieve the goal of cost-recovery.

On April 3, 2007 The Standing Policy Committee on Property and Development referred Westminster Housing Society Inc.'s request for amendment to City of Winnipeg License By-law No. 6551/95 – Definition of a Rooming House to the Planning, Property and Development and Community Services Departments for consideration as part of the review by the Red Tape Report Implementation committee of Recommendation No. 3 pertaining to The City of Winnipeg License By-law No. 6551.95, and report back to the Standing Policy Committee on Property and Development for the meeting of the Committee scheduled for November 27, 2007.

On May 6, 2003 the Standing Policy Committee on Property and Development referred a communication from Kirk Brewer, private citizen that advised that the definition of rooming house in the City of Winnipeg License By-law is too broad and requested that the definition be reviewed, to the Community Services Department (License Services Branch) for review and report back.

On April 30, 2007, the Standing Policy Committee on Downtown Development passed the following motion:

> WHEREAS the City now encourages residential development in Downtown Winnipeg;
>
> AND WHEREAS the increase in residential land use has created a need to review the provisions of The City of Winnipeg License By-law No. 6551/95 pertaining to Dating and Escort Services in the Downtown sector;
>
> THEREFORE BE IT RESOLVED that the Administration be requested to review the provisions for Dating and Escort Services contained in The City of Winnipeg License By-law No. 6551/95 as it relates to residential land use in the Downtown sector and report back to the Standing Policy Committee on Property and Development,

and submitted the matter to the Executive Policy Committee and Council.

On May 16, 2007, Council adopted the recommendation of the Standing Policy Committee on Downtown Development.

HISTORY:

On November 23, 2004, the Mayor officially established a Red Tape Commission to review City operations and regulations in order to improve customer service while granting administrators more freedom to innovate.

The Red Tape Commission submitted a final report, dated June 28, 2005, containing 30 general recommendations, each with numerous more detailed sub-recommendations.

At its meeting of March 22, 2006, the Executive Policy Committee directed the Chief Administrative Officer to prepare and forward reports on all remaining recommendations of the Red Tape Commission, including Recommendation 3.

DISCUSSION:

Background

An inter-departmental committee with representation from Community Services, Internal Services, Planning, Property & Development, Public Works, Winnipeg Fire Paramedic Services, and Winnipeg Police Services was formed to study the feasibility of Red Tape Recommendation 3. Business licensing was examined through multiple lenses including: the role of municipal government; legal jurisdiction; historic practices; business licensing in other municipalities; risk mitigation; and the inter-relationship of other existing by-laws and regulations.

History of Business Licensing in Winnipeg

Business licensing in Winnipeg dates back to 1874 when the City appointed its first Inspector of Fire, Health and Licenses. Needless to say, licensing priorities have changed considerably over time from the early days of licensing hotels, dray horses and water carts. Today the City regulates and licenses the carrying on of 80 business activities under the *City of Winnipeg License By-law 6551/95.*

What do other Canadian municipalities do?

A comparative study of the business licensing practices in ten other Canadian municipalities was conducted in mid 2007 (See Appendix C). In some municipalities regulatory provisions are dispersed among several by-laws. The business licensing practices of the cities surveyed were as varied as the cities themselves and tended to be quite complex and in some cases difficult to navigate. Some cities like Brandon, Regina, Saskatoon and Vancouver require all businesses to obtain a business license, while others like Halifax and Ottawa regulate very few business activities. No one business activity was regulated by every municipality surveyed, although pawnshops and mobile food vendors came close. Some of this variation may be attributed to the different provincial and municipal roles throughout Canada, but for the most part business licensing appears to reflect the regulatory and taxation priorities of the local government.

Regulating Business Activities

Nearly all businesses in North America in operation today require some form of license, permit, or tax registrations in order to operate. Business licenses and permits are issued at all levels of government, federal, state/ provincial and municipal. For example, there are over 19,000 separate licensing jurisdictions in the United States and each has its own particular licensing requirements. [1] This can be very confusing, time consuming and expensive for entrepreneurs attempting to start up a new business.

A search using BizPal reveals that in Manitoba, the Federal government commonly issues permits and licenses for 21 business activities including: commercial fishing, explosives, quarrying, pilots and aeronautics. The Province of Manitoba in turn issues 45 different business permits and licenses including: cocktail lounges, food service establishments, petroleum and motive fuels, tobacco sales, public water systems and cemeteries.[2] In some cases such as food service establishments, regulated under the Public Health Act, permit requirements are waived where the local municipality has enacted by-laws to regulate the business activity.

Local government has a role and responsibility to protect the social and economic welfare and rights of their citizens and is reflected in the fact that all municipalities regulate businesses to some degree. The most common forms of municipal regulations are zoning and land use, compliance with building codes, environmental, health, and business licensing.

General Authority

Section 148 of *The City of Winnipeg Charter* states that "*Council may, in the interest of health, safety, welfare and protection of persons, or in the interest of preventing or minimizing nuisances, pass by-laws in respect of the following matters:*

a) Businesses;
b) The carrying on of a business
c) Persons carrying on a business
d) *Premises in which businesses are carried on.*"

Furthermore, section 149 outlines the provisions for regulating and licensing business activities. (See Appendix D)

[1] Business Licenses at http://www.businesslicenses.com/licenseinfo.php
[2] BizPal search – All Federal & Provincial at http://www2.gov.mb.ca/bizen/wizard/search.aspx

Other Policy Considerations:

The City of Winnipeg has a number of land development, taxation and regulatory by-laws that regulate how and where business may be conducted. These include but are not limited to:

- The Downtown Winnipeg Zoning By-law No. 100/2004
- The City of Winnipeg Zoning By-law No. 6400/94 (currently under review)
- X-Rated Store Zoning By-law No. 6087/93 (proposed to be repealed under Zoning By-law review)
- The Winnipeg Building By-law No. 4555/87
- The Maintenance and Occupancy By-law No. 150/2004
- The Body Modification By-law No. 40/2005
- The Fire Prevention By-law No. 150/2004
- The Food Services Establishment By-law No. 5160/89
- License in Lieu of Business Tax By-law (to be repealed January 1, 2008, subject to budgetary considerations)
- The Meat and Poultry By-law No. 3354/83 (proposed to be repealed)
- Milk and Dairy Products By-law No. 3218/82 (proposed to be repealed)
- Refrigerators and Freezers By-law No. 17267/54
- Streets By-law No. 1481/77
- Sunday and Holiday Shopping By-law No. 6283/93
- Taxicab License Fee By-law No. 6123/93

Furthermore on July 11, 2007 the Executive Policy Committee directed the City of Winnipeg Public Service to report back in January 2008 with a plan on the consolidation of responsibility for by-law enforcement.

In addition to examining the roles and inter-relationship of these by-laws with the License By-law, an attempt was made to consolidate related by-laws where appropriate, and to reference other pertinent by-laws where merging the by-laws would make navigating the documents too onerous for business owners.

Final Report of the Mayor's Red Tape Commission:

The *Final Report of the Mayor's Red Tape Commission* proposed a number of recommendations which impact business licensing and the development of a new Doing Business in Winnipeg by-law including:

- Recommendation 1 – Guidelines and principles to prevent future red tape
- Recommendation 4 – Reform and eventual elimination of home based business licenses
- Recommendation 21 – Make it an intergovernmental priority to eliminate cases of intergovernmental overlap within Winnipeg's jurisdiction. Negotiate agreements with the Government of Manitoba to eliminate jurisdictional conflicts and inconsistencies, especially with respect to by-laws enforcement and health inspections.
- Recommendation 25 – 311 based customer service model

Red Tape Commission Recommendation 3 – Eliminate Business Licenses

Red Tape Recommendation 3 is designed to reduce red tape for small business and to focus the City's resources on key public and municipal regulatory goals.[3]

Rationale for Regulating Business Activities

A balanced approach to business regulation is proposed, that emphasizes the quality of regulation over quantity. Rather than just remove or transfer regulations to an alternate system; it is proposed that business be regulated strategically in order to meet clear specific goals based on sound rationale and good governance.

It is the opinion of the Public Service that business or those engaged in the carrying on of a business should continue to be regulated where it is clearly necessary to address public health, safety, welfare and protection of persons, law enforcement and crime prevention, or in the interest of preventing or minimizing nuisances. This rationale is consistent with the authority vested by the City Charter.

Business licensing has been historically used for a number of purposes. However following the intent of the Red Tape Commissions' recommendations, a strategic framework has been developed that focuses on those business requirements that are pertinent to protecting public health, safety, welfare and protection of persons, law enforcement and crime prevention, or in the interest of preventing or minimizing nuisances.

[3] Final Report of the Mayor's Red Tape Commission, City of Winnipeg (June 28, 2005)

Recommendation 3.1

"Eliminate business licenses in the City of Winnipeg. Merge important public safety requirements now in the business license system into the occupancy permit system, and consolidate others within a simpler Doing Business in Winnipeg By-law.

3.1 Repeal the (Business) License By-law effective as of a predetermined transition date.

The motion to do so should include any necessary transitional measures, and businesses normally required to register for a business license would still do so until the transition date(s)."

A comprehensive review of all 80 business activities regulated under the *City of Winnipeg License By-law* was conducted resulting in the recommendations contained within this report. The Public Service has identified 49 business activities in which the regulatory requirements are perceived as either being unnecessary, redundant, or regulated by other existing regulatory processes. It is proposed that the licensing requirement be removed for these 49 business activities, pending some minor modifications to other existing by-laws (see Appendix B).

