



**AGENDA**  
**GOVERNANCE AND PRIORITIES COMMITTEE MEETING**

Monday, July 12, 2021, 1:00 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS 3:00 P.M.

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	Pages
<b>1. CALL THE MEETING TO ORDER:</b>	
[Note: This meeting will be live streamed and video recorded for the public.]	
<b>2. INTRODUCTION OF LATE ITEMS:</b>	
<b>3. APPROVAL OF THE AGENDA:</b>	
<b>4. ADOPTION OF THE MINUTES:</b>	
a. <u>Minutes</u>	4 - 10
Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, on Monday, 2021-JUN-28, at 1:00 p.m.	
<b>5. AGENDA PLANNING:</b>	
a. <u>Governance and Priorities Committee Agenda Planning</u>	11 - 17
To be introduced by Sheila Gurrie, Director, Legislative Services.	
<b>6. REPORTS:</b>	
a. <u>GOVERNANCE AND MANAGEMENT EXCELLENCE:</u>	
1. Policy and Bylaw Renewal Project Update	18 - 36
To be introduced by Sheila Gurrie, Director, Legislative Services.	
<i>Purpose: To update Council on the status of the Policy and Bylaw Renewal Projects and to present a number of outdated or redundant Council policies for repeal.</i>	

Presentation:

1. Karen Robertson, Deputy City Clerk.

Recommendation: That the Governance and Priorities Committee recommend that Council repeal the 100 outdated or redundant Council policies highlighted in red within the Table of Contents linked to the July 12, 2021 report by the Deputy City Clerk.

2. Community Amenity Contribution Policy 37 - 59

To be introduced by Dale Lindsay, General Manager, Development Services.

*Purpose: To present an updated Community Amenity Contribution (CAC) Policy to the Governance and Priorities Committee.*

Presentation:

1. Lisa Brinkman, Planner, Community Planning.

Delegation:

1. Darren Moss, Tectonica Management.

Recommendation: That the Governance and Priorities Committee recommend that Council endorse the Community Amenity Contribution Policy.

3. Proposed Amendments to the Business Licence Bylaw 60 - 119

To be introduced by Dale Lindsay, General Manager, Development Services.

*Purpose: To provide Governance and Priorities Committee with information pertaining to the proposed amendments to the Business Licence Bylaw, the Fees and Charges Bylaw and the Bylaw Notice Enforcement Bylaw and to seek direction regarding next steps.*

Presentation:

1. Heidi Davidson, Manager, Permit Centre and Business Licensing.

Recommendation: That the Governance and Priorities Committee recommend that Council direct Staff to proceed with finalizing the "Business Licence Bylaw 2021 No. 7318", and that once finalized, return to a future Regular Council meeting for first, second and third readings of the "Business Licence Bylaw 2021 No. 7318", along with amendments to the "Fees and Charges Bylaw 2007 No. 7041" and the "Bylaw Notice Enforcement Bylaw 2012 No. 7159".

b. ENVIRONMENTAL RESPONSIBILITY:

c. ECONOMIC HEALTH:

d. COMMUNITY WELLNESS/LIVABILITY:

1. British Columbia Active Transportation Infrastructure Grant

To be introduced by Shelley Legin, General Manager, Corporate Services.

[Note: Report to be distributed on the Addendum.]

e. REIMAGINE NANAIMO:

1. REIMAGINE Nanaimo Update

120 - 131

To be introduced by Dale Lindsay, General Manager, Development Services.

Presentation:

1. Lisa Bhopalsingh, Manager, Community Planning.

7. QUESTION PERIOD:

8. ADJOURNMENT:

**MINUTES**  
GOVERNANCE AND PRIORITIES COMMITTEE MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2021-JUN-28, AT 1:00 P.M.

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Present: Councillor I. W. Thorpe, Chair  
Mayor L. Krog  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown (joined electronically 2:52 p.m.)  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
R. Harding, General Manager, Parks, Recreation and Culture  
A. Groot, Director, Facilities and Parks Operations  
L. Bhopalsingh, Manager Community Planning  
K. MacDonald, Parks and Open Space Planner  
S. Gurrie, Director, Legislative Services  
K. Lundgren, Recording Secretary

1. CALL THE GOVERNANCE AND PRIORITIES COMMITTEE MEETING TO ORDER:

The Governance and Priorities Committee Meeting was called to order at 1:00 p.m.

2. APPROVAL OF THE AGENDA:

It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

3. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2021-JUN-14 at 1:00 p.m. be adopted as circulated. The motion carried unanimously.

4. AGENDA PLANNING

(a) Governance and Priorities Committee Agenda Planning

Introduced by Sheila Gurrie, Director, Legislative Services.

- Upcoming Governance and Priorities Committee (GPC) meetings 2021-JUL-12 and 2021-JUL-26
- Review matrix document and priority rankings at 2021-JUL-12 GPC meeting

5. REPORTS:

(a) REIMAGINE NANAIMO

1. Parks, Recreation and Culture Master Plan Update

Introduced by Richard Harding, General Manager, Parks, Recreation and Culture, and Lisa Bhopalsingh, Manager, Community Planning.

Presentation:

1. Kirsty MacDonald, Parks and Open Space Planner, provided a PowerPoint presentation. Highlights included:

- Parks, Recreation and Culture (PRC) Master Plan is a guiding document for community needs, service delivery, land acquisition, funding strategies and decisions
- PRC Master Plan has policies that link back to the Official Community Plan
- Accomplishments from the 2005 PRC Master Plan include:
  - Land acquisition acquired in the past 15 years

Committee discussion took place regarding future land acquisition, and a community desire for access to nature being a common thread that has continued since 2005.

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation. Highlights included:

- Accomplishments from the 2005 PRC Master Plan include:
  - Playing fields along the Third Street corridor
  - Partnership agreements with School District #68 and Vancouver Island University
  - Ongoing improvements at Beban Park Recreation Centre and the Beban Centennial building
  - Energy efficiencies (reduced Green House Gas by 85%)
  - Special events to improve community identity
  - Increased public art
  - Increased cultural, rehearsal and art display spaces
  - Increased dog off-leash park locations
  - Completion of an urban forestry plan
  - Building Oliver Woods Community Centre

Committee discussion took place. Highlights included:

- Reviewing and updating aspects of the Urban Forestry Plan
- The role of an Urban Design Planner
- Support for land acquisition

- Consideration of climate change and expense of indoor swimming facilities
- Acknowledged additional accomplishments not presented in the PowerPoint, such as Harewood Centennial and the playground upgrade at Maffeo Sutton Park

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation. Highlights included:

- Projects in the PRC Master Plan that have not yet been completed include:
  - South End Community and Wellness Centre
  - Integrated community use of the old Harewood Sports Field area
  - The Paddling and Rowing Centre is still in the creative design phase
  - Working with partners to develop a Sports Tourism Strategy
- Engagement results from Phase 1 REIMAGINE Nanaimo
- Shifting trends in priorities for Parks, Recreation & Culture between 1994 and 2020

Committee discussion took place. Highlights included:

- The use of qualitative data to better understand the reasoning behind dissatisfaction with waterfront parks
- The City securing land outside of City boundaries
- Parking and accessibility at Westwood Lake Park

Lisa Bhopalsingh, Manager, Community Planning, noted that dissatisfaction with the waterfront parks related to a desire for improved access.

Committee discussion continued. Highlights included:

- Feedback from the community regarding the cost of the Departure Bay Waterfront Walkway
- Beach creation and access to beach front

Richard Harding, General Manager, Parks, Recreation and Culture, spoke regarding artificially made beachfronts at Swy-a-Lana Lagoon and Westwood Lake Park and providing access to the water while consideration restrictions and the environmental impact.

Lisa Bhopalsingh, Manager, Community Planning, clarified that there were two different data sets, the Statistically Significant Survey, and data collected through stakeholder groups. Council will be provided with a document containing all comments collected from public engagement to allow Council to make informed decisions.

Committee discussion took place regarding emerging trends in covered spaces and food security.

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation. Highlights included:

- Trends in satisfaction over programs and services fairly steady over the past 30 years

Lisa Bhopalsingh, Manager, Community Planning, noted the response sample from the Statistically Significant Survey matched the census and strongly reflects Nanaimo's profile.

