



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF THE CAO

***Mission Statement:*** As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Bill Tetler	Report Date: December 16, 2024
Author's Phone: 519 736-0012 ext. 2251	Date to Council: March 24, 2025
Author's E-mail: btetler@amherstburg.ca	Resolution #: 20240325-007

**To: Mayor and Members of Town Council**

**Subject: Business Licensing By-law and Licensing Committee**

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#### **1. RECOMMENDATION:**

It is recommended that:

1. The report from the Manager of Licensing and Enforcement dated December 16<sup>th</sup>, 2024 regarding a Business Licensing By-law **BE RECEIVED**; and
2. By-law 2025-002 being a By-law to regulate business licensing be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.
3. **By-law 2024-018** being a By-law to Appoint Members to the Licensing Committee be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same;
4. That the 2022-2026 Committee Terms of Reference **BE AMENDED** to include the Licensing Committee as noted in the report of March 24, 2025

#### **2. BACKGROUND:**

At their December 11, 2023 meeting, Council adopted By-law 2023-066 and repealed By-law 2009-044.

During their March 25, 2024 meeting, the Council suspended the business licensing program and instructed Administration to conduct public consultations on business licensing fees and bring a report back for consideration.

Resolution: 20240325-007

**Moved By** Councillor Crain

**Seconded By** Councillor Courtney

That:

1. Administration **BE DIRECTED** to initiate public consultations on business licensing fees and refund funds that have already been paid;
2. Council **TO SUSPEND** implementation of the business licensing program; and,
3. Administration to **REPORT BACK** to Council following for consultation with the community.

The Deputy Mayor put the Motion.

**Motion Carried.**

On August 14, 2023 Council provided direction that “Administration BE DIRECTED to open a call for applications to appoint 5 lay members to the Licensing Committee for the 2022-2026 Council term.”

On February 12th, 2024, Council appointed 5 members of the community to the Licensing Committee through By-law 2024-012.

On September 11, 2024, Administration held stakeholder consultation with five (5) businesses in the Town of Amherstburg attending the three (3) hour consultation. This report is to provide Council with a report back on those consultations and to seek clarification if Council would like to reinstate the business licensing by law, with or without the suggested amendments as noted in this report and reflected in Appendix A – Revised Business Licensing By-Law.

At this time given Council’s direction on March 25, 2024 to suspend the business licensing program Administration is unable to respond to or address complaints related to business activities noted in the by law. Should the by law, with or without fees or the changes recommended in this report, not be reinstated the Town will continue to be unable to respond to act such complaints.

Since 1878, Amherstburg, has been shaping its business landscape through the evolution of its licensing practices. The Town, which has deep roots in commerce and trade, first established business licenses as a means to regulate local commerce, ensure fair practices, and support the community’s growth. Over the decades, Amherstburg has adapted its licensing policies to keep pace with changes in industry, population growth, and economic development. From early regulations aimed at taverns and merchants to the more complex business licenses required today, the history of business licensing in Amherstburg reflects the town's ongoing efforts to foster a thriving and orderly economy.

The Town of Amherstburg first introduced business licensing regulations with the passing of By-law #4 on February 27, 1878. Since then, the town has continued to update and refine its business licensing policies, with the following notable by-laws passed over the years:

June 4, 1878: By-law #6

April 28, 1880: By-law #24

February 12, 1884: By-law #59

June 22, 1885: By-law #81

December 2, 1909: By-law #65B

August 27, 1923: By-law #383B

September 22, 1924: By-law #399B

March 23, 1931: By-law #550B

September 13, 1965: By-law #1081

May 31, 1991: By-law #2201

December 16, 2002: By-law #2002-81

June 15, 2009: By-law #2009-44

The Town currently has two (2) business licenses that have annual renewals, that being Short Term Rentals and Taxi Cabs.

The Town's most recent business licensing by-law, passed in 2009, included 56 categories, each of which was required to pay an initial fee. The only business subject to annual renewal fee in the previous By-law 2009-66 was Refreshment Vehicles.

