STAFF REPORT
ACTION REQUIRED

Miscellaneous Amendments to Toronto Municipal Code
Chapter 545, Licensing

Date: March 9, 2011
To: Licensing and Standards Committee
From: Executive Director, Municipal Licensing and Standards
Wards: All
Reference Number: P:\2011\Cluster B\MLS\Ls11003

SUMMARY

This is a staff initiated report to respond to a number of inconsistencies in Toronto Municipal Code Chapter 545, Licensing, that have arisen out of previous amendments to the Chapter or to other legislation.

The proposed amendments in this report include:

- amendments to provisions in the bylaw that provide for restrictions on hours of operations of certain businesses on all days except Sundays;
- amendments to provisions that provide for licences with valid time frames other than one year;
- amendments to a provision that does not permit owners of refreshment vehicles to operate a refreshment vehicle in the same manner as is allowed licensed drivers or assistants;
- repeal of a requirement for the operator of a public address system to be licensed;
- deletion of references to sections that were previously repealed; and
- deletion of requirement to have a plate affixed to licensed vehicles, where no such plates are issued.
The City Solicitor was consulted in the preparation of this report.

Public notice has been given in a manner prescribed in the Toronto Municipal Code Chapter 162, Notice, Public.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards, recommends that City Council:

1. Amend Toronto Municipal Code Chapter 545, Licensing, in accordance with Appendix A of this report.
2. Make Recommendation No. 1 take effect immediately;
3. Direct the City Solicitor to prepare the necessary bill, making any stylistic or otherwise necessary changes, to give consistent effect to the recommendations in this report; and
4. Authorise and direct all other appropriate City officials to take the necessary actions to give effect thereto.

Implementation Points

The proposed amendments do not require any changes to system or business processes. Licensing Services and Licensing Enforcement staff, who are responsible for administering and enforcing the bylaw, shall be advised of the changes.

Financial Impact

There are no financial impacts as a result of the recommendations in this report.

DECISION HISTORY

This is a staff initiated report to address a number of inconsistencies in some of the provisions of Toronto Municipal Code Chapter 545, Licensing.
ISSUE BACKGROUND
Over time, a number of legislative changes have taken place that have made certain provisions in Chapter 545 of the Municipal Code inadequate or obsolete. In addition, changes to the bylaw itself have created some conflicts and inconsistencies within the bylaw. This report aims to correct some of those issues.

COMMENTS

Operation of Some Businesses on Weekends
At the time the original provisions for a number of the businesses included in this bylaw were adopted Lord's Day legislation prevented numerous businesses from operating on Sundays. For this reason, Sunday hours were not provided for in the City's licensing bylaw. Thus, as it stands now, there are no restrictions on hours of operation skating rinks and similar places of amusement, theatres and moving picture shows, miniature golf courses and similar places of amusement, and public dance halls. In the case of miniature golf courses (and similar places of amusement) the bylaw does not permit operation on weekends at all.

Given that these establishments likely currently conduct a significant portion of their business on Saturday and Sunday, and that this is a generally accepted practice, staff propose to allow the same hours of operation on Sundays as on Saturdays for those businesses currently allowed to open Saturdays, and to provide the same hours of operation on weekends as on weekdays for those businesses currently not allowed to open on either Saturday or Sunday.

Because hours of operation could not extend into Sunday under the previous Lord's Day legislation, businesses that otherwise were allowed to extend their hours of operation into the early morning hours of the following day could not do so on Saturday. With the removal of the prohibition to operate on Sundays there is no longer a need to impose this restriction. Thus, where the hours of operation during the weekday are allowed to extend into the morning of the following day, staff propose to allow the same hours for Saturday and Sunday.
The proposed changes to the provisions relating to described above would have the following effect on the hours of operation:

<table>
<thead>
<tr>
<th>Skating rinks and similar places of amusement</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>From: Monday to Friday</td>
<td>8:00 a.m.</td>
<td>8:00 a.m.</td>
</tr>
<tr>
<td>To:</td>
<td>1:00 a.m.</td>
<td>1:00 a.m.</td>
</tr>
<tr>
<td>From: Saturday</td>
<td>8:00 a.m.</td>
<td>8:00 a.m.</td>
</tr>
<tr>
<td>To:</td>
<td>Not defined</td>
<td>1:00 a.m.</td>
</tr>
<tr>
<td>From: Sunday</td>
<td>Not defined</td>
<td>8:00 a.m.</td>
</tr>
<tr>
<td>To:</td>
<td>Not defined</td>
<td>1:00 a.m.</td>
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</tbody>
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<thead>
<tr>
<th>Public dance halls</th>
<th>Current</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>From: Monday to Friday</td>
<td>9:00 a.m.</td>
<td>9:00 a.m.</td>
</tr>
<tr>
<td>To:</td>
<td>12:45 a.m.</td>
<td>12:45 a.m.</td>
</tr>
<tr>
<td>From: Saturday</td>
<td>9:00 a.m.</td>
<td>9:00 a.m.</td>
</tr>
<tr>
<td>To:</td>
<td>11:45 p.m.</td>
<td>12:45 a.m.</td>
</tr>
<tr>
<td>From: Sunday</td>
<td>Not defined</td>
<td>9:00 a.m.</td>
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<tr>
<td>To:</td>
<td>Not defined</td>
<td>12:45 a.m.</td>
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<thead>
<tr>
<th>Theatres and moving picture shows</th>
<th>Current</th>
<th>Proposed</th>
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</thead>
<tbody>
<tr>
<td>From: Monday to Friday</td>
<td>8:00 a.m.</td>
<td>8:00 a.m.</td>
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<tr>
<td>To:</td>
<td>1:00 a.m.</td>
<td>1:00 a.m.</td>
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<tr>
<td>From: Saturday</td>
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<td>8:00 a.m.</td>
</tr>
<tr>
<td>To:</td>
<td>12:00 a.m.</td>
<td>1:00 a.m.</td>
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<tr>
<td>From: Sunday</td>
<td>Not defined</td>
<td>8:00 a.m.</td>
</tr>
<tr>
<td>To:</td>
<td>Not defined</td>
<td>1:00 a.m.</td>
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</tbody>
</table>

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<thead>
<tr>
<th>Miniature golf courses and similar places of amusement</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>From: Monday to Friday</td>
<td>8:00 a.m.</td>
<td>8:00 a.m.</td>
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<tr>
<td>To:</td>
<td>11:45 p.m.</td>
<td>11:45 p.m.</td>
</tr>
<tr>
<td>From: Saturday</td>
<td>8:00 a.m.</td>
<td>8:00 a.m.</td>
</tr>
<tr>
<td>To:</td>
<td>Not defined</td>
<td>11:45 p.m.</td>
</tr>
<tr>
<td>From: Sunday</td>
<td>Not defined</td>
<td>8:00 a.m.</td>
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<td>To:</td>
<td>Not defined</td>
<td>11:45 p.m.</td>
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**Period of Validity for Some Licences**

In June of 2004, City Council approved a recommendation from the Commissioner of Urban Development Services to have "business licence renewal dates be amended for each licence to the anniversary date of the issuance of the licence." This change to annual licences is now reflected in §545-4G(3) of Toronto Municipal Code Chapter 545. However, the specific provisions of the licensing bylaw that deal with special sales and circuses were not amended to reflect this change.
In the specific provisions, special sale licences are valid for 30 days and circus licences are valid for one day. Staff propose to harmonise the term of these two licence types by repealing the specific provisions that are in conflict with the rest of the bylaw.

The proposed changes would allow a circus to operate on a year-round basis, subject to conformance with all other legislative and bylaw requirements and provided any other necessary permissions, be they from the City or private owners, are in order. It would also allow for special sales to run for a full year and for licences to be renewed. Licensees would still be prohibited from replenishing the goods described in the application.