Committee discussion took place. Highlights included:

- Publicity and marketing
- Acknowledging the potential influence of COVID-19 on the survey responses

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation. Highlights included:

- Integrating the language and goals from the framework document "Pathways to Wellbeing" into REIMAGINE Nanaimo
- Many trends developed due to the pandemic are expected to continue, such as the increased and creative use of outdoor spaces and increased popularity in mountain biking
- Preserving mental health during the pandemic
- Public priorities identified in previous master plans compared to what the public identifies as priorities now

Committee discussion took place regarding plans for advancing reconciliation.

The Governance and Priorities Committee Meeting recessed at 2:39 p.m.

The Governance and Priorities Committee Meeting reconvened at 2:52 p.m.

Councillor Brown joined the meeting electronically at 2:52 p.m.

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation. Highlights included:

- Integrating PRC policies into the City's goals and policies

Committee discussion took place regarding the process to identify key priority projects.

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation. Highlights included:

- Phase 2 engagement launched today

- Draft framework, goals and indicators engagement taking place 2021-JUN-28 to 2021-SEP-20
- Growth scenarios engagement taking place 2021-JUL-12 to 2021-SEP-20
- Phase 3 will take place Fall 2021 and into 2022
- The use of Quick Response (QR) codes to provide access to the survey
- Phase 2 is looking at integrative group scenarios in workshop formats
- Workshop participants pre-screened to ensure an accurate representation of the diverse community
- Creative ways to engage the community
- Youth has been an underrepresented demographic; therefore increased engagement with students before the end of the school year
- Workshops with Leaders in Training (LIT) and Quest programs
- Engaging with elementary students through REIMAGINE art kit and creating a collaborative public art display
- Phase 2 Engagement Scenarios launching on 2021-JUL-12 focused on land use and development
- Emerging strategies and action plans to help inform the policies and topic areas for many action plans and strategies

Lisa Bhopalsingh, Manager, Community Planning, emphasised the need to inform the community on what actions a local government has control over.

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation and spoke regarding site specific strategies and highlighted Westwood Lake, Linley Valley and East Wellington Park.

The committee thanked Staff for all the work they have done to encourage public engagement.

(b) COMMUNITY WELLNESS/LIVABILITY

1. Sports Tourism

Introduced by Richard Harding, General Manager, Parks, Recreation and Culture, and Dan Brady, Executive Director, Nanaimo Hospitality Association.

Presentation:

1. Jacquelyn Novak, Toa Consulting, provided a PowerPoint presentation regarding Nanaimo's proposed sport tourism strategy. Highlights included:
  - Pre COVID-19 sport tourism was the fastest growing segment of the global tourism industry

- Provincial and federal funding continues to support amateur sport
- Impact of COVID-19 on sport tourism
- Sport identified as fastest road to recovery from COVID-19
- Sport tourism does not only include sport competition, but also mass participation sporting events, sport-related festivals and sport administration meetings
- Hosting sport events can bring many diverse benefits to a community
- Identifying Nanaimo’s sport tourism goals and aspirations
- Goals and aspirations identified by key stakeholders
- Aspects to consider when selecting events to host including time of year, alignment with hotel availability, and volunteer burn out
- Feedback received from community sport organizations
- Nanaimo’s depth of experience in many sports and building off of Nanaimo’s strengths
- Events that foster growth and reconciliation and the cultural significance for the community
- COVID-19 triggered an increased demand for individual and small team sport such as cycling and paddle sports
- Adaptive sport and commitment to inclusion and diversity
- Opportunity for Nanaimo to act as location for athlete acclimatization for international events
- 2026 BC Summer Games bid

Committee discussion took place. Highlights included:

- Identifying the growing sport trends in Nanaimo
- Nanaimo being a strong sports community

Jacquelyn Novak, Toa Consulting, spoke regarding growing trends in adaptive sport, cultural importance of indigenous sport, and substantial increase in demand for mountain biking.

Committee discussion continued. Highlights included:

- The capacity of Nanaimo facilities to host all types of events
- Classification of Indigenous sport
- Sport tourism being a big first step in the provincial restart from COVID-19
- Sport is a means of attracting visitors who would not normally visit Nanaimo
- Recognizing and supporting the strong volunteer base in Nanaimo

Committee discussion took place regarding opportunities for “quick wins” to improve sport tourism in Nanaimo.

Richard Harding, General Manager, Parks, Recreation and Culture, spoke regarding further engagement taking place over the next few months and returning to Council in the Fall with a detailed report and recommendations.

Committee discussion continued. Highlights included:

- Initiating host city partnerships to attract international athletes
- All events provide opportunity for community involvement and developing community pride

6. ADJOURNMENT:

It was moved and seconded at 4:25 p.m. that the meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

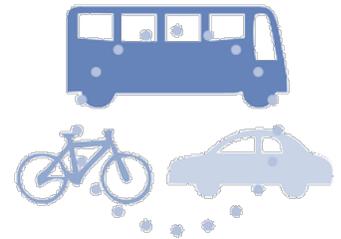
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CORPORATE OFFICER

## Upcoming GPC/Special Council Topics

### July 26

1. Mid-Year Transportation Update
2. Active School Travel
3. REIMAGINE Nanaimo Update
4. Waterfront Walkway
5. Option for reducing GHG's at NAC and Beban



# Governance and Priorities Committee Agenda Planning

2021 GPC Dates											
Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.
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## JANUARY

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\*January 25 – Meeting Cancelled

## FEBRUARY

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\*April 12 – Special GPC

## MAY

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\*May 10 – Special Council

## JUNE

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\*July 15 Public Hearing changed to July 22

## AUGUST

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## NOVEMBER

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- Governance and Priorities Committee Meeting
- Statutory Holiday
- FCM Annual Conference (Toronto)
- Council Meeting

- UBCM Convention (Vancouver)
- AVICC Convention (Nanaimo)
- Public Hearing (Special Council Meeting)

# Governance and Priorities Committee Agenda Planning

## Deferred to Finance and Audit Committee

- Fees and Charges

## Previous Topics Covered 2021

- Active Transportation
- Public Engagement report for the Animal Responsibility Bylaw
- SFN and SD68 Truth and Reconciliation -Joan Brown and Scott Saywell Presentation
- Health and Housing Task Force Final Report
- Community Amenity Contribution Policy
- Building Permit Review
- Mayor's Task Force on Recovery and Resilience
- Safety and Security
- Neighbourhood Associations
- Council Realignment
- Parks, Recreation and Culture Master Plan Update
- Sports Tourism

## Previous Topics Covered 2019 - 2020

- Review of "Council Procedure Bylaw 2018 No. 7272"
- Neighbourhood Associations – Part 1
- Effective Advocacy Strategies
- Coordinated Strategic Policy Review 2020-2021
- Single Use Checkout Bags
- Civic Facilities – conditions, issues, plans and objectives
- Energy and Emissions Management Program
- Advocacy – Part 2
- Coordinated Strategic Policy Review 2020-2021 – Public Engagement Strategy
- Manual of Engineering Standards and Specifications Revision Update
- REIMAGINE NANAIMO Demographics and Land Inventory/Capacity Analysis Summary
- Climate Change Resilience Strategy
- Reallocation of Street Space
- Governance: Question Period/Correspondence/Proclamations/Other
- Council Resolution Update
- Reopening Strategy/Plan
- Roadway Reallocation Options
- Social Procurement
- Sustainable Procurement

## **Governance and Priorities Committee Agenda Planning**

- Capital Projects
- Sports Venues
- Proposed Amendments to the MoESS
- Arts & Culture
- Short Term Rental/AirBnB regulations
- REIMAGINE NANAIMO “Water”
- Sanitation Review
- Animal Responsibility Bylaw
- Councillor Brown and Councillor Geselbracht re: Doughnut Economic Framework Model
- Health and Housing Task Force Update
- Environment Committee Recommendations
- Emergency Food and Nutrition Security Strategy