Several business activities were identified as being more aptly regulated through other existing by-laws. For example, business activities that may impede or block City streets of right-of-ways during the course of conducting their business would be more suitably regulated through existing provisions in *The Streets By-law* and/or *The Traffic By-law. The Fire Prevention By-law No. 50/2004,* which came into effect in January 2005, now contains qualifications for persons servicing wood burning appliances, thereby making the licensing requirements for Chimney Sweeps redundant.

Some other business activities are regulated by other levels of government, for example tobacco sales and mechanical rides. Requirements for businesses to provide bonds of indemnity were removed as they fall within the realm of consumer protection which is outside the City's mandate.

As recommended by the *Final Report of the Mayor's Red Tape Commission*, this report proposes repealing the *City of Winnipeg License By-law* concurrently with the adoption and implementation of the proposed new *Doing Business in Winnipeg By-law.*

The recommendation to "*Merge important public safety requirements now in the business license system into the occupancy permit system"* is discussed under recommendation 3.4.

Recommendation 3.2

3.2 "New rules should be enacted to eliminate the use of Community Committees to approve for any business to operate in any area. Instead, Council should either:

(c) Delegate authority to a designated public servant to approve conditional occupancy for businesses of a certain type in certain locations, and/or

(d) Ensure that any zoning reforms proposed by the ongoing Planning, Property and Development Zoning Review include a broad "restricted activities" condition in any new zoning system to entirely exclude some regulated activities from certain land designations."

Community Committee Review Process

Under the current *License By-law* the carrying on of the following business activities "may be injurious to the interests of occupants or owners of property in the vicinity" and therefore every new license application is subject to a review of the license application by the area Community Committee:

- Amusement Parlours* (operating 6 or more days at one location)
- Banquet Hall
- Billiard Parlour*
- Carnival (operating 6 or more days at one location)
- Dance Hall
- Dating and Escort Services
- Karting Track*
- Livery stable*
- Massage Parlour
- Motor Raceway*
- Pawnbroker
- Poultry Slaughter House*
- Second Hand Dealer
- Soup Manufactory*
- Soils Dealer*
- Tannery*
- Undertaker, Funeral Director*
- Used Material Yard

* No business license required under the new by-law.

Zoning By-laws

The City of Winnipeg Zoning By-law and the Downtown Winnipeg Zoning By-law regulate land use and development in Winnipeg. The Zoning by-laws regulate types of land use, building heights, density, signs, parking, loading requirements, and provide for urban design review of all development proposals.

Zoning By-laws are used to regulate acceptable land use within a community, determining where a business may be located and regulating development of the property. The Community Committee review process is essentially an additional land use regulatory process. As recommended by the Red Tape Commission, a more property based approach is being recommended as zoning reforms proposed by the new *Zoning By-law 200/2006* include a broad "restricted activities" condition in the zoning system to entirely exclude some regulated activities from certain land designations. Based on this, the requirement for the above named business activities to appear before the area Community Committee as a part of the licensing process has been removed. Where businesses can locate will be determined through the Zoning By-law processes.

Recommendation 3.3

3.3 Prior to the transition date, develop a Doing Business in Winnipeg By-law. This by-law would result in the replacement of trade-specific requirements in the business by-law system with a streamlined approach to regulating hours of business, age limits and socially restricted activities in one by-law.

Why Business Licensing Makes Sense

The issuing of an annual business license is the most common mechanism used to regulate ongoing business activity in Canada. It has proven to be an effective process for tracking and ensuring compliance with reasonable provisions and restriction on specific business activities which may pose a risk to the health, safety and welfare of citizens and visitors. While in theory it may be possible to piggy back on land use (Zoning) or building standards (Winnipeg Building) by-laws to regulate ongoing business activities for those business activities conducted from a permanent business location, there are serious shortcomings and limitations to these methods. The existing land and building based regulatory systems are not designed to regulate ongoing business activities and once zoning and building occupancy are approved the regulatory processes for all intent and purposes ends.

The Public Service is of the opinion that one primary system should be used to license and regulate all ongoing business activities. A new *Doing Business in Winnipeg By-law* is the proposed mechanism for enforcing the regulatory process. A *Doing Business in Winnipeg By-law* would clearly define those business activities considered to pose a health, safety or crime risk and the specific requirements for business to comply with

while conducting their business activity. The by-law would reference applicable sections of other pertinent existing municipal by-laws, such as the Zoning By-law, Fire Prevention By-law, and the Food Services Establishment By-law, as it is not feasible to amalgamate all of the regulatory provisions applicable to business under the *Doing Business in Winnipeg By-law* at this time.

The Red Tape Commission "found the *License By-law* to be baffling, obsolete, and too specific." However they acknowledged that most comparison cities had equally complex systems with the exception of Saskatoon, where every commercial and home based business is required to obtain a business license and pay an identical fee. The Saskatoon model is not recommended as it would not provide the desired regulatory controls, and would for all intent and purposes be a business tax.

In preparing this report every attempt was made to streamline the requirements for like business activities where doing so would not impede the regulatory process. Redundant or unnecessary licensing requirements have been eliminated resulting in a more streamlined approach.

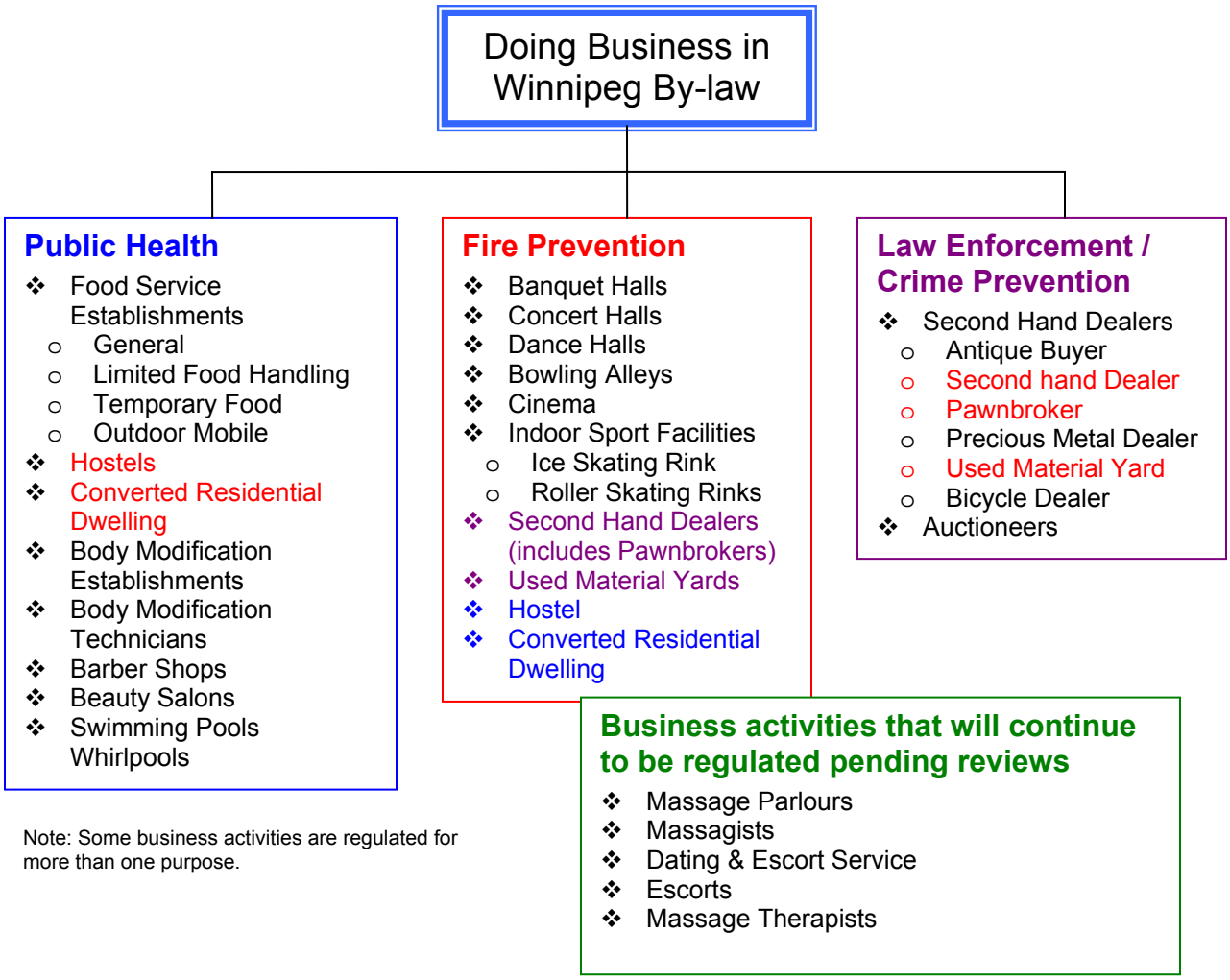
Despite these efforts, it was not possible to conduct the comprehensive review required in order to determine whether the existing regulations affecting several business activities should be changed or remain the same. These business activities include massagists, massage parlours, escorts and escort services and, for an entirely different reason, massage therapists. As a result this report proposes that these business activities continue to be regulated largely as they have been, pending more thorough reviews.

Doing Business in Winnipeg By-law

The *City of Winnipeg Charter* is clear that the City is authorized to regulate business activities only for the purpose of: protecting public health; safety; welfare and protection of persons; or in the interest of preventing or minimizing nuisances. This therefore serves as the founding principle for business regulations proposed in the new *Doing Business in Winnipeg By-law.*

While this principle could, in theory, give rise to numerous rationales for regulation, the new *Doing Business in Winnipeg By-law* is based on three main rationales: public health, fire prevention, and law enforcement/ crime prevention. The following chart demonstrates in graphic form how the By-law has applied these rationales to specific business activities. It should be noted that some business activities are regulated in the new By-law under more than one rationale.

