THE CITY OF WINNIPEG

BY-LAW NO. /2021

A By-law of THE CITY OF WINNIPEG to amend the Doing Business in Winnipeg By-law

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

PART 1
AMENDMENTS TO DOING BUSINESS IN WINNIPEG BY-LAW

Doing Business in Winnipeg By-law amended
1 The Doing Business in Winnipeg By-law No. 91/2008 is amended by this Part.

By-law renamed
2 Section 1 is replaced with the following:

*1 This By-law may be cited as the **"Business Licencing for Community Standards By-law"**.*

Definition of business added
3 Section 2 is amended by adding the following definition in alphabetical order:

***"business"** includes a business that operates intermittently;*

Section 27 amended
4(1) Section 27(1) is amended by replacing "*three coloured prints*" with "*two coloured prints*" in subclause (a)(iii) and (b)(iv).

4(2) Subsection 27(1.1) is replaced with the following:

27(1.1) An escort agency licence must not be issued unless the individual whose personal identification is required in subsection (1) applies in person in order to give the designated employee an opportunity to determine the accuracy of the identification and the photographs provided as part of the application.

Section 27.1 added
5 The following section is added immediately after section 27:

Information session required
27.1(1) The designated employee must, prior to October 4, 2021, prescribe an information session (which may be available online) which contains information concerning health, social services and policing resources available to escorts and employees of escort agencies or independent escort agencies.

27.1(2) The designated employee must not issue or renew an Escort Licence or register or renew the registration of an employee of an escort agency or independent escort

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agency unless the applicant for the licence, licence renewal, registration or renewal of registration (as the case may be) completes the information session prescribed by the designated employee under subsection (1).

Subsection 28(2) repealed
6 Subsection 28(2) is repealed.

Subsection 31(1) amended
7 Subsection 31(1) is amended by

(a) Replacing the period with "; *and*" after clause (f); and

(b) Adding the following clause immediate after clause (f):

(g) any individual who is employed by the escort agency or independent escort agency, other than a licenced escort, is registered with the designated employee as an employee of the agency and that the employee's registration is renewed annually.

Division Four repealed
8 Division Four is repealed.

Section 53 amended
9(1) Section 53(1) is amended by replacing "*three coloured prints*" with "*two coloured prints*" in subclause (a)(iii) and (b)(iv).

9(2) Subsection (1.1) is amended by replacing "*licence*" with "*Body Rub Parlour Licence*".

Section 53.1 added
10 The following section is added immediately after section 53:

Information session required
53.1(1) The designated employee must, prior to October 4, 2021, prescribe an information session (which may be available online) which contains information concerning health, social services and policing resources available to body rub practitioners and employees of body rub parlours.

53.1(2) The designated employee must not issue or renew a body rub practitioner licence or register or renew the registration of an employee of a body rub parlour unless the applicant for the licence, licence renewal, registration or renewal of registration (as the case may be) completes the information session prescribed by the designated employee under subsection (1).

Subsection 54(2) repealed
11 Subsection 54(2) is repealed.

Subsection 56(1) amended
12 Subsection 56(1) is amended by

(a) Replacing the period of "*; and*" after clause (f); and

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(b) Adding the following clause immediate after clause (f):

(g) any individual who is employed by the body rub parlour, other than a licenced body rub practitioner, is registered with the designated employee as an employee of the body rub parlour and that the employee's registration is renewed annually.

Section 57 amended

13 Section 57 is amended by adding the following clauses immediate after clause (c):

(c.1) by October 4, 2021, ensure that each cubicle or room, booth or enclosed area in which body rubs take place is equipped with a panic alarm button located within easy reach of the body rub practitioner which produces a local sounding alarm sufficient to be heard by everyone on the premises;

(c.2) by October 4, 2021, ensure that

(i) the front entrance or lobby of the body rub parlour is equipped with a functioning closed circuit television (CCTV) system which records every individual entering or exiting the premises; and

(ii) the video recordings of the CCTV system are preserved for a period of 72 hours after the date of recording.