Timeline	Topic	Overall Ranking	Background	Format	Invitees	Desired Outcomes	Status
April	Neighbourhood Associations (Session 2 of 2)	1	Identified as a priority topic at the GPC meeting held 2020-Jan-20 (Session 1 of 2)	Invite chairs of some associations to attend and be available for the discussion. Identify what resources are available. Presentation on how neighbourhood associations work in the City and what expectations they have of Council (i.e.: how do they want to be engaged?)	Neighbourhood Association Representatives	Formalized process for recognizing neighbourhood associations and the City's role in this process. Create a new policy and criteria for neighbourhood associations moving forward including how they can be officially recognized. Defer any financial implications to Finance and Audit Committee	In progress
May	Crosswalk Safety	3	Identified as a priority topic at the GPC meeting held 2020-FEB-10	Crosswalks: report about flashing lights at crosswalks (are they beneficial, etc.). Education and information around increasing pedestrian safety at crosswalks. Costs around the lighting at crosswalks. Information Report re: Raised crosswalks at high accident intersections, Crosswalk design modelling on the new 3 D style being introduced, email had been sent to Mr. Rose Reflective tape such as is used in Ladysmith, Controlled crosswalks and the various styles Costs associated with all	At one of the multiple meetings (could be a multi-step approach): -RCMP traffic reconstructionist who can provide information. -ICBC Safety Coordinator. -Open to delegations	Could come as a next step: Professional best practice on what should be at crosswalks and what works best and why, etc.  Outcome: a report that outlines all of the pros and cons of crosswalk lighting and pedestrian safety. Options/costs  All crosswalks will have the latest safety features available.	In progress
Q3	1 Port Drive	7		Update from Staff on this project and next steps.		Next steps identified.	
May	Capital Planning Process	2		Included in the next budget cycle. List of projects of a strategic nature. Broad list of anticipated projects.		Workshop format with projects of a strategic nature identified. During budget process 5 to 10 year capital plan projects reviewed.	Complete
April	Safety/Security	4		Discussion on safety as a whole, resources available and streamlining or finding solutions to help all.	Business owners and residents that are impacted by the homelessness crisis. Bylaw, Police, Security, Fire	Solutions, education, and streamline resources.	In progress
July	Waterfront Walkway	5		Update from staff on this project and the next steps.		Next steps identified - borrowing and method.	
September	Election Signage	10		Staff report with background, updates required, policy, etc.		Election signage clarity - bylaw, policy, location, limits, time-frame, etc.	
Q4	Street Entertainers Bylaw	11		Review of current bylaw and other related bylaws (e.g. Noise Bylaw) to ensure consistencies. Update if necessary. Information session on history; state of the union.		Consistent bylaws. Improvements if necessary.	
Q3	Vancouver Island Conference Centre	6		Discussion around all uses identified and utilization of space.	Conference Centre staff	Best uses/practices determined. Utilization of space and uses identified.	

Timeline	Topic	Overall Ranking	Background	Format	Invitees	Desired Outcomes	Status
June	Sports Venues and Tourism Strategies	8		Multi-step process - venues and projects around Sport Venues will be grouped together when possible for a discussion and decision on advancing. Tourism - update from staff and next steps.		Sports tourism strategy and sports venues	Complete
Q3	Committee Structure	9	Examining the current Committee Structure	Discussion re: suggested changes: Does Council want to re-establish committees such as Arts and Culture Parks Recreation Community Safety Would it be a forum for interested residents to learn the basics of good governance and procedures - training ground for future candidates		Council decision on moving forward with more committees, or a different committee structure.	
	Westwood Lake Amenities Overview		Review of the park amenities (Park/Trail/Parking/Use)	Staff report and review of the park amenities and use plan		Outcome desired to gain an understanding of the park use plans currently in place and improvements/plans for future use	
March	Leaders Table		The Mayor's Leaders' Table is one of the key recommendations for recovery coming from the Mayor's Task Force on Recovery and Resilience.	Discussion re: Establishing a Leaders' Table Appointment of members Establishing terms of reference Governance structure and schedule		To establish the Mayor's Leaders' Table as recommended by the Mayor's Task Force.	Complete
March	Build Nanaimo - 100,000 Voices		Nanaimo BUILDS is one of the key recommendations for recovery coming from the Mayor's Task Force on Recovery and Resilience.	Discussion re: establishing a citizen-directed campaign to generate enthusiasm for the rebuilding of all sectors of Nanaimo's community Review proposed logo concept.		To begin developing the 100,000 Voices Campaign Concept including marketing and communications plan, and a budget.	Complete
March	Art in Public Spaces - Deaccession 2021		The Community Plan for Public Art, identifies the process to ensure the ongoing care of the City's Public Art Collection, including periodic evaluation of artworks for de-accession. Three works are identified as having reached the end of their lifespan and are recommended for de-accession.	Staff report with background and recommendations.		Deaccession of three artworks from the City of Nanaimo's Public Art Collection.	Complete
March	Strengthening Communities' Service Grant Opportunity		Funding is available through UBCM on behalf of the Province and Government of Canada to assist local governments and Treaty First Nations to improve health and safety of unsheltered homeless people, and reduce community concerns about public health and safety in neighbourhoods with unsheltered homeless people seeking shelter.	Presentation and discussion		Apply for grant through UBCM.	Complete

Timeline	Topic	Overall Ranking	Background	Format	Invitees	Desired Outcomes	Status
March	Art in Public Spaces Working Group - Draft Guidelines and Process		During the 2020-OCT-05 Governance and Priorities Committee Meeting, Council endorsed the creation of an Art in Public Spaces Working Group with the purpose of providing strategic and technical advice, and expertise to Staff to advance the City's public art programs.	Discussion re: Establishing an Art in Public Spaces Working Group and Guidelines for their work.		Establishing guidelines for an Art in Public Spaces Working Group and proceeding with a call for applications.	Complete
March	Building Permit Review		Nielson Strategies Inc. was engaged in October 2020 to assist in an independent Building Permit Function Review. The consultant has provided seven recommended changes.	Review and discuss draft report from Neilson Strategies Inc.	Allan Neilson, Neilson Strategies	Referring the proposed additional Staff positions to the Finance and Audit Committee for consideration in the 2021-2025 Financial Plan; Implement remaining six recommended changes outlined in report.	Complete
April & May	Council Realignment						In progress
April	Schedule D - Affordable Housing					Committee wishes to have a further look at the bylaw when housekeeping amendments come forward.	In progress
April	Affordable Housing Strategy - Annual Implementation Update						Complete
May	Transit Redevelopment Strategy						In progress
May	Safer Systems - Pedestrian Safety/Crosswalk - Vision Zero		Council ranked #1 GPC topic - 2nd report on crosswalk safety				In progress
June	Sports Tourism Strategy						Complete
June	Tourism Governance Model						
June/July	Events Planning						
July	Community Contributions Part II						
July	Policy and Bylaw Project update						
July	Business Licence Bylaw						
July	Mid Year Transportation Update						
July	Active School Travel						
July	Waterfront Walkway						
March	REIMAGINE NANAIMO			Charrette			Complete
April	REIMAGINE NANAIMO			GPC Council options on Charrette			Complete
April	REIMAGINE NANAIMO			Approval of Plan Framework			Complete
May	REIMAGINE NANAIMO		ReImagine - Transportation Policy ReImagine - Council Workshop (May 31, 2021)	Updates on Engagement and Activities Committee Feedback			Complete
June	REIMAGINE NANAIMO			Committees Feedback and Continued Engagement Updates - DRAFTING PLANS			In progress
July	REIMAGINE NANAIMO			Phase 2 engagement numbers Phase 2 Engagement Summary Presented Draft Plans - internal staff review			
August	REIMAGINE NANAIMO			No meetings - Preparation of key plan directions and rationale			
September	REIMAGINE NANAIMO			Committees Feedback External Agency Referrals Refining Plans			

DATE OF MEETING JULY 12, 2021  
AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK  
SUBJECT POLICY AND BYLAW RENEWAL PROJECT UPDATE

## **OVERVIEW**

### **Purpose of Report**

To update Council on the status of the Policy and Bylaw Renewal Projects and to present a number of outdated or redundant Council policies for repeal.

### **Recommendation**

That the Governance and Priorities Committee recommend that Council repeal the 100 outdated or redundant Council policies highlighted in red within the Table of Contents linked to the July 12, 2021 report by the Deputy City Clerk.