In addition, as noted, this report proposes the continued regulation of massagists, massage parlours, escorts and escort services and massage therapists, pending reviews of the regulations controlling these business activities.



Food Services

Objective: To enable local authorities to regulate and control businesses which are in the business of food preparation and handling, for the purpose of protecting public health.

Food service establishments and mobile food vendors receive regular health inspections, and in addition to being issued a license under the License By-law, are issued health permits under the Food Services Establishment By-law. In large grocery stores for example, a permit is issued for each separate component of their operation (i.e. a separate health permit for the deli, bakery, and meat areas). The health permit may contain detailed comments or restrictions relative to the specific service area. Consideration should be given to consolidating these licensing and permitting processes into one licensing process.

However, on July 18, 2007 as part of the Red Tape Commission – Recommendation 21 – Jurisdictional Responsibility for the Delivery of Environmental Health Services, Council directed the Administration to do all things necessary to pursue the consolidation of Environmental Health Services under one jurisdiction, and to provide an update to Council in January 2008. Depending on the outcome, this may have an impact on some of the business activities proposed for regulation.

For these reasons it is recommended that current business licensing and permitting process continue at this time, pending the outcome of intergovernmental negotiations on Red Tape Recommendation 21.

Other Sanitary Conditions

Objective: To enable local authorities to regulate and control other business activities which inherently pose a high public health risk, due to the potential for the spread of disease or infection, for the purpose of protecting public health.

Certain business activities pose a higher than average public health risk, due to the nature of the business activity, and therefore should receive regular public health inspections. These business activities falls into three primary categories, the first being short term lodging houses such as hostels and converted residential dwellings which often tae the form of rooming houses.

Both lodging houses (hostels) and rooming houses are regulated under the *Public Health Act, Dwelling & Building Regulations* as well as the *Maintenance and Occupancy By-law* and the *Minimum Standards of Housing By-law*. Environmental Health Services historically receive a high number of complaints regarding unsanitary conditions in rooming houses. For this reason, it is proposed that hostels and converted residential dwellings (rooming houses) receive regular public health inspection. Business licensing provides a mechanism to recoup all or part of the cost of the inspection process.

The next category proposed to be regulated for sanitary conditions is business activities such as body modification establishments and technicians, barber shops, and beauty salons, which offer services where sanitary conditions and clean utensils are essential to prevent the spread of disease or infection. Each of these business activities are currently regulated under the *License By-law.* There are a few additional like businesses, such as aestheticians and acupuncturists, for whom regulation could be considered. However, prior to expanding the scope or regulatory requirements of these business activities, further analysis and/or stakeholder consultation is required. In addition, it is recommended that regulation not be expanded at this time, pending intergovernmental negotiations on Red Tape Recommendation 21, regarding the jurisdictional responsibility for the delivery of Environmental Health Services.

The last business category proposed to be licensed under the new By-law for sanitary conditions is public and semi-public swimming pools and whirlpools. These are currently required to receive regular public health inspections, but have not previously been licensed. Swimming pools and other water recreational facilities are regulated under *The Public Health Act* and are subject to an annual operating permit issued by a public health inspector. Business licensing provides a mechanism for tracking and ensuring compliance with the Act and also permits the City to recoup the costs of the on-going inspection process.

Notable Changes: Public and semi-public swimming pools and whirlpools will be required to obtain a business license under the new proposed *Doing Business in Winnipeg By-law.*

Fire Prevention

Objective: To enable local authorities to regulate and control businesses, which have historically presented a high risk due to the likelihood, or the severity of impact of fire, for the purpose of fire prevention and life safety.

In many situations, facilities with large assembly occupancy may pose an unusually high risk due to the severity of impact in the case of a fire. There are numerous recent examples in North America of fire tragedies that have occurred in assembly occupancies which have resulted in a tremendous loss of life. Besides the potentially huge impact of a fire in a large assembly, the risk of a fire occurring tends to increase in older buildings. Winnipeg has a large stock of aging large assembly occupancies in the form of public and private recreation and leisure facilities which therefore pose a particularly high risk.

To address this concern, the Public Service is proposing that large public leisure facilities continue be licensed to ensure that they receive regular fire inspections, in order to help prevent a major disaster from occurring in the case of a fire. Business activities in assembly occupancies which are currently licensed and inspected for fire prevention reasons include: banquet halls, bowling alleys, concert halls, dance halls, ice skating rinks, and roller skating rinks. It is proposed that all of these should continue to be licensed. In addition, the Public Service is proposing that all large indoor sport facilities be licensed and inspected, in addition to the current ice skating and roller skating rinks.

While it is recognized that ideally all large public facilities should receive regular and ongoing fire inspections, existing constraints make this difficult to achieve. Inspections mandated by the new *Fires Prevention and Emergency Response Act* has created challenges for the Fire Paramedic Service in that the Fire Prevention Branch cannot currently meet the obligations of the new legislation with its current staffing levels. Furthermore, many assembly occupancies should be inspected outside of regular working hours to ensure that exiting and occupant load requirements are adhered to

when such facilities are fully occupied. This is currently not possible due to collective agreement restrictions that specify the hours of work for fire inspectors.

In addition to assembly occupancies, Winnipeg Fire Paramedic Services have identified two other groups of business activities that should continue to be regulated for the purpose of fire prevention and life safety. The first is a group of business activities which inherently pose an unusually high risk of fire due to the storage of goods. This group includes used material yards, pawnbrokers and second hand dealers. The second is a group of rental accommodations which have historically posed a particular fire risk. This includes hostels and single or two-family residential dwellings that have been converted into multiple suites or into a rooming house. Again, these business activities are currently regulated under the License By-law. Note: These business activities also have regulatory requirements for either public health or crime prevention.

Recently enacted regulations under *The Fire Prevention & Emergency Response Act* require the Winnipeg Fire Paramedic Service to conduct annual fire inspections for a variety of facilities, including elderly and infirm persons' housing, child care centres, personal care homes, residential care facilities, and hospitals. In addition, the regulations require fire inspections at least once every three years for licensed premises, schools, recreation centres, hotels, motels, and restaurants located in buildings that contain one or more dwelling units. Some of these terms have not been clearly defined and the Winnipeg Fire Paramedic Service is attempting to obtain clarification from the Province about the extent of the obligation being imposed. Nevertheless, it is clear that this newly imposed obligation will result in significant additional costs to the City. It is possible that requiring that at least some of these business activities to be licensed would assist the Winnipeg Fire Paramedic Service in meeting these new obligations and recouping at least some of these costs. However, further investigation and analysis is required before such a conclusion can be drawn.

Notable Changes:

Under the proposed new by-law hostels will receive annual fire inspections.

The by-law will regulate "converted residential dwellings" as opposed to "rooming houses" and identify regulatory requirements based on fire safety and public health protection. The definition of converted residential dwelling has been altered to correspond to the definitions of Division II buildings under the *Residential Buildings Fire Safety By-law*. The definition of "Rooming House" under the existing License By-law is somewhat different than the definition of a "Division II Building" (i.e. Rooming House) under the *Residential Buildings Fire Safety By-law.* As a result, there are some buildings that currently require a license that should in fact be exempt as they do not pose the same fire and life safety risks as Rooming Houses. To resolve this, the new by-law introduces a revised definition that aligns with the definition under the *Residential Buildings Fire Safety By-law.*

It should also be noted that certain complications exist with the intended use and application of the *Residential Buildings Fire Safety By-law.* The by-law should therefore be amended to resolve those issues. However, due to the complexity of the matter, these issues could not be resolved within the scope of this report and therefore will be addressed in a forthcoming report from the Fire Paramedic Service and Planning, Property & Development.

Law Enforcement and Crime Prevention

Used Goods Dealers

Objective: To enable local authorities to regulate and control businesses or those engaged in the business of buying and/or selling of second hand goods, for the purpose of the suppression of conditions that may foster crime and for law enforcement purposes. Including:

a. Second Hand Dealer (includes)
    - Second Hand Dealer
    - Antique Buyer
    - Pawnbroker
    - Precious Metal Dealer
    - Used Material Yard
    - Bicycle Dealer
b. Auctioneers

Current Situation: All businesses are currently licensed and regulated under the City of Winnipeg License By-law. A personal record review is required to conduct each of these business activities and Community Committee approval is required prior to issuing a license for pawnbrokers, second hand dealers and used material yards. Record keeping of description of goods, details of transactions, and customers' personal information is required.

Property crime directly or indirectly affects more citizens than any other criminal offence and is damaging to both the economy and the City's reputation as a desirable place to live and do business. Winnipeg has one of the highest break and enter rates in Canada. During the first ten months of 2007 there were 6,011 break and enters committed in Winnipeg, 2,757 of which occurred at residential homes.[4] Statistics Canada reports that Manitoba had 1,074 break and entering per 100,000 population in 2006, significantly higher than the Canadian average of 767.8 per 100,000.[5] Many victims of residential break and enter continue to suffer emotional distress long after the crime occurred. A collaborative study exploring victim impact of residential break and

[4] City of Winnipeg. *CrimeStat*. Nov 5, 2007.< http://www.winnipeg.ca/CrimeStat/
[5] Statistics Canada. *Crimes by offences, by province and territory*. 2006.
<http://www40.statcan.ca/l01/cst01/legal04b.htm

enter conducted by the London, Peel and Ontario Provincial Police found that approximately 40% of victims of residential break and enters reported high trauma scores related to their experience. In 6% of the cases reported the resident found the offender in their home, half of these resulted in some form of physical confrontation.[6]

There were 176 second hand dealers, 28 pawnbrokers, 57 antique buyers, and 53 precious metal dealers licensed in Winnipeg in 2006. Pawnbrokers and other business dealing in second hand goods provide a legitimate service. However since they often obtain merchandise from the general public and other non-regulated sources; they may unknowingly buy and sell stolen goods. Providing a market for stolen merchandise assists, however inadvertently, those who are engaged in thefts, break-and-enters and other similar crimes. Conversely, increasing the likelihood that selling or pawning stolen merchandise will lead to one's arrest will have a deterrent effect. For this reason, provincial and local governments throughout Canada have enacted by-laws requiring businesses engaged in the resale of used goods to collect detailed information on both the merchandise and the customers from whom the goods were obtained, as is the case under the current City of Winnipeg License By-law.

