



TOWNSHIP OF NORTH HURON

REPORT

Item No.

REPORT TO: Reeve Vincent and Members of Council
PREPARED BY: Richard Al, Clerk / Manager of IT
DATE: 05/03/2018
SUBJECT: Licensing By-law Review
ATTACHMENTS: Draft Licensing By-law

RECOMMENDATION:

THAT the Council of the Township of North Huron hereby receives the March 5, 2018 report of the Clerk / Manager of IT regarding Licensing By-law Review, for information purposes;

AND FURTHER, that Council directs the Clerk to prepare a final version of the updated Licensing By-law for consideration at the March 19, 2018 Council Meeting.

EXECUTIVE SUMMARY

The current Licensing By-law, often referred to as the Hawkers and Peddlers By-law, was last updated in 2004 and does not reflect current legislation. In addition the by-law has been difficult to interpret and administer. The purpose of this report is to provide recommendations to Council regarding an updated Licensing By-law to address these issues.

DISCUSSION

The 'Hawkers and Peddlers' by-law is a licensing by-law which sets out regulations and fees for various vendors such as sellers of goods that travel from place to place or those that conduct business for a short period of time and not on a regular basis.

North Huron's by-law to licence, govern and regulate hawkers, peddlers, refreshment vehicles and transient traders has become significantly outdated and does not reflect amendments to the *Municipal Act, 2001* associated with Bill 130 which came into force on January 1st, 2007. As such staff are recommending that Council consider a revised, updated by-law. A draft for consideration is attached to this report.

Duration

Currently, the North Huron by-law indicates a single fee option of \$200 per day/event which leaves unanswered questions, and is open to interpretation and uncertainty in terms of what is considered an "event"? What about multiple days and multiple vendors? And so on. In reviewing examples from other municipalities, it appears that having a single 'per day/event' fee is not common practice as many have annual fee options as well. Continuing to offer a day rate is appropriate but in addition, an annual rate should be established.

Fees and fee structure

After comparing the current fee structure against other nearby municipalities which have implemented licensing by-laws, it appears that this number is on the low end of what is being charged.

Fees being charged by other neighbouring municipalities range from approximately \$250 to \$600 depending on the type of licence (hawker / peddler, food vehicle, refreshment vehicle, etc.) as well as the duration of the licence.

The creation of a multi-vendor rate is also recommended and is included in the suggested rate listing below. By establishing a multi-vendor rate, large scale events such as those that take place at the Blyth Campground could blanket licence all vendors. This would streamline licensing for these events as the alternative, which is licensing each individual vendor attending large events, would be problematic and unfeasible.

Proposed fee structure may include rates as follows

\$250 per day licence

\$300 annual licence

\$400 multi-vendor licence (valid only for the duration of a single event)

Should Council choose to move forward with implementing a new licensing by-law and fee structure, a Schedule would need to be added to the Consolidated Fees and Charges By-law.

Fines

The current by-law speaks to penalties however does not establish a fee amount which must be approved by a Judge for enforcement under the *Provincial Offences Act*. Based on the fines established by other neighbouring municipalities an average fine could be set as follows

\$350 fine for offence related to per day licence

\$450 fine for offence related to annual licence

\$500 fine for offence related to multi-vendor licence

As noted above these fines would be subject to approval and could be added to the by-law once approved.

Exemptions

The current by-law speaks to exemptions that could apply, however event organizers and Recreation staff have found the current by-law difficult to interpret and so the proposed by-law has included more concise definitions and provisions to make administration easier.

Structure

The structure of the proposed by-law would differ from the current by-law as well, removing the fee amounts from the by-law itself and instead referencing the Consolidated Fees and Charges By-law.

FINANCIAL IMPACT

A summary of licences issued over the past 5 years is as follows

<u>Year</u>	<u>Licences issued</u>
2013	1
2014	5
2015	0
2016	0
2017	1

The above numbers indicate an average of 1.4 licences issued per year.

It should be noted that the intent of this type of licensing is not as a revenue source but rather as a mechanism to regulate retailers from outside the area that do not contribute through commercial taxes.

FUTURE CONSIDERATIONS

The new by-law proposes that even if an exemption to proposed fees applies to a vendor, that vendor would still be required to follow the application process to ensure that proper insurance and inspection requirements have been addressed.

A review of other current by-laws (e.g. taxi by-law) as well as additional areas for licensing opportunities could be investigated, where it makes sense to do so, and incorporated into a future revision of the Licensing By-law.

RELATIONSHIP TO STRATEGIC PLAN

Goal #3 – Our community is healthy and safe.

Goal #4 – Our municipality is fiscally responsible and strives for operational excellence.



Richard Al, Clerk / Manager of IT



Dwayne Evans, CAO