## **BACKGROUND**

As outlined in the Governance Excellence section of Council's Strategic Plan, one of the action items identified was to have a comprehensive review undertaken on Council's bylaws and policies.

On October 19, 2020 staff presented a report that provided a timeline and deliverables for undertaking both projects (see Attachment 1).

Staff is bringing forward this report to provide Council with a status update on the deliverables and to present a number of outdated or redundant Council policies for formal repeal.

## **DISCUSSION**

### **Bylaw Project Update:**

The following 5 deliverables for the bylaw project were outlined in the October 19, 2020 staff report that were slotted for completion or noted as on-going for 2021. The status of those deliverables are as follows:

1. To develop a new Animal Responsibility Bylaw (original target for completion December 21, 2020)

Status: It was anticipated that the new Animal Responsibility Bylaw would be adopted by the end of 2020; however, at the November 16, 2020 meeting, Council asked for further public input and directed staff to post the bylaw to the City's Bang the Table platform for 3 weeks. Staff were then asked to create a report on that input for consideration at a January,

2021 meeting. The report and revised bylaw was presented to Council at the January 11<sup>th</sup> GPC and given its first three readings on February 1, 2021 and sent to the Ministry for approval. The Ministry provided their response and requested some minor amendments be made to the bylaw. The requested changes were presented to Council on June 7, 2021 and the bylaw was given third reading, as amended. The bylaw has now been sent back to the Ministry and is awaiting approval.

2. Development of a Master Bylaw Registry for the City's 6500 bylaws (original target for completion 2021-Q4)

Status: Work commenced on the Master Bylaw Registry in Q4 of 2020; however, as noted above, the research, development, and stakeholder/ community consultation associated with the new Animal Responsibility Bylaw took longer than anticipated. There was also a desire to shift the focus to the policy project so that it could be completed in 2021. As a result, the target for completion of this project has changed. Staff will be in a position to resume work on the Bylaw Registry in Q3 and Q4 of 2021.

3. Streamlining the City's ticketing system and doing housekeeping amendments to include consistent violation and penalty language within each regulatory bylaw (on-going)

Status: To date, 5 regulatory bylaws have had their violation and penalty language updated which also prompted required amendments to the Bylaw Notice Enforcement Bylaw. As regulatory bylaws continue to come forward for amendments, the language will be reviewed and updated at the same time.

4. To develop a comprehensive Fees and Charges Bylaw whereby any bylaws that are up for amendments would have their fees transferred into one single Fees and Charges Bylaw (on-going).

Status: This project is also on-going whereby any bylaws that come up for amendments that have fees included in them will be transferred to the Fees and Charges bylaw. Currently the only bylaw that has come forward in this regard related to the licencing fees associated with the new Animal Responsibility Bylaw.

5. Scanning of all "signed" bylaws (target for completion 2021-Q4)

Status: This project has been completed ahead of schedule.

### **Policy Project Update:**

Commence with Developing a Master Policy Registry (target for completion 2021)

Staff identified that the policy project would commence once the bylaw project was well underway and that more specific deliverables on the project would be identified in conjunction with an update to Council on the bylaw project. However, as noted above, there was a desire to move the timeline up for the policy project so that it could be completed in 2021. As such,

staff's priorities shifted from the bylaw project to the policy project. The following work has been undertaken on the policy project since that time:

- Established new Council and Administrative Policy Templates (December, 2020)
- Developed a Master Policy Registry outline with a numbering system for Council and Administrative policies (December, 2020)
- Conducted an inventory on all Council policies (both electronic and hard copy) which included a fulsome audit of the historical Council minutes to confirm when the policies were endorsed by Council. Through this process, 283 Council policies were identified. Seventy did not meet the criteria of being a true Council policy as they were simply resolutions of Council placed into a policy template; 28 were confirmed as historical which had been formally repealed by Council. This left 185 policies that needed to be reviewed by staff (December/January, 2021)
- Transferred all policies into the new templates (January, 2021)
- Introduced the Master Policy Registry and reformatted policies to the Senior Leadership Team and advised on next steps (February, 9, 2021)
- Met with each City department to apprise staff who develop policies of the project. During these meetings, staff were also advised that the next step would be to review the Council policies pertinent to their department and identify which ones were: 1) ok as is and still applicable; 2) which policies needed amending and why; and 3) which policies could be repealed and why. Staff were given until May 14, 2021 to provide their feedback (February 15 – mid March).
- While waiting for responses from staff on the Council policies, work commenced on compiling and auditing the Administrative policies from various departments (mid-March – May)
- Once responses on the Council policies were received, they were tallied and placed into a Table of Contents. The results were: 39 policies identified as “ok as is”; 46 policies identified as “needing amendments”; and 100 identified “for repeal” (May, 2021)
- Finalized Table of Contents and responses presented to the Senior Leadership Team for review (June 1, 2021)
- July 12, 2021 - Project update report, with 100 Council policies proposed for repeal resented to the Governance & Priorities Committee for consideration (see link to the Table of Contents at the bottom of the staff report).

Please note, hyperlinks to each of the policies have been in-bedded in the title of each policy within the Table of Contents.

#### Next Steps:

Once Council has formally considered repealing the outdated and redundant policies, the Council policy section on the City's website will be updated. This will ensure that Council and members of the public have access to, and the ability to search, all the relevant Council policies. Staff will then turn to next phase of the project, which will be to update the 46 policies that were highlighted to be amended. Work will also continue with reviewing and updating Administrative policies.

The Master Policy Registry (which is a tool for staff) will provide access to both current policies and historic ones for reference. The Registry is in an excel format which will make it easy for staff to search policies alphabetically, by policy number, or by department. This should eliminate the potential for policy conflict or duplication in the future.

## **OPTIONS**

1. That the Governance and Priorities Committee recommend that Council repeal the 100 outdated or redundant Council policies highlighted in red within the Table of Contents attached to the July 12, 2021 report by the Deputy City Clerk.
  - The highlighted policies within the Table of Contents have been identified by staff as policies that are either redundant and conflict with other Council policies, are no longer legal, reflect outdated processes or practises, or are no longer relevant due to the age of the policy.
  - Should Council select this option, all 100 policies would be repealed and become historical Council policies.
  - Should Council wish to retain any of the 100 policies, staff recommend that Council consider option 2 whereby specific policies could be excluded from the list.
  
2. That the Governance and Priorities Committee recommend that Council repeal the Council policies highlighted in red within the Table of Contents attached to the July 12, 2021 report by the Deputy City Clerk, with the exception of the following policies: (insert name of the specific policies Council wishes to retain)
  - Under this option, Council could choose to retain specific policies that are slotted for repeal.

### **SUMMARY POINTS**

- One of the action items identified in Council's Strategic Plan was to have a comprehensive review undertaken on Council's bylaws and policies.
- In October, 2020, staff presented a report that provided a timeline and deliverables for undertaking both projects.
- The status of the deliverables are being presented to Council along with 100 Council policies to be repealed that are either outdated, redundant, no longer legal, reflect outdated processes or practices, or are no longer relevant due to the age of the policy.

### **ATTACHMENTS:**

Attachment 1 – October 20, 2020 staff report – Bylaw and Policy Renewal Project Timeline Table of Contents and Policies Link - <http://www.nanaimo.ca/goto/councilpolicyreview>

### **Submitted by:**

Karen Robertson, Deputy City Clerk

### **Concurrence by:**

Sheila Gurrie, Director of Legislative Services  
Bill Sims, General Mgr, Engineering & Public Works  
Dale Lindsay, General Mgr, Dev Services  
Richard Harding, General Mgr, Parks, Rec & Culture  
Shelley Legin, General Mgr, Corporate Services

Laura Mercer, Director of Finance  
Tim Doyle, Fire Chief  
Lisa Fletcher, Inspector of Police  
John Van Horne, Director of HR  
Jake Rudolph, CAO

DATE OF MEETING    OCTOBER 19, 2020

AUTHORED BY        KAREN ROBERTSON, DEPUTY CITY CLERK

**SUBJECT            Attachment 1 - 2020-OCT-20 - Bylaw and Policy Renewal Project  
Timeline.docx**

## **OVERVIEW**

### **Purpose of Report:**

To provide Council with a timeline of the Bylaw and Policy Renewal Project as identified in Council's 2019 – 2022 Strategic Plan.