There are numerous purposes behind the collection of this information and its transfer to the police. The swift discovery of stolen goods is an important element in solving property crimes. The sheer volume of pawn/ second hand transactions makes manual data entry by police unrealistically time consuming. Automated reporting systems with data originating at point of sale enables the quick and efficient transmission of data to police and provides law enforcement with powerful search and retrieval capabilities. Many Canadian jurisdictions have implemented, or are in the process of implementing, the mandatory use of automated reporting systems, including the provinces of Alberta, British Columbia and Ontario.

Under the proposed *Doing Business in Winnipeg By-law* all business engaged in the business of buying and/or selling of second hand goods will be required to use an automated reporting system (one of several available) to record detailed descriptions of the goods and the customer from whom they were obtained, and transmit the data relating to the goods to the Winnipeg Police Services (WPS) each business day. The businesses will also be required to provide an electronic address which the WPS may use to contact the business, and to respond to any requests for information made by WPS by 4:00 p.m. on the next business day. The proposed by-law will further simplify and streamline regulatory requirements by imposing the same rules on like business activities by any name. Consequently used bicycle dealers will be required to comply with the same by-law provisions as other businesses dealing in used goods. The regulations will also apply to scrap metal dealers, as the theft of scrap metal has become problematic due to rising scrap metal market prices.

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[6] London Police Services, Peel Regional Police, and Ontario Provincial Police, *Residential Break and Enter – Exploring Victim Impact,* released June 2006. < http://www.oacp.on.ca/content/news/article.html?ID=259

The proposed By-law also responds to recent legal developments, especially recent appellate court decisions, which have examined the municipal requirements for the collection of information by used goods dealers from their customers and the transfer of that information to the police. The courts have expressed concern that too much personal information is required to be collected and to be transferred to local police forces. While the Public Service was already aware of these cases, their relevance to the City's licensing requirements was underlined by correspondence from the Provincial Ombudsman asking how the City intended to respond to these rulings.

The proposed By-law will ensure that adequate information concerning used goods being brought for sale or pawn will continue to be collected and transferred daily to the Winnipeg Police Service. However, in order to safeguard the privacy of individuals who choose to avail themselves of the services of a used goods dealer, including a pawn shop, the By-law will limit the amount of personal information that dealers are required to collect and retain. It will also provide that the personal information may only be provided to the WPS if it is necessary for the purpose of a criminal investigation – this would allow the WPS to obtain personal information, and information about the recent transactions of a person who has pawned or sold goods that WPS have reason to believe were the subject of a theft, break-and-enter or some similar crime, or where the person has been charged with such an offence.

Notable Changes:

In drafting the regulatory provisions for businesses dealing in used or second hand goods, a balance was sought between providing law enforcement the necessary tools to effectively deter the resale of stolen goods, and the protection of the personal privacy of the person from whom the goods were obtained.

Other significant amendments include:

- the elimination of the "hold" period on re-pawned item, thereby permitting the return of pawned goods to their original owner sooner;
- the "hold" provisions have been relaxed for precious and scrap metals acquired from another dealer, in recognition of the unreasonable financial hardship that this was imposing on the industry.
- the elimination of Community Committee approval for new license applications for pawnbrokers, second hand dealers and used material yards
- the elimination of the requirement to provide bonds of indemnity (Pawnbrokers and Auctioneers)

In addition to regulating these business activities the current License By-law regulates amusement parlours and billiard parlours.

With the onset of casinos, the advent of video games and on-line gaming, and the proliferation of cell phones; amusement and billiard parlours are no longer perceived to be a high risk for illegal gaming or drug transactions and are therefore being proposed for deregulation. The hours of operation can be facilitated through conditional uses under the zoning by-laws where necessary. Amusement parlours are regulated under the *Amusement Act* and licensed under the *Gaming Control Act.*

Businesses that will Continue to be Regulated Pending Reviews

Massagists, Massage Parlours, Escorts and Escort Services

Massagists, massage parlours, escorts and escort services have traditionally been licensed in Winnipeg and throughout Canada for a variety of reasons, including concerns about public health, inappropriate land uses, crime prevention and the monitoring and suppression of conditions that are conducive to crime. They have been seen as part of a variety of business activities that are often categorized as "adult-oriented" or "adult entertainment" businesses.

Any decisions concerning the continued regulation of these business activities, including decisions to reduce or intensify their regulation, should be made within the broader context of an appropriate approach to the regulation of all adult-oriented businesses. This requires a further, more comprehensive review than was possible as part of this process. Accordingly, it is proposed that these business activities should continue to be licensed under largely the same regulatory scheme until the broader review can take place.

The only change is that, where Dating and Escort Services and Massage Parlous can operate will now be regulated by the new *Zoning By-law 200/2006* and the *Downtown Winnipeg Zoning By-law*, rather than the *Doing Business in Winnipeg By-law*. The new *Zoning By-law 200/2006* prohibits them from being located outside the area regulated by the *Downtown Zoning By-law*. The *Downtown Zoning By-law* allows them as a conditional use. This change appropriately consolidates land use regulations for Winnipeg businesses within the City's Zoning By-laws. Any future changes with regard to regulating the location of these businesses would be done by Council amendments to the Zoning By-laws, which require public hearing processes.

Massage Therapists

The existing License By-law requires massage therapists to be licensed. However, the By-law distinguishes them massagists by virtue of the fact that massage therapists are health practitioners who have graduated from a recognized school. Many of the concerns that have prompted the licensing of massagists, therefore, are irrelevant to massage therapists. The only concern that could justify continued licensure of massage therapists is a public health and safety concern.

Normally, of course, the public health and safety concerns associated with the practice of a health profession are dealt with by Provincial professional legislation. Such legislation is designed to ensure that health practitioners receive appropriate levels of professional education, supervision and training and continue to be governed by regulatory bodies that ensure that their services are provided ethically and safely. This approach affords the public with considerably greater protection than a municipal licensing system could possibly provide; as noted, the City's current licensing system focuses on ensuring that massage therapists have graduated from an approved training program but is not designed to provide ongoing assurances of competence. It is not entirely clear why the Province has declined to date to enact professional legislation that would govern massage therapists.

In light of the reliance placed on the City's licensing of massage therapists by the health insurance industry, the general public and massage therapists themselves, the Public Service proposes that the City's existing licensing regime for massage therapists should remain in force for the time being. However, it is also recommended that more investigation should be conducted, stakeholder consultation initiated and the Province consulted with a view to determining an appropriate long-term regulatory response by the City of Winnipeg.

Recommendation 3.4

3.4 Phase-in the proposed new system, reducing all remaining requirements for a license into requirements for conditional occupancy, with appropriate penalties.

Under this system, the occupancy permit would be a conditional approval that could be revoked for non-compliance with certain identified conditions attached to each permit. The City should amend by-laws to enact this approach.

Occupants operating a business with historic fire hazards or occupying a location deemed to pose a fire risk will require a regular fire inspection as a condition of occupancy.

Occupants operating a business of traditional concern to law enforcement officials will be required to comply with police access and record review requirements as a condition of occupancy.

Occupants operating a business with health risks or occupying a location deemed likely to pose a health risk will require a regular health inspection as a condition of occupancy.

This report proposes that the new *Doing Business in Winnipeg By-law* be the primary means for regulating ongoing business activities in Winnipeg, rather than reducing remaining requirements for a license into requirements for conditional occupancy under the Winnipeg Building By-law, as suggested in Red Tape Recommendation 3.4. This approach is based on the following rationale:

The Winnipeg Building By-law – Conditional Occupancy Permits

The Winnipeg Building By-law establishes administrative requirements and procedures for enforcement of the *Building and Mobile Homes Act.* It applies to new and existing construction including: design, construction, placement, alteration, repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of any buildings or structure. The by-law regulates the issuing of building permits including: building, demolition, electrical, plumbing, sign permits, and the licensing of plumbing contractors.

A Building Occupancy Permit is permission to occupy any building, or part thereof, issued under *The Winnipeg Building By-law*. An Occupancy Permit is generally required for a new or renovated building, change in occupancy load, and a change in use or tenant. It is designed to ensure that new and renovated buildings comply with the construction requirements under the Building Code. An Occupancy Permit is issued after all applicable inspections are completed to confirm that the project has been substantially completed and that building meets all life safety requirements under the Building By-law. Any building predating the Building By-law, that has not undergone construction or a change in major occupancy, would not have an occupancy permit.

