

**BE RECEIVED**, and further,  
that Administration **BE DIRECTED**  
to prepare proposed wording to amend the Licensing By-law  
to eliminate the need for the licensing for Mac's Milk hot dog operations  
**AS AMENDED**  
by Council at its meeting held December 5, 2011 [M361-2011]

- /AA  
Windsor, Ontario December 5, 2011

**REPORT NO.19** of the  
**PUBLIC SAFETY STANDING COMMITTEE**  
of its meeting held November 16, 2011

**Present:** **Councillor Jones, Chair**  
**Councillor Dilkens**  
**Councillor Gignac**  
**Councillor Maghnieh**

**Regrets:** **Councillor Payne**

That the following recommendation of the Public Safety Standing Committee **BE APPROVED**  
as follows:

Moved by Councillor Gignac, seconded by Councillor Dilkens

That the report dated October 13, 2011 authored by the Deputy Licence Commissioner entitled "Response to Council Question CQB-2011" **BE RECEIVED**. and further, that Administration **BE DIRECTED** to prepare proposed wording to amend the Licensing By-law to eliminate the need for the licensing for Mac's Milk hot dog operations.

Carried.

At the request of Mayor Francis a recorded vote is taken:

**RESULTS OF RECORDED VOTE:**

In Favour	Councillors Jones, Halberstadt, Valentinis, Marra, Hatfield, Sleiman and Maghnieh and Mayor Francis
Opposed	Councillors Gignac and Payne
Abstain	None
Absent	Councillor Dilkens

Carried.

**Clerk's Note:** The report dated October 13, 2011 titled "Response to Council Question CQ13-2011" is **attached** as background information.



**NOTIFICATION :**

Name	Address	Email Address	Telephone	FAX
Amjad Qaqish	3139 Forest Glade Dr Windsor, ON N8R 1W6		519-735-3206	
Small Business Advisory Panel				



THE CORPORATION OF THE CITY OF WINDSOR  
Public Safety Standing Committee - Licensing

MISSION STATEMENT:

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

To: Public Safety Standing Committee

Subject: Response to Council Question CQ13-2( 11

1. **RECOMMENDATION:** City Wide:  Ward(s): \_\_\_

That this report in response to Council Question CQB-2011 **BE RECEIVED** for information.

**EXECUTIVE SUMMARY:**

N/A

2. **BACKGROUND:**

At the January 24, 2011 meeting of City Council, Councillor Raffield presents the following question to the Licensing Commissioner:

CQ13-2011

"Asks that in light of the letter from the owners of 12 Mac's Milk franchises detailing frustration over a \$213 annual fee for offering hot dogs for sale, could administration investigate the claim surrounding Municipalities that do not charge this fee and offer an explanation as to why we do, and could this letter be sent to the Small Business Advisory Committee for their comment.?"

3. **DISCUSSION:**

The *Municipal Act, 2001, S.O. 2001, c.25* provides the municipality with the authority to provide for a system of licences with respect to a business wholly or partly carried on within a municipality.

The category of licensing addressed in this report has been in effect for approximately 6 years. It is defined by Business Licensing Bylaw #395-2004 as:

*"Lunch Counter" means a building or structure or part thereof where meals or meal*

*portions, as an accessory use excluding beverages, are prepared and sold over a counter for consumption within the building or structure or off the premises.*

*(substituted BIL 67-2005, March 29, 2005)*

This definition would apply to any convenience store which prepares and serves hot dogs, taquitos, sausages, pizza or like foods to their customers.

The author of the letter, attached to this report as Appendix "A", indicates that the concern is that it is not fair that the City of Windsor charges for this licence while other municipalities surrounding Windsor do not.

To compare the City of Windsor with neighbouring municipalities in regard to licensing regulation would not be appropriate. As a direct result of the size and complexity of varying municipalities, the licensing and enforcement regimes vary based on characteristics and populations of the cities, towns and villages as well as the direction given by their governing bodies. However, to directly answer the claim that neighbouring municipalities don't charge this particular fee for this particular category of licensing—that is correct. Some municipalities have little to no regulation, while others may charge more in particular categories. The following information demonstrates how licensing regulatory framework varies amongst municipalities, even those in close proximity to each other:

City of Windsor Bylaw #395-2004 offers the following rationale for the licensing of lunch counters:

*"LUNCH COUNTER" for the purposes of protecting the health and safety of the customers and to ensure the protection of the consumer.*

As part of the application/renewal process the licensing department requests and reviews the results of a Windsor or Essex County Health Unit inspection of the premises for a Lunch Counter prior to issuing any licence. The City of Windsor also enforces the posting of the Safe Food Counts Certificate on such premises to ensure compliance with the program. An application for Lunch Counter Licence also generates an inspection from the Windsor Fire Inspector to ensure the business is in compliance with the *Fire Protection and Prevention Act, 1997*.