## **BACKGROUND**

In 2019, Council underwent a planning process to define its vision and values for the 2019 – 2022 Council term. Within the Governance Excellence section of the Strategic Plan, one of the action items identified was to have a comprehensive review undertaken on Council's bylaws and policies as well as updates done on ones that were outdated, ineffective or inconsistent with current objectives. The Deputy City Clerk was assigned the responsibility to oversee and support this project and to develop a timeline for moving the project forward.

## **DISCUSSION**

Prior to developing the timeline and assigning deliverables for the project, an audit of the City's Bylaws and Council policies was undertaken to identify gaps and determine priorities. The following project scope, work breakdown structure, and deliverables were developed based on that audit:

### **Project Scope:**

The "bylaw project" is proposed to be conducted in two phases:

The first phase will consist of manually inputting all of the City's bylaws into a Master Bylaw Registry. This is a critical first step as the audit identified historical gaps in how the bylaws were recorded making it challenging to determine what bylaws are current, what they repealed, which are amendments, missing, etc. Staff has developed a framework for the Registry where critical information will be recorded in one easily searchable Excel spreadsheet (see Attachment "A").

The audit also revealed that the City does not have scanned PDF versions of all signed bylaws. All bylaws are considered permanent records and the Corporate Officer (under Section 148 of the *Community Charter*) is legally responsible for the safekeeping of the bylaws. Therefore, it is crucial for business continuity purposes to have PDF copies of the original bylaws in the event of a flood, earthquake, or fire. As each bylaw is entered into the Registry and the information recorded, staff will make PDF copies of the bylaws.

After the bylaws have been recorded, an analysis of the active bylaws will be done to determine their status (fine as is, to be repealed, or needs updating).

During the second phase of the project, staff will develop a bylaw guide document and work with staff to modernize the bylaws that were identified in phase one for updating. Determining which bylaws will be addressed first will be based on risk, liability, applicability, revenue generation, etc. and drafted based on best practices, using plain language, to provide better enforceability. It is recognized that throughout the process bylaws based on Council priorities and operational needs will need to be updated or modernized sooner rather than later. Therefore, Council can expect to see amendments, rewrites, or development of bylaws on an on-going basis.

The “policy project” will also be conducted in phases. The first phase will consist of bringing forward a list of policies identified by staff as outdated for Council to repeal. As with the Bylaw Renewal Project, the next step will be to develop a Master Council Policy Registry and move forward with modernizing policies in the same manner as the bylaw project. Given the scope of the Bylaw project, the Policy Registry will commence after the Bylaw Registry is well underway. As with the priority bylaws mentioned above, there will be policies that need to be addressed on an on-going basis.

Work Breakdown Structure (Bylaw Renewal Project)

**PHASE ONE – 2020-2021**

**Deliverable: Develop a Master Bylaw Registry**

Tasks	Timeline for Completion
Develop a Master Bylaw Registry of the City’s approximately 6,500 bylaws (in Excel) that includes the following information for each bylaw: <ul style="list-style-type: none"> <li>- Bylaw No.</li> <li>- Name of Bylaw</li> <li>- Readings</li> <li>- Assent of Electors (if applicable)</li> <li>- Date of Adoption</li> <li>- Amends Bylaw</li> <li>- Repeals Bylaw</li> <li>- Amended By</li> <li>- Repeal Date</li> <li>- Repealed By</li> <li>- Comments</li> </ul>	2021-Q4
Attach hyperlinks within the Master Bylaw Registry to PDF versions of each bylaw	2021-Q4

**Deliverable: To repeal bylaws that are no longer relevant**

During the development of the Master Bylaw Registry, bylaws that are active would be analyzed to ensure they are relevant and aligned with Council’s stated strategic goals, priorities, and policy objectives. Where bylaws or regulations are seen to be irrelevant, outdated, ineffective, obsolete or inconsistent with current objectives, those bylaws would be identified for updating or earmarked for repeal.

Tasks	Timeline for Completion
While inputting bylaws into the Master Bylaw Registry, identify bylaws that are no longer relevant, and note the rationale for updating or repealing the bylaw.	2021-Q4
Quarterly – draft a “Bylaw Repeal Bylaw” to remove obsolete bylaws off the books	2021-Q4

**Deliverable: To streamline the City’s ticketing system and do housekeeping amendments to include consistent violation and penalty language within each regulatory bylaw so that Bylaw Enforcement Officers are able to issue the appropriate ticket for an offence.**

Currently the City has the following four ticketing options:

1. The Bylaw Offence Notice (BON) ticketing system. This system operates under the authority of the Bylaw Notice Enforcement Bylaw (implemented in 2012) and used for fines under \$500. The fines are administered through an Adjudication process vs. the Courts. It is a cost effective system administered by the City (with other local government participation) and used for the majority of offences. Regulatory bylaws that are not included in the BON system need to be added.
2. The Municipal Ticketing Information System (MTI) operates under the authority of the Municipal Ticketing System Bylaw and can be used for fines up to \$1,000. This system is administered through the Provincial Courts, which can be costly. The City has not used this system since the implementation of the BON system in 2012 as most of the City’s fines are under \$500. It is anticipated that in the near future the legislation will be amended to increase the fine limit to \$1,000 for the BON system and the MTI system phased out. For these reasons, it is recommended that the MTI Bylaw be repealed.
3. The Long Form ticketing process (via the *Offence Act*) is for processing the most egregious infractions (i.e. cutting down multiple trees). It is administered through the Provincial Courts with the assistance of a Municipal Prosecutor. This system is used for fines over \$500 and up to \$50,000 (depending on the seriousness of the Offence).
4. The Super Ticket process, (under the authority of Section 263.1 of the *Community Charter*) is a Long Form process that the City enacted in 2005. It is administered through the Provincial Courts and was used for all tickets (prior to implementation of the BON system in 2012). This system is no longer relevant and should be abolished.

Tasks	Timeline for Completion
Draft a housekeeping amendment to the BON bylaw to update the Agreement (Schedule A) and update the Zoning Fine Schedule and include fines for the Management and Protection of Trees Bylaw. A bylaw amendment to remove reference to fines from the Zoning Bylaw (B4500) and Management and Protection of Trees Bylaw (B7126) would be done concurrently.	October 19, 2020 Council meeting
Repeal the MTI Bylaw as part of the first Bylaw Repeal project	2021 – Q1
Remove reference to the fines in the regulatory bylaws as they come up for renewal or amendment and ensure consistent offence clauses are included in all bylaws.	On-going

**Deliverable: To develop a new Animal Responsibility Bylaw**

On July 6, 2020, Council endorsed, in principle, the recommendations of the Animal Control Services review and directed staff to modernize the Licensing and Control of Animals Bylaw and to incorporate the recommendations of the service review.

Tasks	Timeline for Completion
Identify stakeholders and have preliminary discussions on desired outcomes for a new Bylaw.	Completed
Draft bylaw using the SPCA's Model Bylaw and bylaws from those jurisdictions who participate in Nanaimo's Bylaw Dispute Adjudication System as a framework. Include recommendations from stakeholders and those outlined in the service review.	Completed
Forward finalized draft bylaw to stakeholders for feedback:  Note: concerns raised by Council and members of the public regarding mandatory sterilization of outdoor cats, identification for cats, removing breed specific legislation, dogs in heat, and tethering were considered and incorporated into the draft.	Completed
Feedback from stakeholders incorporated in the bylaw and circulate 2 <sup>nd</sup> draft	First part of October
Send finalized bylaw for legal review	3 <sup>rd</sup> Week of October
Present draft bylaw to Council.	November 9, 2020 GPC
Incorporate any Council feedback from the November 9, 2020 GPC meeting and forward to the December 7, 2020 meeting for consideration of first three readings. A new fees and charges bylaw (that incorporates the licensing and boarding fees will be introduced at the same meeting)	December 7, 2020
Bylaw Adoption	December 21, 2020
Once adopted, amendments will be required to the Parks and Regulation Bylaw and the Bylaw Notice Enforcement Bylaw.	December 21, 2020

**Deliverable: To develop a comprehensive Fees and Charges Bylaw**

Currently, fees and charges are outlined within various bylaws. Having a “one stop” comprehensive bylaw that lists all fees and charges would make it much easier for the public and staff to find the applicable fees that will reduce the number of enquires to the City.

