



Corporate Report

NO: R073

COUNCIL DATE: May 4, 2009

REGULAR COUNCIL

TO: Mayor & Council DATE: April 27, 2009
FROM: City Solicitor FILE: 3900-20-13680
SUBJECT: Amendments to the Business License By-law - Alternative Health Care
Businesses

RECOMMENDATION

The Legal Services Division recommends that Council:

1. Approve amendments to the Business License By-law, 1999, No. 13680 (the "Business License By-law") as documented in Appendix "A" to this report;
2. Instruct the City Clerk to bring forward the appropriate amending by-law for the required readings; and
3. Direct staff to give notice to the public and affected businesses of the amending by-law to allow them an opportunity to provide comments and further direct staff to provide a report back to Council on the comments that are received from the public and affected businesses prior to Council consideration of final adoption of the by-law amendments.

INTENT

The purpose of this report is to advise Council about alternative health care businesses operating in Surrey and to seek Council approval of amendments to the Business License By-law to regulate these types of businesses.

DISCUSSION

During the last several years businesses have opened in the City that are providing alternative approaches to health care, but which are not recognized as conventional medicine. As these types of businesses are currently unregulated, there is also the potential for illegal activity, such as prostitution to be performed on the premises. It is recommended that the Business License By-law be amended to include regulations in relation to these types of businesses. The proposed amendments are documented in Appendix "A" attached to this report. The proposed regulations will aid By-law Enforcement and RCMP staff in investigating allegations of and taking action in relation

to illegal activities and will protect legitimate businesses in the operation of their businesses.

To satisfy the requirements of the *Community Charter*, after Council has given the Business License By-law amendment by-law three readings, City staff will provide notice regarding the amendments to the public and affected businesses and give them an opportunity to make submissions on the amendments. Staff will then provide a further report to Council regarding any input that is received prior to Council consideration of final adoption of the by-law amendments.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Approve amendments to the Business License By-law, 1999, No. 13680 (the "Business License By-law") as documented in Appendix "A" to this report;
- Instruct the City Clerk to bring forward the appropriate amending by-law for the required readings; and
- Direct staff to give notice to the public and affected businesses of the amending by-law to allow them an opportunity to provide comments and further direct staff to provide a report back to Council on the comments that are received from the public and affected businesses prior to Council consideration of final adoption of the by-law amendments.

CRAIG MacFARLANE
City Solicitor

CM:mlg
Appendix "A" – By-law No. 16911

c.c. John Sherstone, Manager, By-law & Licensing

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APPENDIX "A"
CITY OF SURREY
BY-LAW NO. 16911

A by-law to amend the provisions of "Business License
By-law, 1999, No. 13680" as amended.

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The Council of the City of Surrey, in open meeting assembled, ENACT AS FOLLOWS:

1. "Business License By-law, 1999, No. 13680" as amended is hereby further amended as follows:

1. Section 2 is amended by inserting the definition of "Beauty and Wellness Centre" after the definition of "Bank" as follows:

"Beauty and Wellness Centre" means a premise used to improve beauty and wellness through styling, cutting, or chemical treatment of hair and through skin and body treatments, including pedicures, manicures, facials, microdermabrasion, waxing, laser, hydrotherapy, anti-aging, skin rejuvenation therapy, aromatherapy, stone therapy massage, and relaxation massage but excludes fitness centres, personal training centres, and health enhancement centres.

2. Section 2 is amended by inserting the definition of "Fitness Centre" after the definition of "Fireworks Vendor" as follows:

"Fitness Centre" means a premise used for the development of physical fitness including health centres, gymnasia, racket and ball courts, and reducing salons if the training or instruction is primarily in group sessions or classes but excludes personal training centres.

3. Section 2 is amended by inserting the definition of "Health Enhancement Centre" after the definition of "Hair Stylist" as follows:

"Health Enhancement Centre" means a premise used to enhance health through therapeutic touch techniques including shiatsu, accupressure, reflexology, bio-kinesiology, hellework, polarity, reiki, rolfing, and trager but excludes body rub parlours, fitness centres, beauty and wellness centres, and personal training centres.

4. Section 2 is amended by inserting the definition of "Personal Training Centre" after the definition of "Pepper Spray Vendor" as follows:

"Personal Training Centre" means a premise used for the provision of physical fitness or personal training including yoga, pilates, and weight loss if the exercise

or instruction is primarily on a one-to-one basis, and the premises do not exceed 200 m² gross floor area.

5. Section 2 is amended by inserting the definition of "Therapeutic Touch Technique" after the definition of "Theatre 2" as follows:

"Therapeutic Touch Technique" includes but is not limited to shiatsu, accupressure, reflexology, bio-kinesiology, hellework, polarity, reiki, rolfing, and trager approach.

6. New Section 48.3 is inserted immediately after Section 48.2 as follows:

Health Enhancement Centre

- 48.3 (1) The Inspector will not issue a license for a health enhancement centre unless satisfied that either the applicant for the license or an officer of an applicant demonstrates a knowledge and understanding of the art and practice of shiatsu, accupressure, reflexology, bio-kinesiology, hellework, polarity, reiki, rolfing, and trager approach, or any other therapeutic touch technique, and the Inspector may, in that regard, require the applicant or officer to take and pass an exam. The Inspector may require the applicant to provide proof of membership in a recognized association of practitioners or course documentation prior to approval of the license.
- (2) Every person carrying on the business of a health enhancement centre shall ensure that all persons hired to administer a therapeutic touch technique are qualified in that respect and have not been convicted of an offence under sections 212 or 213 of the *Criminal Code*.
- (3) No person carrying on the business of a health enhancement centre shall employ any person to administer a therapeutic touch technique unless that person is at least 19 years of age.
- (4) No person carrying on the business of a health enhancement centre shall remain open for business or administer therapeutic touch technique between the hours of 12:00 midnight and 8:00 a.m.
- (5) No person carrying on the business of a health enhancement centre shall allow any employee or other person on the premises to engage in or offer to engage in an act of prostitution.

2. This By-law shall be cited for all purposes as "Business License By-law, 1999, No. 13680, Amendment By-law, 2009, No. 16911".

PASSED THREE READINGS by the City Council on the ____ day of _____, 200_.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the ____ day of _____, 200_.

_____MAYOR

_____CLERK