The letter was brought forward and discussed at the Small Business Advisory Panel meeting of October 5, 2011. Following this meeting, a member of the Small Business Advisory Panel had a phone discussion with the Supervisor of Licensing and was provided with details on the licensing process and some of this information was relayed back to the panel in an email.

Any location in the City of Windsor, where an owner chooses to operate multiple categories of business out of a single address, each business type is subject to regulation under the Business Licensing Bylaw. An example of this would be a nightclub that offers adult entertainment, sells cigarettes, and employs a tattoo artist who would be subject to the Entertainment Lounge Licence, an Adult Entertainment Parlour Licence, a Tobacconist Licence and a Body Modification Licence. There are a plethora of combinations and all cases are considered on their individual merits.

#### **4. FINANCIAL MATTERS:**

There is a \$293 initial licence fee in Windsor for a Lunch Counter Licence including zoning, fire and pollution control inspections. The annual renewal fee is \$21-3 and these fees have not increased since 2007. In 2009, 57 lunch counter licences were issued. In 2010, 66 lunch counter licences were issued and year to date for 2011, 61 lunch counter licences. The vast majority are renewals there have been very few applications for this category.

#### **5. CONSULTATIONS:**

Municipalities of Leamington, Amherstburg, LaSalle and Tecumseh  
City of Windsor finance Department- Sonia Bajaj  
City of Windsor Legal Department- Susan Hirota  
Small Business Advisory Panel

#### **6. CONCLUSION:**

The contents of this report are submitted for information in response to Councilor Hatfield's question # CQ13-2011.

Valerie-Critchley  
City Clerk and Licence Commissioner

- Michael Chantler  
Supervisor of Licensing and Deputy Licence Commissioner

Manager of Policy, Gaming & Licensing and  
Deputy Licence Commissioner

#### **DEPARTMENTS/OTHERS CONSULTED:**

Name:

Phone #: 519

ext.

**NOTIFICATION:**

Name	Address	Email Address	Telephone	FAX
AMJAD QAQISH	3139 FOREST GLADE DR WINDSOR ON N8R 1W6		519-735-3206	
Small Business Advisory Panel	Karen Kadour, Committee Coordinator			





Mayor Eddie Francis and members of our new City Council.

Congratulations on being elected and re-elected. Much was said during the campaign about doing more to support the small business owners in our community.

As you know, small business owners employ far more people than any other sector. We wish to bring to your attention a small, but significant issue which makes a point of the over-regulation of one part of the small business community in Windsor.

We own some of the Mac's Milk franchises. I am writing this letter on behalf of twelve of the 50 Mac's stores in our area. Twelve of us employ seventy-six people and we pay substantial property and business tax as well as license fees:

Our issue is the fee charged to the twelve of us because we offer, as a convenience to our customers, hot dogs cooked on a roller grill.

We don't microwave them, we don't boil them, or fry them. --

But - because we make hot dogs available to our customers on a roller grill, the city charges us over and above all of the other taxes and fees we pay, an additional \$213 per year, per store.

In addition, the fire inspectors have to visit each store, as do the health inspectors, and we feel better use could be made of their time doing more important things to help keep the city safe.

Think about it. Why can't our business license and property tax cover everything? Why charge us extra for the hot dogs? -

To be honest with you - some of us do not make enough money from weekly hot dog sales to cover our expenses for the service, but a few customers do rely on us, so **WE** make the hot dogs available for them.

After all, we are in the business of customer service, providing our customers with what they want. That is what keeps them coming back. On the other hand, we don't see the city's tiered tax and fee approach as giving us - the city's customers - the small business community, a fair shake in this matter.

They don't charge it to the operators of convenience stores in our neighbouring municipalities, and that's the rub.

When we compare what our fellow franchise holders pay for identical services in the county, we see the difference, and don't feel you can justify the extra fees charged in the City of Windsor.

Please, have someone in administration look into this, do a comparison and you will see what we are talking about.

Have the Small Business Task Force take this example, and use it as our cry for change in how the City treats small business owners. Admittedly, this is a small issue -yet - so significant in the greater scheme of things, as a prime example of the over-regulation and red tape that the city forces on small business owners.

Thank you for taking the time to read this message, and we hope to hear of a positive change in the coming weeks.

Again, congratulations on your victories and let's move forward together making positive changes for all of our community partners.

Mike Qaqish - one of twelve others.