Tasks	Timeline for Completion
To establish a Fees and Charges Bylaw that would be introduced in conjunction with the Animal Responsibility Bylaw. This bylaw would be the starting point and as various bylaws are amended, staff would take the opportunity to update the fees and charges bylaw at the same time.	December 7, 2020 Council Meeting for introduction. Project will be on going.

**Deliverable: To scan all “signed” bylaws**

As bylaws are permanent records and the Corporate Officer is assigned the responsibility of ensuring bylaws are maintained and kept safe as outlined in Section 148 of the *Community Charter*, it is important that for business continuity purposes in the event of a flood, fire, or earthquake that the City has scanned copies of all signed bylaws.

Tasks	Timeline for Completion
This project got underway in the spring of 2020 and many bylaws have been scanned. Those remaining will be scanned while the bylaws are being added to the Master Bylaw Registry.	2021-Q4

## PHASE TWO – 2021/2022

**Deliverable: To work with staff on modernizing the City’s regulatory bylaws (on a priority basis) based on risk, liability, applicability, revenue generation, etc. in order to improve service to the public and provide for efficiencies across the organization. Bylaws would be drafted based on best practices using plain language to provide for better enforceability.**

Some of this work has already commenced with work being done on the Animal Responsibility Bylaw and Ticketing Bylaws. Other bylaws that need addressing will be part of the 2021 work plan. The focus for 2022 would be to do a review of the bylaws that are identified through the Master Bylaw Registry project with more specific deliverables and tasks identified in the later part of 2021.

**Deliverable: To develop a bylaw guideline document for staff**

To assist subject matter experts on drafting bylaws, a bylaw guideline document would be developed for staff to use as a tool when developing their bylaws.

### Work Breakdown Structure (Policy Renewal Project)

#### Phase One – 2021

**Deliverable: Develop a Master Policy Registry**

The City has a hard copy of a Council policy manual that contains several policies, which are divided into sections, by department. Some of the policies are in effect and posted on the internet (currently 46 posted in the internet). Others are still valid but outdated; others are historical.

In 2010 and subsequently 2016, Legislative Services developed a policy status sheet. This status sheet, along with copies of the policies, were sent to the applicable departments for review. Managers were asked to determine whether the policy was relevant and should remain as is, whether it needed amending, whether it was obsolete and should be repealed or unsure. At the time, it was also noted that some policies were administrative in nature and would be more applicable as a staff policy or appeared to be a procedure or guideline. To assist, staff was provided with definitions as to how to view the policy (i.e. is it a rule, guiding principle or statement vs. a process, method, practice). Feedback from the various departments was provided; however, the work was not concluded.

Tasks	Timeline for Completion
Present a report to Council with a list of policies that need to be repealed	November 23 <sup>rd</sup> GPC
Bring forward a revised Public Hearing process policy	November/December, 2020
Start Development of a Master Bylaw Registry	2021
To build on the work that was done in 2010 and 2016	*TBD

\*Further work on the policies will be identified in 2021 in conjunction with the updates provided to Council on the bylaw project.

### **SUMMARY POINTS**

- As part of Council’s 2019 – 2022 Strategic Plan, one of the Governance action items identified was to have a comprehensive review undertaken on Council’s bylaws and policies and then proceed with updating those that were outdated, ineffective or inconsistent with current objectives.
- An audit was conducted on the City’s bylaws and Council policies and a project timeline, with work breakdown structures and deliverables was developed for moving the project forward.

### **ATTACHMENTS**

Attachment “A” - Master Bylaw Registry (sample)

**Submitted by:**

Karen Robertson  
Deputy City Clerk

**Concurrence by:**

Sheila Gurrie  
Director of Legislative Services

## Bylaw & Policy Renewal Project Update

Presented by:

Karen Robertson, Deputy City Clerk

- Strategic Plan Action Item – to have a comprehensive review undertaken on Council's bylaws and policies
- On October 19, 2020, staff presented the timeline and deliverables for undertaking both projects
- Staff is now providing a status update on both projects and bringing forward a number of outdated or redundant Council policies for formal repeal.

### Bylaw Renewal Project Update

#### 2021 Deliverables:

- Develop a new Animal Responsibility Bylaw
- Develop a Master Bylaw Registry for the City's 6500 Bylaws
- Streamline the City's ticketing system and housekeeping amendments to include consistent violation and penalty language
- Develop a comprehensive Fees and Charges Bylaw; and
- Scan all "signed" bylaws

### Animal Responsibility Bylaw:

- Original target for completion - December 21, 2020
- November 16, 2020 Council asked for further public input through the City's on-line engagement platform and to bring a further report in January, 2021 based on the feedback.
- Bylaw given 3 readings on February 1, 2021 and forwarded to the Ministry for approval.
- The Ministry requested that minor amendments (for clarity purposes) be made to the wildlife provisions
- Changes presented and endorsed by Council on June 7, 2021.
- The revised bylaw was sent to the Ministry for approval.

### Development of a Master Bylaw Registry

- Original target for completion – 2021 Q4
- Work has commenced but the research, development, and stakeholder/community consultation associated with the Animal Responsibility Bylaw took longer than anticipated
- Focus was also shifted to the policy project in November, 2020 so that the policy project could be completed in 2021.
- Staff to resume work on the Bylaw Registry in Q3 and Q4, 2021.

### Streamlining the City's Ticketing System

- Project is on-going
- To date, 5 regulatory bylaws have had violation and penalty language updates along with corresponding amendments to the Bylaw Notice Enforcement Bylaw.
- As regulatory bylaws continue to come forward for amendments, the violation and penalty language will be reviewed at the same time

To Develop a Comprehensive Fees and Charges Bylaw

- Project is on-going
- As bylaws amendments come forward, those with fees will be transferred to the Fees and Charges Bylaw.

Scanning of all Signed Bylaws

- Original target for completion – 2021 Q4
- Project completed ahead of target

### Policy Renewal Project Update

- Original target for 2021 was the development of a Master Policy Registry.
- Focus shifted from bylaw project to policy project in November, 2020 so that the policy project could be completed in 2021

The following work has been undertaken between November, 2020 and June, 2021:

- ❖ Established new Council & Administrative Policy Templates
- ❖ Developed a Master Policy Registry
- ❖ Conducted an inventory on all Council policies (both electronic and hard copy)
- ❖ Transferred all polices into the new template
- ❖ Conducted and audit on the policies

### Audit Findings

- ❖ Policy statements or directives not necessarily presented in a policy format
- ❖ Some policies were vague
- ❖ Some policies duplicated bylaw provisions
- ❖ 70 policies identified as not fitting the Council policy criteria.

### Audit Continued:

- ❖ Staff needed to confirm when policies marked historic were repealed
- ❖ 28 policies confirmed repealed by Council
- ❖ Many never formally repealed
- ❖ February 9<sup>th</sup> - Introduced the Master Policy Registry and reformatted policies to the Senior Leadership Team

- ❖ Mid-February – mid March, meetings held with each department to review the policy project and advise on next steps
- ❖ Department staff reviewed all policies for applicability (deadline for response – May 14<sup>th</sup>)
- ❖ Work commenced on the Administrative policies while awaiting feedback on the Council policies

- ❖ Once feedback received, responses were tallied and placed into a Table of Contents for presentation to Council. Results were as follows:
  - 39 policies identified as “ok as is”
  - 46 policies identified as “needing amending”
  - 100 policies identified for repeal as they are considered redundant, no longer legal, or reflect outdated processes or practices.

## Policy Review and Recommendations

<http://www.nanaimo.ca/goto/councilpolicyreview>

Option 1: (Should Council support repealing all 100 policies identified)

*That the Governance and Priorities Committee recommend that Council repeal the 100 outdated or redundant Council policies highlighted in red within the Table of Contents attached to the June 14, 2021 report by the Deputy City Clerk.*

Option 2: (Should Council wish to retain any of the 100 policies)

*That the Governance and Priorities Committee recommend that Council repeal the Council policies highlighted in red within the Table of Contents attached to the June 14, 2021 report by the Deputy City Clerk, with the exception of the following policies: (insert name of the specific policies Council wishes to retain)*

## Policy Project (Next Steps)

- To update the Council policy section on the City's website
- To update the 46 policies highlighted as needing amending.