**Owners of Refreshment Vehicles**
With respect to refreshment vehicles, §545-39D allows a driver to be assisted in the driving of a vehicle or the selling and dispensing of refreshments only by a person licensed as either a driver, owner, operator or assistant. On the other hand, §545-39B allows an owner to be assisted in the sale of refreshments only by a person licensed as either a driver or assistant. This means that although a driver may allow a licensed owner to assist him or her, an owner may not allow another owner to do so. Staff do not believe this was the original intent of the bylaw and as such recommend that licensed owners be permitted to assist another owner in the driving of a vehicle or the selling and dispensing of refreshments from a vehicle.

**Requirement for a Public Address System Licence**
Staff propose to repeal the requirement for an owner or operator of a public address system to have a licence, as this activity is no longer permitted in the city under Toronto Municipal Code Chapter 591, Noise. The former Article XXI, Owners and Operators of Public Address Systems, Sound Equipment, Loudspeakers and Similar Devices, was repealed in September of 2006.

**Reference to Provisions Previously Repealed**
In May of 2005, the City repealed §545-426 because the section made reference to a reduced fee that had not been provided for in the previous fee schedule and therefore should not have been brought forward to the revised fee schedule. Thus the reference in §545-425 to "a maintenance master plumber as described in §426 of this article" is no longer valid. As such, staff recommend that the reference be removed from the section.

In its approval of revised Article XI to Chapter 545, §186E and §186F were repealed. These sections prohibited the manipulation by legitimate holistic practitioners of the region of the axilla (the flank of the breast near the armpit) and of the buttock muscles. The definition of "specified body parts", as introduced at that time, effectively dealt with prohibited touching. Despite this, references in the demerit point schedule of Appendix K to Chapter 545 were erroneously maintained. As these sections no longer exist, the reference to them in Appendix K should be eliminated.
Requirement for Plates on Licensed Vehicles
Whereas at one point in time certain vehicles were required to be identified by a plate issued by Municipal Licensing and Standards, the practice has been discontinued. As such, staff recommend that the requirements for drive-self rental vehicles and laundry vehicles to be municipally plated be repealed.

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SIGNATURE

_______________________________
Jim Hart
Executive Director
Municipal Licensing and Standards

ATTACHMENTS
Appendix A: Proposed Amendments to Toronto Municipal Code Chapter 545, Licensing
APPENDIX A

Proposed Amendments to
Toronto Municipal Code Chapter 545, Licensing

1. Amend § 545-213 to include Sunday as a day for which roller-skating rinks and similar places of amusement cannot operate between the hours of 1:00 a.m. and 8:00 a.m.

2. Amend § 545-214A(1) so that the weekday restrictions apply equally to Saturday and Sunday.

3. Amend § 545-216A so that the showing hours of any theatre are restricted to between 8:00 a.m. and 1:00 a.m. of the following day, Monday through Sunday.

4. Amend § 545-220 so that miniature golf courses and similar places of amusement cannot operate between the hours of 11:45 p.m. and 8:00 a.m. of the following day, Monday through Sunday.

5. Amend § 545-309 so that instead of being a thirty-day licence, the licence for a special sale is valid for one full year and is eligible for full renewal.

6. Repeal § 545-310, which speaks to the extension of a thirty-day special-sale licence.

7. Amend Appendix H to reflect one-year renewals.

8. Repeal § 545-218, which requires a new licence for every day of operation of a circus.

9. Repeal § 545-209D, which requires that owners of drive-self rental vehicles have a plate supplied by Municipal Licensing and Standards affixed to the back of their vehicles.

10. Repeal § 545-232A, which requires persons who collect laundry to affix a plate to their wagon or cart or other vehicle.

11. Amend § 545-39B to allow an owner (employed by another owner), in addition to a licensed driver or licensed assistant employed by an owner, to operate a refreshment vehicle or assist in the sale of refreshments from the vehicle.

12. Repeal § 545-2A(3), which requires owners or operators of public address systems, sound equipment, loudspeakers or similar devices (when used on a highway, public lands or lands adjacent thereto) to obtain a licence.
13. Amend § 545-425B to remove the reference to "maintenance master plumber as described in §426 of this article".

14. Delete demerit point entries relating to §186E and §186F in Appendix K, Schedule B of TMC Chapter 545.