

BYLAW 20765 - OMNIBUS AMENDMENT TO BUSINESS LICENCE BYLAW 20002 - AMENDMENT #3

Recommendation

That Urban Planning Committee recommend to City Council:

That Bylaw 20765 be given the appropriate readings.

Purpose

To amend Bylaw 20002 - Business Licence Bylaw, incorporating opportunities for continuous improvement as identified by Administration and stakeholders through the normal course of business.

Readings

Bylaw 20765 is ready for three readings.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving to third reading, Council must unanimously agree “That Bylaw 20765 be considered for third reading.”

REPORT

Bylaw 20002 Business Licence Bylaw establishes the rules and regulations for granting licences to businesses that meet the City’s criteria for doing business in Edmonton. The objectives of Bylaw 20002 are to:

- Provide clear, consistent and reasonable regulations that are easy for businesses to understand and meet.
- Reduce barriers for businesses and enhance service delivery.
- Enable the City to respond quickly and decisively to new and emerging business types.
- Align with regulatory and enforcement partners to facilitate timely and effective responses to compliance-related issues.

Bylaw 20765 proposes a series of continuous improvement amendments to advance these objectives. The amending bylaw is provided as Attachment 1, and the redline bylaw is included as

BYLAW 20765 - OMNIBUS AMENDMENT TO BUSINESS LICENCE BYLAW 20002 - AMENDMENT #3

Attachment 2. Amendments were identified by Administration and stakeholders through the normal course of business, and are outlined in Attachment 3.

Name Update for Adult Services Category

Administration is proposing a minor amendment to three business licence categories:

- Exotic Entertainer
- Exotic Entertainment Venue
- Exotic Entertainment Agency

The proposed amendment is based on concerns raised by workers with lived experiences in the adult services industry that the word “exotic” has racist undertones and does not reflect language currently being used in the industry (Attachment 4). This helps to advance the City’s Anti-Racism Strategy by ensuring that policies do not stigmatize People of Colour. The word ‘Erotic’ is also more aligned with the intent and purpose of this business licence category.

Cannabis Retail Stores Hours of Operation

When the federal government legalized cannabis in October 2018, Alberta Gaming, Liquor and Cannabis (AGLC) limited the hours of operation for cannabis retailers to between 9:00 a.m. and 2:00 a.m. while granting municipalities the authority to further limit these hours. Edmonton City Council voted to further limit the hours of operation for cannabis retailers to between 10:00 a.m. and 11:00 p.m. out of concern for potential social disorder.

Administration is recommending the removal of this secondary restriction on hours of operation to defer to AGLC to regulate the hours of operation for Cannabis Retail Sales. This reduces red tape for businesses by allowing them to abide by a singular provincial rule, set by the governing body with expertise in this area. The proposed change also aligns with the ConnectEdmonton goal of Regional Prosperity by allowing businesses in Edmonton to set their hours in relation to customer demand, and is consistent with regulations in St. Albert, Sherwood Park, Leduc, Spruce Grove, Red Deer and Calgary.

Administration consulted with the Edmonton Police Service’s (EPS) Drug Expert and Investigative Team in the Edmonton Drug and Gang Enforcement Unit, who did not identify a need to maintain the current restriction on hours of operation.

Information Sharing with Massage Therapy Associations

Bylaw 20002 grants the City Manager authority to determine which massage therapy associations are formally recognized and their members licensed. When Bylaw 20002 was implemented in January 2022, it was identified that approval criteria and a process was required to determine which massage therapy associations could be recognized, which in turn would make their members eligible for business licensing. Since the bylaw was adopted, only members whose associations that were recognized under the previous Business Licence Bylaw, Bylaw 13138, have been eligible for licensing while a new approval process was developed.