Division Seven heading amended

14 The heading of Division 7 is replaced with the following:

Division Seven – Accommodations Licences

Section 59 amended

15 Section 59 is amended as follows:

(a) The definition "*bed and breakfast*" is repealed;

(b) The definition "*converted residential dwelling*" is amended by adding "*or*" at the end of clause (d) and by striking out clause (f);

(c) By replacing the definition "*shared facilities dwelling*" with the following:

"shared facilities dwelling" *means a dwelling*

(a) which is designed for sanitary facilities or cooking facilities to be shared by occupants of three or more dwelling units, whether or not the dwelling units are occupied; or

(b) in which sanitary facilities or cooking facilities are shared by two or more residents of a dwelling unit that is not operated under a single tenancy;

but does not include the following:

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(c) a facility licensed or otherwise regulated in its provision of accommodations by the Government of Manitoba or the Government of Canada;

(d) a hospital, a sanatorium or a facility designated by regulations under The Mental Health Act;

(e) a personal care home licensed under The Health Services Insurance Act;

(f) a residential care facility licensed under The Social Services Administration Act.

Section 60 amended

16 Section 60 is amended

(a) In both subsections (1) and (2), by replacing "*subsection (3)*" with "*this section*";

(b) By adding the following subsection immediately after subsection (3):

60(4) Despite subsection (1) and despite the repeal of Division Four, a person who held a subsisting hostel licence at the time of the repeal of Division Four is entitled to carry on the business of operating a hostel under the authority of that licence until the hostel licence expires and is not required to obtain a licence under this Division until that time.

Additional sections added

17 The following sections are added immediately after section 61:

Floor plans must be submitted

61.1 A person who requires an initial licence or a licence renewal under this Division must at the time of obtaining or renewing a licence submit to the designated employee, in a form satisfactory to the designated employee, a current floor plan of the premises for which the licence or licence renewal is sought.

Information must be posted on exterior of premises

61.2 A person who holds a licence under this Division must comply with subsection 4(1) by posting the licence and other information prescribed by the designated employee on the exterior of, and at the main entrance to, the premises for which the licence is issued.

When licence no longer required

61.3 A person who has been required to obtain a licence for premises under this Division is required to continue maintain a licence for those premises until and unless the person

(a) Provides evidence to the designated employee through a completion notification or occupancy permit issued by the City that the property no longer meets the definition of a converted residential dwelling;

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(b) Demonstrates to the satisfaction of the designated employee that the property is owner-occupied and that no part of the building is available for rent; or

(c) Demonstrates to the satisfaction of the designated employee that the property is vacant as defined under the Vacant Building By-law No. 79/2010 and is therefore subject to administration and enforcement under that by-law.

Section 65 amended

18 Section 65 is amended by

(a) Striking out the definition "*antique dealer*";

(b) Striking out "*antique dealers,*" in the definition "*flea market*";

(c) Replacing the definition "*scrap metal*" with the following:

"scrap metal" *means waste metal, metallic material and any product that contains metal that is capable of being recycled from previous consumption or product manufacturing but does not include precious metals or bicycles or bicycle parts.*

(d) Striking out "*antique dealers,*" in the definition "*temporary trade show*"; and

(e) Striking out clause (b) in the definition "*used goods dealer*".

Section 70 amended

19 Section 70 is amended

(a) In subsection (1), by replacing "*A person*" with "*Subject to this section, a person*"; and

(b) By adding the following subsection immediately after subsection (3):

70(4) Despite subsection (1), a used goods dealer is not required to make a record of transaction required by subsection (1) and to comply with the other requirements of this Part in respect of scrap metal other than copper, platinum, palladium, rhodium or brass, or manufactured goods containing those metals.

Section 80 amended

20 Section 80 is amended

(a) In subsection (1), by replacing "*used goods dealers, bicycle dealers and precious metal dealers*" with "*used goods dealers and bicycle dealers"*;

(b) By adding the following subsection immediately after subsection (1):

80(1.1) Subject to subsection (2), precious metals dealers must ensure that goods for which a record of transaction is required to be made and maintained are not disposed of until at least 30 days have elapsed since the records of acquisition

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concerning those goods were delivered to the Police Chief in accordance with section 77.