CITY OF NANAIMO  
THE HARBOUR CITY

QUESTIONS:

DATE OF MEETING July 12, 2021  
AUTHORED BY LISA BRINKMAN, PLANNER, CURRENT PLANNING  
SUBJECT COMMUNITY AMENITY CONTRIBUTION POLICY

## **OVERVIEW**

### **Purpose of Report**

To present an updated Community Amenity Contribution (CAC) Policy to the Governance and Priorities Committee.

### **Recommendation**

That the Governance and Priorities Committee recommend that Council endorse the Community Amenity Contribution Policy.

## **BACKGROUND**

In 2012, Council endorsed the City's Community Amenity Contribution (CAC) practice of collecting \$1,000 per residential unit and \$34/m<sup>2</sup> of commercial and industrial floor area, and these rates are still being used for CAC negotiations with applicants for applicable applications. From 2010 to 2020, the City collected \$1,858,946 in CAC funds, which has allowed for significant public amenity benefits throughout the city. The allocation of these funds, as negotiated through application reviews, has resulted in 66% of all monetary contributions being directed to public parks and infrastructure, 30% to the Housing Legacy Reserve Fund, and 4% to other City initiatives. CAC funds have been used for improvements within many parks, including Neck Point Park, McGirr Sports Complex, Monashee Park, Harewood Centennial Youth Park, Westwood Lake Park, Fern Road Park, Noye Park, Harewood Skate Park, and Linley Valley Park. The City has also used CAC funds to contribute to pedestrian infrastructure improvements.

Council directed Staff to review the current CAC rates, and an implementation direction in the City's Affordable Housing Strategy is to '*update the Community Amenity Contribution Policy*'. Staff have completed several steps towards this goal, including retaining a land economist to conduct a market analysis to inform the proposed CAC Policy, and completing public consultation, which has also informed the proposed policy.

A draft CAC Policy was presented to the Governance and Priorities Committee (GPC) on 2021-MAR-08. The GPC elected not to proceed with the recommended rates, and chose the alternative option with the rates provided by land economist consultant Rollo & Associates Ltd. The recommended CAC rates presented to the GPC on 2021-MAR-08 were as follows:

	<b>2021-MAR-08 proposed CAC Rates</b>
Single Residential Dwelling	\$2,500 per dwelling
Townhouse Residential Dwelling and Multiple-Family Dwelling	\$30 per m <sup>2</sup> of Gross Floor Area (excluding underground parking)
Commercial and Industrial	\$34 per m <sup>2</sup> of Gross Floor Area
Cannabis Retail Store and Liquor Retail Store	\$10,000 per store
Student Housing	\$1,000 per bed

The GPC also directed that Staff engage the community, thus Staff completed the following steps: i) created a project page on the City website; and ii) requested comments on the draft CAC Policy (and rates as recommended by GPC and Rollo & Associates Ltd.) from active Neighbourhood Associations and representatives from the Nanaimo development community.

Timeline of CAC Policy project to date:

<b>Date:</b>	<b>Action:</b>
2019	Council directs Staff to review the current CAC rates, and implement an action item in the Affordable Housing Strategy to update the CAC Policy.
January 2020	Land Economist Rollo & Associates Ltd. is retained to provide a report with an analysis and recommendations for new CAC rates that are market-driven and reflect the financial realities of development in Nanaimo.
July 2020	Land Economist Rollo & Associates Ltd. provides a report with recommended CAC rates for the City of Nanaimo.
August 2020	Staff draft a new CAC Policy, utilizing the Rollo & Associates Ltd. report.
September - November 2020	Staff refer the draft CAC Policy to other City departments, and hold several meetings with the Nanaimo development community. The comments received are integrated into the draft policy.
March 2021	Staff present a draft CAC Policy to the GPC to receive input and direction for community consultation.
April-May 2021	Staff complete community consultation with active Neighbourhood Associations and representatives from the Nanaimo development community, which includes a project webpage on the City website with information about the CAC Policy review and an opportunity to provide feedback.

## **DISCUSSION**

The purpose of the CAC Policy is to offer guidance and certainty for the provision of community amenities that are negotiated as part of a rezoning or land use covenant amendment process that is initiated by an applicant. Applicants provide amenities as a way of ensuring the proposed development is making a reasonably balanced contribution to the neighbourhood and community at large. The amenities offered are to assist with growth pressures and to expand public facilities.

The proposed CAC Policy outlines the purpose of community amenity contributions, differentiates the difference between in-kind and monetary contributions, specifies the monetary CAC rates, outlines special considerations to support more affordable housing, and explains the process for collecting CACs. Note the proposed new monetary CAC rates would commence in January 2022, with a gradual increase in 2023 and 2024, to give the development community time to adjust, as recommended by Rollo & Associates Ltd.

The CAC Policy proposes the following rates (as recommended by GPC on 2021-MAR-08):

	<b>CAC Rate starting 2022-JAN-01</b>	<b>CAC Rate starting 2023-JAN-01</b>	<b>CAC Rate starting 2024-JAN-01</b>
<b>Single Residential Dwelling</b>	\$3,000 per unit	\$5,500 per unit	\$8,000 per unit
<b>Townhouse Residential Dwelling</b> <i>A dwelling that shares one or more walls with another unit, with no unit above, and has a ground-level entrance.</i>	\$2,500 per unit	\$5,000 per unit	\$7,500 per unit
<b>Multiple Family Dwelling</b> <i>(other than Townhouse)</i>	\$2,000 per unit	\$3,500 per unit	\$5,000 per unit
<b>Commercial and Industrial</b>	\$34 per m <sup>2</sup>	\$34 per m <sup>2</sup>	\$34 per m <sup>2</sup>
<b>Cannabis and Liquor Retail Store</b>	\$10,000 per store	\$10,000 per store	\$10,000 per store
<b>Student Housing</b>	\$1,000 per bed	\$1,000 per bed	\$1,000 per bed

During the April-May 2021 community consultation process, the City received comments from three neighbourhood associations and the Nanaimo Development Group. A summary of public comments is provided in Attachment B, and copies of the correspondence is provided in Attachments C to F. Staff have reviewed the comments and the draft policy was updated in response to input received as follows:

- The CAC Policy was modified in response to the Newcastle Neighbourhood Association’s comment that CAC funds not be directed to the Housing Legacy Reserve Fund when a rezoning is already proposing an affordable housing project. This can allow for CAC funds to be used for other public amenities in this situation. Section 3(a) ‘Special Considerations’ of the CAC Policy was amended accordingly.
- That CAC Policy was modified in response to comments from the Nanaimo Development Community as follows: i) The ‘Special Considerations’ section of the CAC Policy no longer contains a vacancy rate, such that the 50% CAC reduction can be applied to secured market rental dwelling units (regardless of the vacancy rate); ii) The CAC Policy was revised such that private developers can receive a CAC waiver for secured non-market rental dwelling units when the unit is operated by a non-profit housing partner or public institution.

- Staff have modified the definitions section of the CAC Policy to improve the overall clarity of the policy. |

## **OPTIONS**

1. That the Governance and Priorities Committee recommend that Council endorse the Community Amenity Contribution Policy.
  - Advantages: The proposed CAC Policy, as presented, is based on professional advice, includes a phased predictable increase, and will allow the City to achieve amenity objectives outlined in the City policy documents.
  - Disadvantages: The development community has expressed concern regarding additional costs.
2. That the Governance and Priorities Committee deny endorsement of the Community Amenity Contribution Policy as drafted, and provide alternative direction to Staff.
  - Advantages: This would allow Staff time to incorporate any directions from the Governance and Priorities Committee prior to Council's consideration of the CAC Policy.
  - Disadvantages: The current CAC rates are low, and a new CAC Policy is needed to encourage greater contributions for public amenities as the city grows.

## **SUMMARY POINTS**

- Council directed Staff to review the current Community Amenity Contribution (CAC) rates, and an implementation direction in the City's Affordable Housing Strategy is to 'update the Community Amenity Contribution Policy'.
- The purpose of the CAC Policy is to offer guidance and certainty for the provision of amenities at the time of a rezoning application or land use covenant amendment application.
- Staff retained a land economist consultant to conduct a market analysis and completed a public consultation process, which have both informed the proposed CAC policy.
- The updated CAC Policy is being presented to the Governance and Priorities Committee to seek a recommendation for Council to endorse the CAC Policy.

