

Committee of the Whole (1) Report

DATE: Tuesday, September 12, 2023

WARD(S): ALL

TITLE: TECHNICAL AMENDMENTS REPORT ON THE BUSINESS LICENSING, NOISE, PARKING AND FEES AND CHARGES BY-LAWS (REFERRED)

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

This report proposes amendments to the Licensing By-law and Noise By-law, in line with staff's ongoing work to keep City by-laws up-to-date, relevant and accurate.

Report Highlights

- This report proposes amendments to several by-laws, continuing to keep Vaughan by-laws up-to-date, relevant and accurate, such as to:
 - update application requirements for hairdressers;
 - provide greater clarity with respect to school bell operations;
 - clarify that construction approvals must be obtained before a construction noise exemption can be granted;
 - update wording and section references; and
 - clarify how far away from hydrants vehicles may park.

Recommendations

Council at its meeting of June 20, 2023, adopted the following recommendation (Item 20, Committee of the Whole Report No. 28), without amendment:

1. That the following be approved in accordance with Communication C9, Memorandum from the Deputy City Manager, Community Services, dated June 2, 2023;

THAT the Committee of the Whole defer Item 18 and Item 20 of Report No. 28 to the Committee of the Whole meeting of September 12, 2023.

Report of the Deputy City Manager, Community Services, dated June 6, 2023:

1. THAT the recommendations contained in Attachment 1 to this report be approved; and
2. THAT a By-law be enacted giving effect to these recommendations, in a form satisfactory to the City Solicitor.

Background

In line with the City's Council-approved By-law Strategy, staff continue to review our by-laws to ensure they are in line with the many changing factors that impact City of Vaughan services and regulations. See the descriptions below.

Hairdresser Screening

The Business Licensing by-law requires persons who operate hair and nail salons, tattoo parlours, barber shops and various other similar services to obtain a "Personal Services" licence. Hairdressers who apply for a Personal Services licence must provide a certificate from a physician that advises that they are free of infectious and communicable disease. This may be problematic for several reasons, such as that:

- **Efficacy of health screening:** In this time of various outbreaks of COVID-19 and its variants, types of smallpox and the usual bouts of influenza during the flu season, it is unclear what the medical certificate is intended to screen for, and the efficacy of this screening as a measure to protect health.
- **Equity:** Other business licence categories which have similar levels of physical contact with their clients, are not required to provide a medical certificate, which may be problematic from a fairness perspective.
- **Health screening by other public agencies:** Staff consulted with other health agencies for input on whether to require screening. The Regional Municipality of York does not require a health screening for personal services. Public Health Ontario also does not provide such screenings.

For this combination of reasons, staff suggest removing the by-law requirement for hairdressers to submit a physician's certificate with their licence application.

Requirements to obtain a construction noise exemption

The City's Noise By-law allows construction to take place from Monday to Saturday between 7 am and 7 pm, however allows applicants to apply for exemptions to this timeframe through a Construction Noise Exemption Permit process. Recently, staff have

received applications for Construction Noise Exemptions prior to the applicants obtaining the required building permits; as such, staff seek to clearly state in the by-law that required permits must be obtained prior to applying for noise exemptions.

Changes for consistency and clarity

In reviewing and comparing licence requirements, staff have noted a few examples of opportunities to improve consistency and clarity, such as:

- amending the Business Licensing by-law to explain that all fees, when increased, will be rounded up to the nearest dollar;
- making the minimum age to apply for business licences 18 years old, including for Commercial Dog Walker licences;
- requiring \$2,000,000 in commercial general liability insurance for all contractor types;
- clarifying that restrictions in the Noise By-law on auditory signaling devices are applicable to school bells;
- clarifying in the Parking By-law that persons must park at least 3 metres away of the point on the edge of the roadway nearest any fire hydrant, which helps to ensure sufficient emergency access for fire trucks; and
- improving consistency in wording in the enforcement provisions of the Filming By-law, in line with feedback from the Ministry of Attorney General (MAG).

Tow Truck Service Rates

The Business Licensing By-law currently has provisions with respect to tow truck service providers who have contracts with other governmental entities, such as York Regional Police. Under such agreements, providers are bound to provide a range of services at established rates. As a result, the by-law was amended to exempt such fees from the maximum rates permitted in the by-law; however, due to an oversight, the exemption was not extended to all relevant fees. The recommended amendment would exempt from the by-law rates, any fees explicitly set through contract with governmental entities.