### **3. DISCUSSION:**

Based on the concerns raised at the March 25, 2024 meeting as well as comments from the Amherstburg Chamber of Commerce and the feedback received at the consultation held on September 11, 2024, Administration proposes the following changes to the by-law for Council's consideration.

1. Reduce the annual licensing fees by 30%;
2. Streamline business categories into a more unified licensing structure; and
3. Incorporate the consolidation of multiple licensing categories into a single licence for those businesses that would otherwise require multiple licences.

These changes are aimed at reducing administrative burdens on businesses while maintaining essential protections for public safety. The consolidation of multiple licensing categories into a single licence for businesses is another significant change. Previously, businesses that fell under multiple categories (e.g., food service, tobacco, and/or gas and oil) were required to obtain multiple licenses, which meant managing various deadlines, fees, and inspections. Now, businesses will only need to obtain one licence, streamlining the administrative process and reducing confusion.

This simplification of licensing categories offers several key advantages:

- **Time Savings:** Businesses no longer need to deal with multiple licenses or keep track of multiple dates.
- **Cost Savings:** In addition to lower fees, fewer categories could reduce the administrative burden of maintaining multiple licenses and the associated costs.

Lowering business licensing fees by 30% has the potential to provide significant benefits for businesses, particularly small and medium-sized enterprises, by reducing operational costs, encouraging entrepreneurship, and stimulating local economic growth.

In Ontario, the majority of municipalities have some form of a business licensing by-law, but the exact number can vary depending on how each municipality manages business regulations. As of recent data, about **two-thirds** of Ontario's **444** municipalities have some form of business licensing or regulation in place.

### **Why do I need a business licence?**

A business licence ensures that your business follows the following rules:

- Zoning
- Ontario Building Code
- Ontario Fire Code
- Health Protection and Promotion Act.
- By-law regulations

Without having an annual business licensing regime, the Town has no way to determine if the businesses are keeping up with their annual requirements and the need to renew the business licence ensures that these regulatory elements are kept up to date. Without that check and balance, the Town could incur liability by having a “licensed” business which does not conform with the regulations.

The role of Licensing is to confirm that inspections have taken place and that the entity is in compliance with and has met the regulatory standards. The specific agencies and/or departments responsible for completing the required inspections depend on the category of the licence.

Each category has its own set of regulations, in addition to the requirements for inspections. These regulations are enforced by the Town’s By-law Enforcement Officer, who act if a complaint is filed or if an Officer observes any violations.

## WHAT IS THE BUSINESS LICENCE APPROVAL PROCESS?

THE BUSINESS LICENCE APPROVAL PROCESS INVOLVES THREE (3) PHASES:

1. INTAKE (COMPLETE APPLICATION SUBMISSION)
2. REVIEW (PLANNING REVIEW, INSPECTIONS)
3. ISSUANCE (LICENCE ISSUED AND MAILED)

PHASE		WHAT HAPPENS	PROCESS
1.INTAKE	APPLICATION SUBMISSION	Completed applications are submitted and prepared for review	Designate whether it's a new application, renewal or change of information
2. REVIEW	Planning Review Inspections	Planning Review ensures the business complies with the zoning requirements for the location denoted. Inspections are required to ensure health and safety requirements are met.	Completed Application is used in REVIEW PHASE. Additional information may be required from applicant.
3. ISSUANCE	Licence issued	Notification of pick-up/or mailing	Completed Application used for ISSUANCE PHASE.

## Business Licence Comparison

A comparison was completed among municipalities in the County of Essex, as well as municipalities of similar population and size to determine common practices.