Temporary Building Occupancy Permits many be issued for the use of a building or structure approved as a temporary building or structure under the by-law. They may be issued for a period of not more than one year and renewed for a further one year period. While in theory the Winnipeg Building By-law could be amended to “reduce all remaining requirements for a license into requirements for conditional occupancy, with appropriate penalties”, it would not be an effective means of either regulating business activity, or reducing red tape. Zoning and building by-laws are designed to regulate land use and construction codes, not the ongoing operation of the business activity. Once zoning and building code requirements have been met and an occupancy permit issued the regulatory process for all intent and purposes ends. There is no ongoing inspection or regulatory process associated with either zoning or building occupancy permits. By-laws restricting the use of property on which a business is located or regulating how a building is constructed should not be used to control the manner in which a business is carried on.

The licensing system has proven to provide an effective mechanism for regulating ongoing business activities. It is therefore the opinion of the Public service that the ongoing requirements for health, or fire inspections, or record keeping for the prevention of crime, would be more suitably enforced under a business licensing system. The proposed *Doing Business in Winnipeg By-law* is a streamlined approach to regulation

that reduces and or eliminates red tape associated with the current License By-law 6551/95.

Recommendation 3.5 and 3.6

3.5 While this recommendation is primarily designed to reduce the paperwork burden for small business, it is also designed to better meet public safety expectations by focusing resources and regulations on key areas of public concern, shifting enforcement from a two-layered model into a system based on one permit and one pattern of enforcement.

The Winnipeg Public Service should have appropriate discretion to make organizational changes to achieve this goal in a manner that draws on the talent and experience of all pertinent enforcement offices. If necessary, fee charges described in Recommendation 3.7 should be set to recover costs for cross-training to a maximum use of enforcement experience in the relevant staff units.

3.6 Once operational, the new system should assign fire, police or health inspection requirements flexibly rather than through a fixed, trade-specific by-law schedule to allow the system to remain modern in the face of changes to business practices.

The existing land and building based regulatory systems are not designed to regulate ongoing business activities and once a building occupancy permit is issued the regulatory process for all intent and purposes ends. Therefore, shifting enforcement from a two-layered model into a system based on one permit and one pattern of enforcement is not recommended for the reasons put forth under recommendation 3.4 above.

Furthermore, this recommendation proposes cross-training enforcement officers to be able to assign fire, police or health inspection requirements flexibly rather than through a fixed, trade-specific by-law schedule.

<u>Transfer of License Services to the Proposed By-law Enforcement Unit</u>

A number of recent and impending policy decisions impact the License Branch. On July 11, 2007, Executive Policy Committee directed the City of Winnipeg Public Service to report back by January 2008 with a plan to consolidate the responsibility for by-law enforcement under one body through the creation of an identifiable stand-alone by-law enforcement unit. The Public Service was further directed to identify a plan to cross train by-law enforcement officers in the enforcement of all civic by-laws and to identify all by-laws where cross training can not be performed.

The creation of a by-law enforcement unit would enable the consolidation of some by-law enforcement provisions. Licence inspectors could be incorporated into such a system, however most fire inspections and health enforcement regulations require inspections by designated Fire Inspectors and Public Health Inspectors respectively.

Licenses issued under the current City of Winnipeg License By-law No. 6551/95 are administered and enforced by the Community Services Department, License Branch. In addition to business licensing, the License Branch administers the issuing of permits and licenses under a number of other by-laws including:

- Licence in Lieu of Business Tax By-law 122/200
- Taxicab License Fee By-law No. 6123/93
- Streets By-law No. By-law 1481/77 (for vending machines on city streets)
- Raffle Lottery License By-law No 7470/99
- Civic Charities Applications & Permits By-law No. 6916/96

A number of recent and impending policy decisions impact the License Branch. The *Final Report of the Mayor's Red Tape Commission* proposed a number of recommendations which impact business licensing including:

- Recommendation 4 – Reform and eventual elimination of home based business licenses
- Recommendation 21 – Make it an intergovernmental priority to eliminate cases of intergovernmental overlap within Winnipeg's jurisdiction. Negotiate agreements with the Government of Manitoba to eliminate jurisdictional conflicts and inconsistencies, especially with respect to by-laws enforcement and health inspections.
- Recommendation 25 – 311 based customer service model

On April 25, 2007 Council adopted the following recommendation as part of the Red Tape Commission – Recommendation 4:

> *That subject to Council approving increased revenues, service reductions/and or efficiencies during the 2008 budget process in order to offset the loss of license-in-lieu of business tax revenue; that the License In Lieu of Business Tax By-law 122/2003 be repealed effective January 1, 2008 as the third step of Council's reduction of business tax;*

On October 24, 2007 Council adopted an internally operated model of service delivery for a consolidated 311 service. The new 311 centre is anticipated to "go live" within 12 to 18 months.

Furthermore on July 11, 2007 the Executive Policy Committee directed the City of Winnipeg Public Service to report back in January 2008 with a plan to consolidate the responsibility for by-law enforcement under one body through the creation of a stand-alone by-law enforcement unit.

As these initiatives are implemented the staff compliment of the License Branch will be reduced significantly. It is proposed that the License Branch continue to administer business licensing under the new *Doing Business in Winnipeg By-law* until such time as the by-law enforcement unit is created. With the implementation of the by-law enforcement unit all remaining functions of the License Branch could be incorporated into the new by-law enforcement unit, thereby ensuring a smoother transition.

Recommendation 3.7

3.7 Under the new system, fees for necessary inspections and enforcement will be charged to the applicant for an occupancy permit on a cost recovery basis, and/or to those businesses receiving inspections and/or complying with record review requirements under the new model. 'Cost-recovery" implies cost-recovery for each enforcement function and its administration in the new occupancy permit system, not simply cost-recovery for the functions transferred from the previous license system.

The transition can and should be broadly revenue-neutral from the City's perspective, based on user-pay adjustments distributing costs to those who apply for occupancy permits, and those who receive user-pay inspections.

The Fiscal Issues Committee should review fees one year after implementation to ensure that the fees in the new system substantially achieve the goal of cost-recovery.

New License Fees

Following the approval of the framework for the new *Doing Business In Winnipeg By-law* proposed within this report, a license fee schedule that reflects the actual cost of carrying out regulatory services will be provided for Council consideration at the same time as the new *Doing Business In Winnipeg By-law* is brought to Council (April 2008). Licensing, by-law enforcement, record review and inspection process costs will be consolidated into the new fee structure.

Implementation Plan

It is proposed that the new *Doing Business in Winnipeg By-law* be adopted for implementation on June 1, 2008 to align with the licensing year for the majority of business activities licensed under the current *City of Winnipeg License By-law.*

Under the current by-law, hawkers, outdoor mobile food vendors, plant stalls and rooming houses licenses are renewable on January 1st. Plant stalls and hawkers will no longer require a business license under the new *Doing Business in Winnipeg By-law*. Therefore, it is recommended that the business license requirements under the *City of Winnipeg License By-law No. 6551/95* for hawkers, and plant stalls be repealed

effective January 1, 2008. As a transition measure, business licenses issued under the *City of Winnipeg License By-law No. 6551/95* that are subsisting at the time the new *Doing Business in Winnipeg By-law* takes effect will be recognized as valid until their expiry date (This will only effect mobile food vendors and rooming houses).

Communication Plan

A public communication plan will be developed to inform business owners of the new provisions and fees under the Doing Business in Winnipeg By-law. The updated information will be made available online via the City website and through BizPal, a free web-based service operated by Industry Canada which allows business owners to generate a list of all permits and licensing requirements from all levels of government through a simple on-line question and answer wizard.

Human Resource Implications

Business licensing accounted for 46.18% of the total licenses processed by the License Branch in 2006. It is estimated that the number of business licensed issued would be reduced by 24.85% under the new Doing Business in Winnipeg By-law; however the business activities that will continue to be licensed account for the majority of the by-law enforcement inspections that are conducted by the branch.
The License Branch has a total of 17 full time equivalents (FTE's) in the 2007 Operating Budget. Of that a reduction of 2.6 FTEs was proposed with repealing of the License in Lieu of Business Tax, 3 FTEs have been allotted to the new 311 centre, and one FTE is assigned to the Bicycle Recovery program.

The City of Winnipeg Public Service is to report back by January 2008 with a plan to consolidate the responsibility for by-law enforcement under one body through the creation of an identifiable stand-alone by-law enforcement unit. Given the interrelationship of these two initiatives, any further staff re-structuring will occur at the time of formation of the proposed By-law Enforcement Unit.

Limitations of the Current Review

The need for regulatory systems like business licensing reflects the issues and concerns of the community at a particular point in time. What is required today to protect the health, safety, welfare of the community, may or may not reflect our future needs. There will always be a need to regulate some new business activities due to changing trends and emerging issues; it is an ongoing process. The current analysis is limited to those regulatory processes that could reasonably be achieved within the time frame allotted. Further analysis will be required on emerging issues, such as after-hour and youth dance halls, to determine if regulatory provisions are needed for other business activities.

There are a few licensing issues that, due to the complexity of the matter, could not be resolved within the scope of this report and will require further analysis and/or stakeholder consultation. In such cases the status quo has been maintained until such time that the issues can be addressed with due diligence. Outstanding issues include:

- Proposed amendment to the Residential Building Fire Safety By-law to align intended use and application.
- Further information and analysis concerning recent fire inspection obligations imposed by the Province of Manitoba.
- Reviewing the regulations for massagists, massage parlours, escorts and escort services as well as adult-oriented businesses.
- Review of the current regulatory requirements for massage therapists.
- Further review of businesses licensed within the Public Health category, and the possible consolidation of the Food Service Establishment permit and the Business License into one, pending the outcome of the review of jurisdiction responsibility for the delivery of Environmental Health Services as identified in Red Tape Recommendation 21.