(c) In subsection (2), by replacing "*Subsection (1) does not apply to*" with "*Subsections (1) and (1.1) do not apply to*".

Heading for s. 93 replaced

21 The heading immediately preceding section 93 is replaced with "***Enforcement of penalties***".

PART 2
AMENDMENTS TO OTHER BY-LAWS

Municipal By-law Enforcement Act Enabling By-law amended

22 The table applicable to the Doing Business in Winnipeg By-law set out in Schedule A of the Municipal By-law Enforcement Act Enabling By-law is amended

(a) By replacing the heading "***Doing Business in Winnipeg By-law***" at the top of the table with "***Business Licencing for Community Standards By-law***";

(b) By locating the table in alphabetical order in Schedule A of the Municipal By-law Enforcement Act Enabling By-law;

(c) By adding the following in numerical order within the table:

31(1)(a)	*Owner/operator of escort agency or independent escort agency has failed to ensure that the escort agency does not arrange introductions between an escort and a client or prospective client unless the escort is licenced*	*500*	*250*
31(1)(g)	*Owner/operator of escort agency or independent escort agency has failed to ensure employees are registered and registration is renewed annually*	*500*	*250*
56(1)(a)	*Owner/operator of body rub parlour has failed to ensure that no one other than licenced body rub practitioner provides massages in body rub parlour*	*500*	*250*
56(1)(g)	*Owner/operator of body rub parlour has failed to ensure that employees are registered and registration is renewed annually*	*500*	*250*
57(c.1)	*Owner/operator of body rub parlour has failed to provide working panic alarms in rooms used by practitioners*	*300*	*N/A*
57(c.2)(i)	*Owner/operator of body rub parlour has failed to provide functioning CCTV system at front entrance or lobby of body rub parlour*	*300*	*N/A*
57(c.2)(ii)	*Owner/operator of body rub parlour has failed to preserve recording from CCTV system for at least 72 hours*	*300*	*N/A*
61.1	*Applicant fails to provide accurate floor plans at the time of application or renewal*	*200*	*100*

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61.2	*Licence holder fails to post licensing information directly adjacent to the front main entrance of property*	*300*	*N/A*

Consequential amendments

23(1) Subsection 700(3) of the Downtown Winnipeg Zoning By-law No. 100/2004 is amended

(a) in the definition "body rub parlour" by replacing "*the Doing Business in Winnipeg By-law*" with "*the Business Licencing for Community Standards By-law*";

(b) in the definition "***dating and escort service***" replacing "*the Doing Business in Winnipeg By-law*" with "*the Business Licencing for Community Standards By-law*";

(c) by replacing the definition "***hostel***" with the following:

"hostel" *means a dwelling where sleeping accommodations and shared cooking facilities are rented and no individual is allowed to rent sleeping accommodations for a period of more than 28 consecutive days but does not include:*

(a) a facility licensed or otherwise regulated in its provision of accommodations by the Government of Manitoba or the Government of Canada;

(b) a hospital, a sanatorium or a facility designated by regulations under The Mental Health Act;

(c) a personal care home licensed under The Health Services Insurance Act;

(d) a residential care facility licensed under The Social Services Administration Act;

(e) a shared facilities dwelling or a bed and breakfast establishment.

23(2) Section 48 of The Winnipeg Zoning By-law No. 200/2006 is amended in the definition "***body rub parlour***" by replacing "*the Doing Business in Winnipeg By-law*" with "*the Business Licencing for Community Standards By-law*".

23(3) Subsection 13(4) of the Vacant Buildings By-law No. 79/2010 is amended by replacing "*the Doing Business in Winnipeg By-law*" with "*the Business Licencing for Community Standards By-law*".

DONE AND PASSED this day of , 2021.

Mayor

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City Clerk

Approved as to content:

Director of Community Services

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor

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