### Business Licence Comparison

Municipality	Population	Business Licensing By-law (Y/N)	Range of Fees	Annual Renewal (Y/N)
Amherstburg	24531	Suspended	\$65-\$217	N
Clarence Rockland	27778	Y	\$67-\$500	Y
Essex	21704	Y*	\$700.00 + Fire	Y**
Kingsville	22466	Y	\$250-\$1500	Y
Lakeshore	42876	Y	\$44-\$328	N
LaSalle	34347	Y	\$100.00	Y
Leamington	31006	Y	\$60-\$500	Y
Port Colborne	21146	Y	\$25-\$125	Y
Quinte West	48447	Y	\$130-\$1300	Y

Stratford	34336	Y	\$141-\$619	Y
Tecumseh	23229	Y	\$350.00	N
Thorold	27446	Y	\$113-\$397	Y
Windsor	237484	Y	\$191-\$616	Y
Woodstock	50430	Y	\$90-\$5250	Y
Cornwall	48615	Y	\$200-\$2000	Y
Kingston	137987	Y	\$132-\$1696	Y
Peterborough	85263	Y	\$88-\$1625	Y
St. Thomas	45387	Y	\$200-\$700	Y
Sarnia	72320	Y	\$33-\$1325	Y
Ingersoll	14287	Y	\$50-\$500	Y
Tillsonburg	20483	Y	\$77-\$229	Y
Orillia	34835	Y	\$231-\$1849	Y
North Bay	53339	Y	\$200-\$1000	Y
Collingwood	26819	Y	\$420-\$710	Y
Timmins	40764	Y	\$115-\$860	Y
Dryden	13181	Y	\$125-\$250	Y

\*Short term rental

\*\* Every three (3) years

Council has the authority to carefully evaluate and select the categories they choose to licence. This process allows it to ensure that businesses operating within the municipality meet the necessary standards and align with the community's values and goals via a consumer protection by exercising this discretion, Council can promote the local economy, support and maintain the safety and well-being of residents. Ultimately, this selective approach allows Council to make informed decisions that serve the best interests of the community.

#### **4. RISK ANALYSIS:**

The continued absence of a Business Licensing By-law in Amherstburg could expose both the municipality and local businesses to a variety of risks. Without a formal licensing process, there is a potential for non-compliance with key regulations, including zoning, fire and public health.

By implementing a business licensing framework, the municipality can proactively address these risks, ensuring that the process is fair, efficient, and conducive to supporting local businesses. The Business Licensing By-law requires entities to follow certain guidelines, even when health units and other enforcement entities are responsible for inspections, because local governments often play a crucial role in ensuring that all regulations are followed within their jurisdiction. It is also important to note that, without Business Licensing, the Health Unit has no official notification mechanism to know that a new business has opened and requires inspection – instead it relies on self-reporting from the business itself, or learning of the new business by “word of mouth” or visual observation.

While health units may handle inspections, the Town is tasked with maintaining public welfare and overseeing the implementation of policies that directly affect its residents.

Without local oversight, there could be gaps in enforcement or areas where the broader entities may not have the resources to fully monitor every situation. For example, while the By-law was suspended, the Town encountered situations where complaints were filed and the Town was unable to respond to the resident's complaint. In such cases, the Town's involvement would have been essential in bridging these gaps and ensuring community safety. This local oversight ensures that all entities work in harmony to address the specific needs and complexities of the area. Business owners, in turn, have a shared responsibility to familiarize themselves with and adhere to licensing requirements to avoid penalties and ensure the ongoing success of their entities. Effective communication, streamlined procedures, and adequate support systems are vital to reducing risks and promoting a vibrant, sustainable business environment in Amherstburg.

## **5. FINANCIAL MATTERS:**

As discussed during the 2025 budget deliberations, the revenue generated from the business licensing by-law is intended to help offset the tax rate by sustaining the budget for the Licensing and Enforcement Department. This approach allows the Town to reduce the financial burden on taxpayers by ensuring that the costs associated with regulating and monitoring local businesses are covered through the fees collected from those businesses themselves. By establishing a self-sustaining funding model, the Town can ensure that the licensing and enforcement department has the necessary resources to effectively carry out its duties, including monitoring compliance, issuing licenses, and enforcing bylaws. Additionally, this revenue stream helps to create a more efficient and equitable system, where businesses contribute directly to the costs of the regulatory framework that supports a healthy local economy and public safety.