FINANCIAL IMPACT

Should Council approve the proposed framework for the *Doing Business in Winnipeg By-law* contained within this report, financial implications will be provided in a subsequent report brought forward with the actual By-law in April 2008. The financial impact of the new fee structure is anticipated to be mill rate support neutral.

Financial Impact Statement

Date: December 7, 2007

Project Name:
Red Tape Recommendation 3 - Doing Business in Winnipeg By-law

COMMENTS:

Should Council approve the proposed framework for the Doing Business in Winnipeg By-law contained within this report, financial implications will be provided in a subsequent report brought forward with the actual By-law in April 2008. The financial impact of the new fee structure is anticipated to be mill rate support neutral.

original signed by

Cindy Fernandes
Manager of Finance & Administration

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

- Public Works Department
- Water and Waste Department
- Internal Services Department: Legal Services
- Corporate Finance; Risk Management

External Consultation With:

THIS REPORT SUBMITTED BY:

Department: Community Services Department
Division: Community Resource, Protection & Safety Services
Prepared by: Kelly Goldstrand, Manager
Karen Mathieson, Project Coordinator
File No.

Attachments:

Appendix A: By-law amendment to repeal the business license requirements under the *City of Winnipeg License By-law No. 6551/95* for hawkers, and plant stalls effective January 1, 2008
Appendix B: Business activities in which the regulatory requirements are perceived as either being unnecessary, redundant, or regulated by other existing regulatory processes.
Appendix C: Comparative study of business licensing practices other Canadian municipalities
Appendix D: The City of Winnipeg Charter, Part 5 – Powers of the City

THE CITY OF WINNIPEG

BY-LAW NO. /2007

A By-law of THE CITY OF WINNIPEG to amend the License By-law.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. The License By-law No. 6551/95 is amended by this By-law.

2. The definitions "*hawker*" and "*plant stall*" are repealed in section 2.

3. Subsection 4(13)(a) is amended by striking out "*, hawker*".

4. Clause 5(4)(c) is amended by striking out "*plant stall,*".

5. Clause 5(5)(b) is amended by striking out "*the trades of outdoor mobile food vending unit or hawker*" and substituting "*an outdoor mobile food vending unit*".

6. Clause 7(1)(a) is amended by striking out "*hawkers,*" and "*, plant stall*".

7. Clause 10(2)(e) is amended by striking out "*hawker,*".

8. Section 24 is repealed.

9. Schedule A is amended

   (a) in the Table identified as Part 2, by striking out row 1 (Hawker) and row 3 (Plant Stall); and

   (b) in the Table identified as Part 3, by striking out 1(d).

DONE AND PASSED, in Council assembled, this day of , 2007.

Approved as to content:

_____
Director of Community Services

_____
Mayor

_____
City Clerk

Approved as to form:

_____
for City Solicitor/Manager of
Legal Services

Appendix B

Business Licenses Proposed To Be Deleted

It is proposed that the licensing requirement be removed for the following business activities in which the regulatory requirements are perceived as either being unnecessary, redundant, or regulated by other existing regulatory processes.

License Category	Current Licensing Regulations	Zoning Regulations	Other Considerations
Amusement Device *	Ensure name, address & telephone number of owner displayed on machine	Allowed as an Accessory Use in Parks, Commercial and Industrial	Amusement Devices; no longer a contemporary concern.
Amusement Parlour	Community Committee approval of new license applications, record review and Certificate of Fire Paramedic Chief required. Hours of operation regulated and parental consent of minors under 16 years of age required.	Conditional in Parks, Permitted in Commercial and Industrial	Nature of business has evolved; no longer a municipal concern. Rides regulated under The Amusement Act.
Awning & Canopy Installer	$10,000 Bond of indemnity $1.5M insurance policy	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way
Billiard Parlour	Community Committee approval of new license applications. Hours of operation regulated	Conditional in Parks, Permitted in Commercial and Industrial	No longer a contemporary concern from a public safety perspective.
Bus	Operator must provide name, license plate and business address to customer upon request	Not Regulated	Regulated under the Motor Vehicle Act
Canvasser	Hour of operation regulated. Can not solicit orders on street.	Not Regulated	Direct Sellers License - The Consumer Protection Act
Chimney Sweep	Certificate of Fire Paramedic Chief required.	Not Regulated	Minor modification to ***Fire Prevention by-law*** will provide adequate regulation
Crane Operator	$10,000 Bond of indemnity $1.5M insurance policy	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way
Furnace Vacuum Cleaner	$10,000 Bond of indemnity	Not Regulated	Usually residential activity. May require ***Use of Street Permit*** if blocking public right of way
Game (includes gaming devices)	Ensure name, address & telephone number of owner displayed on machine	Not Regulated	Gaming Devices no longer a contemporary concern
Hatchery, Chick		Conditional in Agricultural	Only a zoning issue at the municipal level.
Hawker	Hours of operation & location regulated. Ensure name, address & telephone number of owner displayed on vehicle.	Not Regulated	May require ***Use of Street Permit*** if using public right of way. Regulated under the Consumer Protection Act - Direct Sellers License

License Category	Current Licensing Regulations	Zoning Regulations	Other Considerations
House Mover	$10,000 Bond of indemnity	Not Regulated	Regulated through a move permit issued under the ***Traffic By-law No. 1573/7.***
Insulating Machine	$10,000 Bond of indemnity	Not Regulated	Usually residential activity. May require ***Use of Street Permit*** if blocking public right of way
Itinerant Photographer	Provide name and address of employees/ agents to Chief License Inspector	Not Regulated	Direct Sellers License - The Consumer Protection Act
Itinerant Salesman	Provide name and address of employees/ agents to Chief License Inspector	Not Regulated	Direct Sellers License - The Consumer Protection Act
Karting Track	Community Committee approval of new license applications. $.5 M insurance policy required.	Conditional in Parks and minor Commercial, Permitted in major Commercial and Industrial	Regulated for safety under The Amusement Act
Laundry/ Dry Cleaning Plant	Hours of operation regulated. Ensure name, address and telephone number of operator must be posted.	Permitted in Industrial	No longer a contemporary concern
Livery Stable	Community Committee approval of new license applications	Conditional in Agricultural	Regulated under The Farm Practices Protection Act
Livestock Dealer		Conditional in Agricultural	No longer a contemporary concern
Magazine Salesman	Hours of operation regulated. Provide name and address of employees/ agents to Chief License Inspector	Not Regulated	Direct Sellers License - The Consumer Protection Act
Motor Raceway	Community Committee approval of new license applications. Certificate of Building Services, Fire Paramedic Chief, and Engineer's design. $2M insurance policy. Vehicles must be certified by a qualified mechanic.	Conditional in Parks, Commercial and Industrial	Amusement rides regulated under the Amusement Act
Oil Supply Service	$10,000 Bond of indemnity	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way
Pet Shop	Certificate of Public Health Inspector	Retail allowed in all Commercial	Regulated under the Animal Care Act
Plant Stall		Not Regulated	No longer a contemporary concern.
Poultry Keeper		Conditional in Agricultural	Only a zoning issue at the municipal level. Operations regulated Provincially.
Poultry Slaughter House	Community Committee approval of new license applications. Certificate of Public Health Inspector required.	Conditional in Agricultural, Permitted in Heavy Industrial	Only a zoning issue at the municipal level. Operations regulated Provincially.
Psychic Reader	Photograph and record review required.	Not Regulated	No longer a contemporary concern

License Category	Current Licensing Regulations	Zoning Regulations	Other Considerations
Rides	General liability insurance required	Not Regulated unless under a Special Event Permit	Regulated under The Amusement Act
Shooting Gallery	Certificate of Building Services required.	If indoor - Conditional in Parks, Permitted in Commercial and Industrial, If outdoor – Conditional in Parks, Permitted in Industrial and major Commercial areas.	No longer a contemporary fire safety concern
Shuffleboard		Not Regulated	No longer a contemporary concern
Sign Erector	$10,000 Bond of indemnity $1.5M insurance policy	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way
Skateboard Facility	Certificate of Building Services	If indoor - Conditional in Parks, Permitted in Commercial and Industrial, If outdoor – Conditional in Parks, Permitted in Industrial and major Commercial areas.	Building permit required for construction
Soap Manufactory	Community Committee approval of new license applications	Permitted in Industrial	No longer a contemporary concern
Soils Dealer	Community Committee approval of new license applications. Certificate of Fire Paramedic Chief	Conditional in Agricultural, Permitted in Heavy Industrial	Only a zoning issue at the municipal level
Souvenir Book Seller	Provide name and address of employees/ agents to Chief License Inspector	Not Regulated	Direct Sellers License - The Consumer Protection Act
Souvenir Seller	Provide name and address of employees/ agents to Chief License Inspector	Not Regulated	Direct Sellers License - The Consumer Protection Act
Street Artist	Provide name and address to Chief License Inspector	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way
Tannery	Community Committee approval of new license applications. Certificate of Fire Paramedic Chief.	Permitted in Heavy Industrial	Only a zoning issue at the municipal level
Tobacconist *		Retail Permitted in Commercial	Tobacco shops that permit smoking samples would still be inspected under the Smoking By-law
Toboggan Slide	Certificate of Building Services required.	Not Regulated	
Trailer Park		Permitted only in Mobile Home Park Zoning District	Regulated under the ***Mobile Home License By-law No. 821/74***
Transient Trader	Provide name and address of employees/ agents to Chief License Inspector	Not regulated	Direct Sellers License - The Consumer Protection Act