BYLAW 20765 - OMNIBUS AMENDMENT TO BUSINESS LICENCE BYLAW 20002 - AMENDMENT #3

Administration has established a new approval criteria and process, following extensive research and engagement with members of the industry, outlined in the What We Heard Report in Attachment 5. This has resulted in:

- Introducing opportunities for additional massage therapy associations to apply for formal recognition.
- Establishing consistent minimum standards that associations must meet regarding membership requirements, education and training.
- Establishing consistent minimum standards that associations must meet regarding professional standards and complaint resolution.
- The ability for the City to immediately suspend the business licence where a practitioner's membership with their association has been suspended or cancelled due to a serious incident or complaint related to public safety.

The revised bylaw includes an amendment to authorize the City under the *Freedom of Information and Protection of Privacy Act (Alberta)* to indirectly collect member information from the associations where it is directly necessary for administration and maintenance of the licences. Only the licensee's name and factual information about their membership status would be collected, and only in the event where the association is cancelling or suspending a membership.

Conditions Available on Premise

When conditions are imposed on a business licence (typically due to compliance or public interest concerns) the conditions are not printed on the licence certificate that is publicly posted at the business. Rather, the licence certificate only indicates that conditions have been imposed.

In order for Municipal Enforcement Officers and the Edmonton Police Service to effectively ensure conditions are being followed while conducting in-person compliance inspections, there is a need for businesses to keep a copy of the detailed conditions on the premises. Administration is proposing an amendment that would require licensees with imposed conditions on their business licence to keep a physical, printed copy of the detailed conditions on the premises at all times and to make it available to an enforcement officer upon request.

Administrative Amendments

Administration is proposing two amendments with the goal of clearly communicating the bylaw's intentions and applicability. These amendments do not change how the bylaw is applied. The first amendment provides clarity around whether specified timelines in the bylaw are in calendar or business days to ensure applicants understand the deadlines on compliance notices or other time-sensitive correspondence. The second amendment is to delete Schedule D - Transitional Licences, which is no longer relevant as any licence that was previously issued under Bylaw 13138 will have expired since Bylaw 20002 took effect in January 2022.

BYLAW 20765 - OMNIBUS AMENDMENT TO BUSINESS LICENCE BYLAW 20002 - AMENDMENT #3

Community Insight

Administration identified these continuous improvement opportunities through regular customer interactions with business owners, responding to escalated inquiries and through ongoing conversations with internal and external partners and stakeholders.

Name Update for Adult Services Category

Administration heard from some Exotic Entertainer licensees that the word 'Exotic' has racist undertones and does not reflect the language currently being used in the community, and proposes using the word 'Erotic' in its place. The Advocacy Normalizing Sex Work through Education and Resources (ANSWER) Society provided a letter of support for this amendment (Attachment 4). ANSWER is a non-profit organization that advocates for sex workers in Edmonton and provides education, resources and training for the public.

Cannabis Retail Stores Hours of Operation

In June 2023, Administration observed a number of cannabis retailers operating outside of the maximum hours of operation allowed under the Business Licence Bylaw, and sent a letter to all Cannabis Retail Store licensees reminding them of the requirements. Administration received feedback from licensees that they find the inconsistency with AGLC's hours of operation confusing, and that Edmonton's restricted hours are harmful to their business interests. Cannabis Retail Store licensees were not directly engaged on the proposed amendment to ease these restrictions given that it is unlikely concerns will be raised. Administration also consulted with EPS, as identified above.

Information Sharing with Massage Therapy Associations

Administration engaged with five massage therapy associations between March 2022 and November 2023 to develop standardized approval criteria for associations to be recognized by the City. During the engagement, the associations agreed to provide limited member information if a membership has been cancelled or suspended due to a serious incident or complaint, or after an investigation confirms there is a high degree of certainty that the practitioner is providing services not allowed under the corresponding business licence category.

Attachments

1. Bylaw 20765 - Omnibus Amendment to Business Licence Bylaw 20002 - Amendment #3
2. Redline Version - Bylaw 20002 - Business Licence Bylaw - Omnibus 2
3. Summary of Proposed Business Licence Bylaw Amendments
4. ANSWER Society Letter of Support
5. What We Heard Report: Massage Therapy Association Engagement

Others Reviewing the Report

- C. Taylor, acting City Solicitor