## **6. ASSET MANAGEMENT IMPACTS:**

N/A

## **7. CONSULTATIONS:**

Melissa Osborne, Director, Development Services/Deputy CAO  
 Valerie Critchley, Chief Administrative Officer  
 Tracy Prince, Treasurer  
 Dan Monk, Deputy Fire Chief  
 Jen Ibrahim, Manager, Economic Development/Tourism

## **8. CORPORATE STRATEGIC ALIGNMENT:**

***Vision: Preserving our past while forging our future.***

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<b>PILLAR 1</b> <b>Deliver Trusted &amp; Accountable</b> <b>Local Government</b>	<b>PILLAR 3</b> <b>Encourage Local Economic</b> <b>Prosperity</b>

<ul style="list-style-type: none"> <li><input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures.</li> <li><input type="checkbox"/> Deliver transparent and efficient financial management.</li> <li><input type="checkbox"/> Increase effective communication and engagement with residents.</li> <li><input type="checkbox"/> Develop our staff team, resources, and workplace culture.</li> <li><input type="checkbox"/> Continue to deliver strong core municipal services.</li> <li><input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Encourage development of commercial and industrial lands.</li> <li><input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation.</li> <li><input type="checkbox"/> Continue to facilitate downtown development for residents and visitors.</li> <li><input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.</li> </ul>
<p style="text-align: center;"><b>PILLAR 2</b></p> <p style="text-align: center;"><b>Invest in Community Amenities and Infrastructure</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities.</li> <li><input type="checkbox"/> Increase access to recreation opportunities for all ages.</li> <li><input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy's site, Belle Vue)</li> <li><input type="checkbox"/> Create public access to water and waterfront</li> <li><input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change.</li> </ul>	<p style="text-align: center;"><b>PILLAR 4</b></p> <p style="text-align: center;"><b>Shape Growth Aligned with Local Identity</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Define and communicate a vision for the Town's future and identity.</li> <li><input type="checkbox"/> Promote and plan for green and "climate change ready" development.</li> <li><input type="checkbox"/> Review and implement policies that promote greater access to diverse housing.</li> <li><input type="checkbox"/> Protect the Town's historic sites and heritage.</li> <li><input type="checkbox"/> Preserve the Town's greenspaces, agricultural lands, and natural environment.</li> </ul>

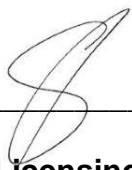
## 9. CONCLUSION:

The public consultation process in Amherstburg saw only a small group of local business owners actively participating, which highlights the limited engagement from the business community in the decision-making process. Despite this, the Town has moved forward with a significant reform in its business licensing approach. The decision to lower licensing fees and streamline the various categories of licenses is a step towards creating a more efficient and accessible system for business owners.

This shift is not just about reducing costs for local businesses; it represents a broader change in how the Town views its role in supporting economic development. The consolidation of license categories further reduces complexity, creating a more straightforward system that can save both time and resources for business owners.



Ultimately, the administration's goal is to foster a business-friendly environment that will attract new ventures, encourage existing businesses to expand, and ultimately drive economic growth in the region. This change in approach reflects a commitment to adapting to the needs of the business community and creating a climate that is conducive to growth and innovation while still preserving public safety.

A handwritten signature in black ink, consisting of a stylized, cursive 'B' followed by a series of loops and a final upward stroke.

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Bill Tetler

**Manager, Licensing and Enforcement**

## Report Approval Details

Document Title:	Business Licensing By-law and Licensing Committee.docx
Attachments:	- 2024 02 14 - Committee Terms of Reference FINAL RM.pdf - 2024-018 - Appoint Members to Licensing Committee RM.pdf - 2025-002 Business Licensing By-law.pdf
Final Approval Date:	Mar 13, 2025

This report and all of its attachments were approved and signed as outlined below:



Tracy Prince



Valerie Critchley



Kevin Fox