License Category	Current Licensing Regulations	Zoning Regulations	Other Considerations
Undertaker, Funeral Director	Community Committee approval of new license applications	Retail Permitted in Commercial	Regulated under the Embalmers & Funeral Directors Act
Used Material Collector	Hours of operation regulated. May not acquire goods from minors.	Permitted in Medium and Heavy Industrial	Used material yards still regulated
Vending Machines *(excluding vending machines that sell foods that may pose a health risk)	Ensure name, address & telephone number of owner displayed on machine	Not Regulated	No longer a contemporary concern. (Vending machines selling foods that may pose a health risk will be regulated within the Doing Business in Winnipeg By-law).
Waste Oil Trucker	Tank must be equipped with a metered power take-off pump, records maintained & weekly report submitted to Director of Water & Waste.	Not Regulated	Regulated under the Dangerous Goods Handling & Transportation Act. Concurrence from Director of Water & Waste received
Window Installer	$10,000 Bond of indemnity $1.5M insurance policy	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way
Window Washer	$10,000 Bond of indemnity $1.5M insurance policy	Not Regulated	May require ***Use of Street Permit*** if blocking public right of way

** Accounts for the largest revenue source >$50,000*

Appendix C

A Comparative Sample of Business Licensing Practices in Other Canadian Jurisdictions (2007)

Licence Type	Brandon	Calgary					Edmonton	Halifax	Regina	Saskatoon		Vancouver		Toronto		Ottawa	Hamilton		Winnipeg
	Fee	New	Renew	Fire Inspection Fee New	Fire Inspection Fee Renew	Police Fee (new only)	Fee	Fee	Fee	Fee New	Fee Renew	Fee New	Fee Renew	Fee New	Fee Renew	Fee	Fee New	Fee Renew	By-law 6551/95
All businesses (unless listed)	$10 w/b tax $170 w/o business tax								Resident business - 112.50/225 Non-resident $450 (excl commercial & industrial taxed biz)	95	70	160	110						
Accupunturist												254	204						
Adult Attendant														382	215		250	200	
Adult Establishment														10240	9875	2500/500	4180/1390	4130/1340	
Adult Entertainment Store												326	276						
Adult Mini-Theatre		120	92	40	40	35	1606												
Adult Video Store																500/50	2050/200	2000/150	
Advertising Canvasser or Distributor		120	92	40	20	35													
Alarm Agency		120	92	40	20	35													
Alarm Agent		120	92	N/A	N/A	35													
Alcohol Beverage Manufacturer		120	92	160	80	35													
Alcohol Beverage Sales		120	92	80	80	35	162												
Amusement Arcade		120	92	40	40	35	162					326	276			140	225	175	650
Amusement Device/Game	170							35											90
Amusement Park												4113	4063	388	182		225	175	
Animal /Veterinary Hospital												254	204						
Antique Buyer												160	110						85/200
Apartment Building												formula	formula						
Apartment Building Operator 1-3 storeys		120	92	80	80	N/A													
Apartment Building Operator More than three storeys		120	92	160	80	N/A													
Auto Body Shop		120	92	160	160	35													
Auctioneer							162							504	235	345	235	185	
Auctioneer /non-resident								290/650											200
Auctioneer Jewelry/ non-resident								140/190											
Awning and canopy Installer																			80
Bar/Lounge							162					formula	formula						
Banquet Hall																	255	205	350
Barber Shop														298	181				100
Beauty Salon												254	204	298	181				100
Bed and Breakfast							162					87	37				285	235	
Bicycle Courier Agency		120	75	40	20	N/A													
Bicycle Dealer																			90
Billiard Parlour												272	222	388	182		225	175	135
Bingo Parlor																	225	175	
Bowling Alley												254	204	388	182		225	175	240

Source: Data compiled from an internet search of business licensing and other trade related by-laws, from a sample of comparable Canadian municipalities, in 2007.

A Comparative Sample of Business Licensing Practices in Other Canadian Jurisdictions (2007)

Licence Type	Brandon	Calgary					Edmonton	Halifax	Regina	Saskatoon		Vancouver		Toronto		Ottawa	Hamilton		Winnipeg
	Fee			Fire Inspection Fee		Police Fee (new only)	Fee	Fee	Fee	Fee		Fee		Fee		Fee	Fee		By-law 6551/95
		New	Renew	New	Renew					New	Renew	New	Renew	New	Renew		New	Renew	
Body Rub Parlour												8454	8404	19419	19054	500	6810	6760	
Body Modification Establishment																			460
Body Modification Technician																			110
Body Painting Studio		3600	3600	40	20	35						8454	8404						
Body Painting Studio Model		114	92	N/A	N/A	35													
Building Exterior Cleaner																	235	185	
Bus														341	271				65
Cabaret												Formula	Formula						
Canvasser												160	110						65
Carpet/Upholstery Cleaner												172	122						
Carnival or Circus	170	120	92	80	80	N/A	1285/day (> 25 shows/ games/ rides) 536 (< 25)					126/day		388	182		215	165	175
Casino												245	195						
Caterer												345	295						
Charitable Organizations	170	60	47	40	20	35						10	10						
Chimney Sweep												183	133						100
Christmas Tree Vendor		120	92	N/A	N/A	N/A													
Cinema		120	92	160	160	N/A								388	182				280
Cleaning Service		120	92	80	80	35													
Club												345	295						
Club Manager												160	110						
Cigarette Vending Machine																			85
Coin Dealer									335 per location										
Coin Operated Service												230	270						
Concert (per day)		1000	1000	40	40	N/A						126/334							
Concert Facility/Hall		200	100	160	160	35						formula	formula	388	182				205
Container Depot		120	92	80	80	N/A													
Contractor	170	120	92	80	80	35				400	400	172	122						
Construction Vehicle and Equipment Sales/Rentals							162												
Conventional station												199	149						
Courier/Messanger												150	100						
Crafters	30/45/60																		
Crane Operator																			80
Dance Club							162							388	182				
Dance - Late Night (per day)		250										240/963	240/963			205			
Dance Hall												272	222	388	182				390
Dancing Academy												183	133						
Dating Service												183	133						105
Date or Escort		120	92	N/A	N/A	35													
Deliver/Transportation Service							53/vehicle												

Source: Data compiled from an internet search of business licensing and other trade related by-laws, from a sample of comparable Canadian municipalities, in 2007.

A Comparative Sample of Business Licensing Practices in Other Canadian Jurisdictions (2007)

Licence Type	Brandon	Calgary					Edmonton	Halifax	Regina	Saskatoon		Vancouver		Toronto		Ottawa	Hamilton		Winnipeg
	Fee	New	Renew	Fire Inspection Fee New	Fire Inspection Fee Renew	Police Fee (new only)	Fee	Fee	Fee	Fee New	Fee Renew	Fee New	Fee Renew	Fee New	Fee Renew	Fee	Fee New	Fee Renew	By-law 6551/95
Dating and Escort Service		120	3600	40	20	35	4282					957	907						4000
Dating and Escort Service Independent							1606												
Dining Lounge												4.20 per seat + 50	4.20 per seat						
Direct Sales Contractor										400	400								
Direct Seller	85									50	50								
Distribution Manager		120	92	40	20	35													
Duplex												49 per unit +50	49 per unit						
Dwelling												99	49						
Dry Cleaner												160	110						300
Electrician												160	110						
Electronic Repair Shop		120	92	40	20	N/A													
Encounter Counsellor		114	92	N/A	N/A	35													
Encounter Studio		3600	3600	40	20	35													
Entertainment Establishment		120	92	80	80	N/A	162					315	265						
Escort							107					183	133						
Escort Agency/Service							4282					1043	993						
Exhibition Hall							162												
Exotic Entertainer		120	92	N/A	N/A	35	107												
Exotic Entertainment Agency		120	92	40	20	35	3855												
Extended Dance Event (per event) After Hours Dance Event		250	N/A	160	160	N/A	268												
Fabric Cleaning		120	92	80	80	N/A													
Farmers Market										125	125	10	10						
Flea Market	170															3000/200	225	175	130/day or 450/4 or more days
Financial Institution												1175	1125						
Firearm/Ammunition Dealer																			
Food Processing												628	578						
Food Service – No Premises		620	592	N/A	N/A	N/A													210
Food Service – Premises		120	92	80	80	N/A								396	225	145			330
Food Service – Limited												449	399						200
Fuel Sales/Storage		120	92	80	80	N/A													
Furnace Vacuum Cleaner																			65
Furniture Refinishing		120	92	80	80	N/A													
Gaming Establishment							2141												
Garage Sale							18												
General Business							162												
General Contractor							162												
General Industrial							162												
Holistic Centre Owner												255	205	232	115				
Holistic Practitioner														262	149				

Source: Data compiled from an internet search of business licensing and other trade related by-laws, from a sample of comparable Canadian municipalities, in 2007.