Previous Reports/Authority

- [Council-approved By-law Strategy](#)
- [Business Licensing By-law](#)
- [Noise By-law](#)
- [Parking By-law](#)
- [Filming By-law](#)

Analysis and Options

No	Current State	Suggestion	Reasoning
1	In the annual budget process, fees in the Business Licensing By-law are usually increased with the cost of living, at 3.0%, and rounded to the nearest dollar for ease of communication. There is currently no provision addressing rounding.	To amend fee-increase provisions to advise that fees, when increased, will be rounded up to the nearest dollar amount.	To enable fee amounts to be rounded to a whole number in a consistent way.
2	As per the Business Licensing By-law, persons applying for hairdressers are who are applying for Personal Services licences, must submit a physician's certificate advising they are free from infectious and communicable disease.	To remove the requirement for hairdressers to submit a physician's certificate.	This screening is not required for other types of licences that have physical contact with the public, not supported by any public health agencies and may not be effective, as it is unclear what would fall under the category of communicable and infectious disease.
3	In the Business Licensing By-law, most business licences require applicant to be 18 years of age, however the Commercial Dog Walker's licence was made 19.	Change the minimum age requirement for dog walkers to 18 years old.	To create consistency among business licence age requirements.
4	In the Business Licensing By-law, contractors have a requirement to have \$2,000,000 in commercial general liability insurance. For the most recent contractor added, Snowplow Contractor, a mistake was made in which \$1,000,000 was asked for.	To correct the insurance required for Snowplow Contractors to \$2,000,000.	To ensure all contractors have a consistent minimum insurance requirement.
5	The Licensing By-law now has several categories for establishments that serve food, such as eating establishments, pubs, nightclubs and lounges. Some, but not all of these fees and descriptions are listed in the Fees and Charges By-law.	To update the Fees and Charges By-law to list pubs, separate the category "lounge" and "night club" that is currently listed as one category and delete the category "restaurant" (as it is already included under the category of "eating establishment").	To ensure these fees are enacted and easy to find.
6	The Licensing By-law advises that tow truck service providers that have agreements with other government agencies may charge different fees that are	To amend the Licensing By-law to state that tow truck rate exemptions apply to all fees explicitly covered under agreements with other governmental entities.	To align with the contractual requirements of tow truck operators who have agreements with other governmental agencies.

No	Current State	Suggestion	Reasoning
	specified in those agreements; however, not all relevant fees were covered in the amendments that provided the exemption.		
7	<p>The Noise By-law prohibits causing various sounds at different times.</p> <p>There have been occasions where persons have allowed other persons to cause prohibited sounds, thus contributing to the issue, though they themselves are not clearly accountable under based on the by-law's current language.</p>	To update the Noise By-law's language to express that a person who allows or permits others to cause a noise prohibition, is also guilty of an infraction.	To more clearly establish accountability for those who cause issues to occur, which enables them to be subject to orders from officers, such as to cease to allow something, or monetary penalties.
8	<p>The Noise By-law limits construction activity to Monday to Saturday, 7 am to 7 pm, however allows persons to apply for a Construction Noise Exemption if they'd like to undertake construction outside of those times. The City has received Noise Exemption applications for building projects which have not had the required City permits in place for their project.</p>	To add a provision stated that applicants for a Construction Noise Exemption must obtain and submit all required City permits for their project.	To ensure all City approvals are in place to support delivery of safe development projects.
9	The Noise By-law addresses when an "auditory signaling device" may operate, however doesn't specifically say that school bells should be treated as auditory signaling devices.	To modify the provision with respect to auditory signaling devices to include school bells, stating that, "The operation of any auditory signaling device, including but not limited to the ringing of <u>school or other</u> bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar Sounds by-law; or unless required in accordance with good safety practices."	To provide greater clarity to the public.
10	The Parking By-law requires that motorists park at least 3 metres from a fire hydrant.	To delete the current text, "No person shall Park a Motor Vehicle within three (3) metres of a fire hydrant.", and to add the text, "No person shall Park a Motor Vehicle within three	To ensure sufficient access to a fire hydrant in case of an emergency situation in which a fire truck may need to access the hydrant.

No	Current State	Suggestion	Reasoning
		(3) metres of the point on the edge of the roadway nearest any fire hydrant.”	
11	Wording of enforcement-related provisions varies in some by-laws; MAG staff have suggested the City amend wording in the Filming By-law to match the wording in the Licensing By-law.	To amend the Filming By-law enforcement provisions to match that of the Licensing By-law.	To create greater consistency across by-laws, and ensure the provisions are enforceable.
12	Some section numbers require updating, in order for by-law provisions to be valid.	To update section numbering.	To ensure accuracy of provisions.

Financial Impact

There is no anticipated financial impact.

Operational Impact

There is no anticipated operational impact.

Broader Regional Impacts/Considerations

There is no anticipated broader impact.

Conclusion

This report has been developed in consultation with Legal Services and supports Term of Council priority of Service Excellence and Accountability, ensuring transparency and effective communication to our public.

For more information, please contact: Susan Kelly, Director of By-Law and Compliance, Licensing and Permit Services, ext. 8952.

Attachments

1. Proposed amendments
2. Communications from June 6, 2023 Committee meeting

Prepared by

Carol Ramchuram, Regulatory Policy Analyst, ext. 8783.
Rudi Czekalla-Martinez, Manager, Policy and Business Planning, ext. 8782.