A Comparative Sample of Business Licensing Practices in Other Canadian Jurisdictions (2007)

Licence Type	Brandon	Calgary					Edmonton	Halifax	Regina	Saskatoon		Vancouver		Toronto		Ottawa	Hamilton		Winnipeg
	Fee	New	Renew	Fire Inspection Fee New	Fire Inspection Fee Renew	Police Fee (new only)	Fee	Fee	Fee	Fee New	Fee Renew	Fee New	Fee Renew	Fee New	Fee Renew	Fee	Fee New	Fee Renew	By-law 6551/95
Hatchery,Chick																			130
Hostel																			205
Hotel/Motel		120	92	160	160	N/A													
Home Business License/Tax	170						150												
House Mover																			130
Ice Cream Freezer																			155/230
Independent Escort Agency							1606												
Indoor Participant Recreation Facility							162												
Ice Skating Rink																			160
Insulating Machine																			65
Itinerant Photographer																			130
Itinerant Salesmant greeting cards																			65
Itinerant salesman other																			460
Karting Race Track																			275
Kennel Service/Pet Dealer		120	92	40	20	N/A						160	110						
Laundry												254	204						300
Leisure Establishment														388	182				
Liquor Store		120	92	80	40	35						358	308						
Livestock Operation							162												
Livery Stable												254	204						130
Locksmith												183	133						
Lodging House		120	92	80	80	N/A													
Magazine Salesman																			130
Manufacturer		120	92	80	80	N/A						160	110						
Market		120	92	80	40	35													
Massage Parlour												272	222	19419	19054		6720/320	6760/270	4000
Massage Centre		120	92	40	20	35	63												
Massage Office		120	92	N/A	N/A	35													
Massage Practitioner/Therapist		120	92	N/A	N/A	35	63												110
Massagist	170																320	270	120
Model		120	92	N/A	N/A	35													
Model Studio		120	3600	40	20	35						8454	8404						
Mobile Food Vendor Cart or Vehicle - non-motorized								120		100	100	157	107						
Mobile Food Vendor Cart or Vehicle - motorcycle										250	250	157	107						
Mobile Food Vendor Cart or Vehicle - motorized other than motorcycle								915		500	500	157	107				265/295	215/245	
Motor Raceway														388	182		225	175	330
Motor Vehicle Dealer – No Premises		120	92	N/A	N/A	35													

Source: Data compiled from an internet search of business licensing and other trade related by-laws, from a sample of comparable Canadian municipalities, in 2007.

A Comparative Sample of Business Licensing Practices in Other Canadian Jurisdictions (2007)

Licence Type	Brandon	Calgary					Edmonton	Halifax	Regina	Saskatoon		Vancouver		Toronto		Ottawa	Hamilton		Winnipeg
	Fee			Fire Inspection Fee		Police Fee (new only)	Fee	Fee	Fee	Fee		Fee		Fee		Fee	Fee		By-law 6551/95
		New	Renew	New	Renew					New	Renew	New	Renew	New	Renew		New	Renew	
Motor Vehicle Dealer – Premises		120	92	80	80	35													
Motor Vehicle Repair & Service		120	92	80	80	N/A													
Multiple Conversion Dwelling												formula	formula						
Newspaper Vending Machine												28	28						15
Non-Resident Business		500	500	N/A	N/A	N/A	524												
Nude Business Agency							3855												
Nude Worker							107												
Nightclub							645							396	225				
Office Building Operator		120	92	160	80	N/A													
Oil Supply Service																			80
Outdoor Patio		120	92	N/A	N/A	N/A													
Outdoor Mobile Food	170																		310
Outdoor Mobile Food - Fruit & Veg	170																		235
Painter												160	110						
Pawnbroker	170	120	92	40	20	35	162		235 per location			1759	1709	504	235		185	135	605
Peddler												160	110				235	185	
Peddler - Food												254	204						
Personal Care Home												formula	formula						
Personal Service		120	92	40	20	35	162												
Pet Store												254	204	504	235		185	135	140
Photographer		120	92	80	40	35													
Plant Stall																			65
Plumber												160	110						
Poultry Keeper																			130
Poultry Slaughter																			305
Precious Metal Dealer														504	235		185	135	90/365
Psychic Practitioner		120	92	N/A	N/A	35						183	133						
Pushcart Vendor		120	125	N/A	N/A	N/A													
Public Bath												272	222				320	270	
Public Market							162					1092 annum 417/day	1042/annum 367/day						
Regional	255																		
Regulatory														2571	2345				
Rental Accomodations							162												
Restaurant							162					628	578	396	225		215/315	165/165	
Retail Dealer – No Premises		620	585	N/A	N/A	N/A													
Retail Dealer – Premises		120	92	80	40	N/A						160	110						
Retail Dealer –Food												254	204	298	182		215/275	165/225	
Retail Dealer – Grocery												707	657						
Retail Dealer – Market												3334	3284						
Retail Other														504	235				
Retail Services														298	181				
Rides								35					80/95						

Source: Data compiled from an internet search of business licensing and other trade related by-laws, from a sample of comparable Canadian municipalities, in 2007.

A Comparative Sample of Business Licensing Practices in Other Canadian Jurisdictions (2007)

Licence Type	Brandon	Calgary					Edmonton	Halifax	Regina	Saskatoon		Vancouver		Toronto		Ottawa	Hamilton		Winnipeg
	Fee			Fire Inspection Fee		Police Fee (new only)	Fee	Fee	Fee	Fee		Fee		Fee		Fee	Fee		By-law 6551/95
		New	Renew	New	Renew					New	Renew	New	Renew	New	Renew		New	Renew	
Roller Skating Rink													160	388	182		225	175	
Rooming House												formula	formula						340
Salvage Collector		120	92	N/A	N/A	35						272	222						
Salvage Yard/Auto Wrecker		120	92	80	80	35										120	225	175	
Skateboarding/ BMX																	225	175	
School – Driver's Education		120	92	40	20	N/A													
School – Vocational, Commercial		120	92	160	160	N/A						254	204						
Secondhand Dealer - w/electronic reporting to police									235 per location										
Secondhand Dealer	170	120	92	40	20	35	162		835 per location					504	235	120	285	135	135
Secondhand Dealer Electronics																			305
Secondhand Dealer Class 1												1759	1709						
Secondhand Dealer Class 2												989	939						
Secondhand Dealer Class 3												697	647						
Secondhand Dealer Class 4												294	244						
Secondhand Dealer Class 5												294	244						
Secondhand Dealer Class 6												454	404						
Security Consultant		120	92	N/A	N/A	35													
Security Consulting Agency		120	92	40	20	35													
Sign erector																			80
Small Animal Breeding/Boarding Establishment							162												
Soils Dealer																			165
Swimming Pool												642	592	388	182				
Talent Model Agency												183	133						
Tanning/Skin care Salon												254	204						
Tattoo Parlour												254	204						165
Theatre												254	204	388	182				
Tobacco Retailer		120	92	40	20	N/A	162							504	235	300	335	285	
Trade Show	40	120	92	160	160	35				500	500								
Tradesperson														325	179				
Transient Traders	340/500									500	500	2714 annum	2434 annum	504	235		500	500	range from 230 to 550
Trailer Court												236	186				2710	2710	65
Travelling or Temporary Sales							162												
Travelling or Temporary Food Sales							162												
Undertaker												254	204						265
Used Material Collector												160	110	504	235				70
Used Material Yard														504	235				330
Vehicle Refueling Station							162												
Vehicle Repair							162												
Vehicle Sales/Rentals							162					183	133						
Vending Machine								55				16	16						15

Source: Data compiled from an internet search of business licensing and other trade related by-laws, from a sample of comparable Canadian municipalities, in 2007.

A Comparative Sample of Business Licensing Practices in Other Canadian Jurisdictions (2007)

Licence Type	Brandon	Calgary					Edmonton	Halifax	Regina	Saskatoon		Vancouver		Toronto		Ottawa	Hamilton		Winnipeg
	Fee	New	Renew	Fire Inspection Fee		Police Fee (new only)	Fee	Fee	Fee	Fee		Fee		Fee		Fee	Fee		By-law 6551/95
				New	Renew					New	Renew	New	Renew	New	Renew		New	Renew	
Warehousing		120	92	80	80	N/A						150	100						
Warehousing Food												320	270						
Waste Oil Trucker																			80
Window cleaner												160	110						80
Window Installer																			80
Wholesaler		120	92	80	80	N/A						160	110						
Wholesaler Food												345	295						

Source: Data compiled from an internet search of business licensing and other trade related by-laws, from a sample of comparable Canadian municipalities, in 2007.

Appendix D

THE CITY OF WINNIPEG CHARTER
PART 5 – POWERS OF THE CITY

ACTIVITIES OF BUSINESS

General authority
148 Council may, in the interest of health, safety, welfare and protection of persons, or in the interest of preventing or minimizing nuisances, pass by-laws in respect of the following matters:

a) businesses;
b) the carrying on of a business
c) persons carrying on a business
d) premises in which businesses are carried on.

Business activities
149(1) A by-law passed under the authority of section 148 may include provisions

a) prohibiting businesses from dealing with minors or individuals under a specific age or from admitting minors or individuals under a specific age to premises in which the business is carried on;
b) respecting standards and requirements for businesses in respect of the exhibiting, selling, offering for sale, providing and offering to provide goods, services and other activities;
c) respecting requirements for certain classes of businesses
    i. To keep, and produce in prescribed circumstances or on demand, prescribed records and information in respect of business transactions,
    ii. To retain goods acquired in the business on the business premises or other prescribed premises for a prescribed period of time, and
    iii. To deliver to the customer or other persons dealing with the business certain records or documents in respect of transactions; and
d) respecting hours of operation of businesses.

Business licensing
149(2) Without limiting the generality of section 148, a by-law passes under the authority of that section may include provisions respecting

a) conditions that must be met before a license is issued, including the character and fitness of the applicant or licensee;

b) the designation of classes of businesses that council considers may be injurious to the interests of owners or occupants of property in the vicinity, and providing for conditions and procedures for approving licenses for those businesses;

c) conditions that a business may be carried on only in the premises specifically in the license; and

d) the designation of parts of the city in which businesses or classes of businesses may be carried on.

Restrictions on licensing certain businesses

149(3) A by-law passed under the authority of section 148 must not require a license to be obtained for

a) selling agricultural produce grown in Manitoba if the sale is made by the individual who produced it, a member of the immediate family of the individual or another individual employed by the individual;

b) operating a public utility that is governed by statute or that is carried on under an agreement between the operator of the utility and the city; or

c) carrying on a railway.