**ATTACHMENTS:**

- ATTACHMENT A: Community Amenity Contribution Policy
- ATTACHMENT B: Summary of Input (May 2021)
- ATTACHMENT C: Email from Nanaimo Development Group
- ATTACHMENT D: Letter from Stephenson Point Neighbourhood Association
- ATTACHMENT E: Email from Nanaimo Old City Neighbourhood Association
- ATTACHMENT F: Email from Newcastle Neighbourhood Association

**Submitted by:**

Lainya Rowett  
Manager, Current Planning

**Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services

# ATTACHMENT A COMMUNITY AMENITY CONTRIBUTION POLICY



<b>RCRS Secondary:</b>	GOV-02	<b>Effective Date:</b>	2022-JAN-01
<b>Policy Number:</b>	COU-212	<b>Amendment Date/s:</b>	
<b>Title:</b>	Community Amenity Contribution Policy	<b>Repeal Date:</b>	
<b>Department:</b>	Development Approvals	<b>Approval Date:</b>	

## PURPOSE:

The purpose of the Community Amenity Contribution (CAC) Policy is to offer administrative guidance for the provision of amenity contributions in the City of Nanaimo (the “City”). Amenity contributions are negotiated as part of a rezoning or land use covenant amendment process that is initiated by an applicant. Applicants provide amenities as a way of ensuring that the proposed development is making a reasonably balanced contribution to the neighbourhood and community at large. The amenities offered are intended to assist with growth pressures and meeting the needs of a growing community, such that the impacts of new development on the community is not subsidized by existing property owners and other residents. The amenities offered can address increased demand or pressure to public facilities and services by adding, improving and expanding public facilities and services. The objective of the CAC Policy is to offer guidance and certainty for the provision of amenities, and to ensure that amenities are responsive to market realities and community needs.

## DEFINITIONS:

Community Amenity	means a tangible capital asset that is a public facility, work or service that provides an advantage or benefit to the community, that is provided by one or more owners of real property to the City at no cost or a cost agreeable to Council under this Community Amenity Policy when Council approves a development application for an amendment to a Zoning Bylaw, or an amendment to a land use related Section 219 covenant.
Housing Agreement	means a formal housing agreement under section 483 of the <i>Local Government Act</i> .
Housing Income Limit	means housing income limits established by the BC Housing Management Commission.
Market Rent	means a rent amount that is generally similar to the rent of other units in the private (non-subsidized) housing market.

## SCOPE:

City staff are directed to implement this CAC Policy as part of a rezoning or land use covenant amendment process. Proposed amenities will be reported to Council for consideration and to obtain final approval.

## POLICY:

The City’s Official Community Plan, Neighbourhood Plans, and other policy documents identify the amenities that are desired or needed to accommodate growth in each community. These plans are created with community consultation and will be used as a guide for monetary and in-kind amenity contributions. In addition, the amenities to be accepted by the City shall be:

- i. Growth related, such that there is a proportional and demonstrable link between the amenity and the impacts of new development;
- ii. Consistent with services normally provided by a municipal government;
- iii. A public benefit needed by the community as outlined in a Council adopted policy or plan; and
- iv. Long-term operational viability (that is long-term operating and maintenance costs are supportable by the City).

The amenity negotiation principles are as follows:

- i. New development should make a fair contribution to new community amenity needs to address some of the impacts of growth.
- ii. The amenities offered and accepted will be negotiated between the City and the applicant(s).
- iii. The amenity will be proportional to the impact of development and reasonable, minimizing the impact on project viability, the pace of new development, and on housing affordability.
- iv. A flexible approach will be used in negotiations.

#### 1. In-Kind Community Amenities

The City Council may elect to accept in-kind community amenities that are tangible capital assets (such as parkland, a public pedestrian path or on-site public benefit). In-kind community amenities owned by the City are strongly preferred and are generally subject to the following conditions:

- a. Applicants are responsible for constructing, finishing, furnishing and equipping the in-kind community amenity as well as for payment of all applicable up-front development costs;
- b. The size, location, materials, and design of the in-kind community amenity must be to the satisfaction of the City and in accordance with applicable standards and guidelines; and
- c. The City's future budgets must be able to support the estimated lifecycle costs of operating, maintaining, and repairing the community amenity.

In-kind community amenities that are not owned by the City, may be considered by the City on a case-by-case basis, and will be subject to the following conditions, the in-kind community amenity must:

- a. Provide amenities, programs and services that align with the City's priorities, goals, and services typically offered by the City;
- b. Meet a demonstrated community need;
- c. Be affordable, equitable and accessible to the neighbourhood or general community;
- d. Be secured through legal agreements with the City for ongoing long-term use and availability as if it were a City-owned and operated facility; and
- e. The City will lead the selection of a non-profit operator, if applicable.

The value of the in-kind amenity physically provided shall be generally equivalent to the cash in lieu targets indicated in the Table A. The value calculation of an in-kind provision of an amenity shall be undertaken by an appropriate qualified professional with demonstrable experience in the costing of the amenities being valued. Submission of a detailed cost estimate for proposed amenities will be required for City review. As part of any review:

- a. The estimated costs will be based on the design, materials and physical construction costs of the amenity proposed to be provided.
- b. At the City's discretion, an appropriate third party professional may be engaged to conduct a peer review of the cost calculations.
- c. The cost of any peer review performed by the City will be funded by the applicant.
- d. The terms of reference and the cost of the peer review will be agreed to by the City and the applicant prior to the review being undertaken.
- e. The peer review report will be made available to the applicant.

Park dedications required by the subdivision process shall not be included in any proposed park community amenity. Also, active transportation improvements proposed as amenities outlined in this Policy must not replace frontage or other off-site improvements required under City bylaws or as designated as Development Cost Charge works. Improvements required by bylaw or that are necessary to facilitate development or provide connections to the subject site are not community amenities and will only be considered when they are in excess of what is required by bylaw or to serve the site.

## 2. Monetary Community Amenities

Monetary community amenities are a form of public benefit where money is provided by an applicant in-lieu of providing land or capital assets. Table A outlines the minimum monetary CAC rates that will be used in negotiations between the City and the applicant when additional development rights are requested. The CAC rate is generally applied to all of the residential dwelling units and/or the total gross floor area in the development, and not the increase in development rights. Note that for each use the definition of 'gross floor area' is as defined by the current City of Nanaimo Zoning Bylaw.

Table A: CAC Rates

	<b>CAC Rate starting January 1, 2022</b>	<b>CAC Rate starting January 1, 2023</b>	<b>CAC Rate starting January 1, 2024</b>
<b>Single Residential Dwelling</b>	\$3,000 per unit	\$5,500 per unit	\$8,000 per unit
<b>Townhouse Residential Dwelling</b> <i>A dwelling that shares one or more walls with another unit, with no unit above, and has a ground-level entrance.</i>	\$2,500 per unit	\$5,000 per unit	\$7,500 per unit
<b>Multiple Family Dwelling</b> <i>(other than Townhouse)</i>	\$2,000 per unit	\$3,500 per unit	\$5,000 per unit
<b>Commercial and Industrial</b>	\$34 per m <sup>2</sup>	\$34 per m <sup>2</sup>	\$34 per m <sup>2</sup>
<b>Cannabis and Liquor Retail Store</b>	\$10,000 per store	\$10,000 per store	\$10,000 per store
<b>Student Housing</b>	\$1,000 per bed	\$1,000 per bed	\$1,000 per bed

### 3. Special Considerations

The City's 'Affordable Housing Strategy' provides guidance to ensure that Nanaimo residents have access to a diversity of housing options that are safe, stable, appropriate and affordable. To support this vision the following considerations will apply to CAC negotiations:

- a. For each monetary CAC contribution, a minimum of 40% of the total contributed will be directed to the City's Housing Legacy Reserve Fund. Note that this may not apply when the rezoning proposal is in relation to an affordable housing project.
- b. CAC contributions may be reduced by 50% for market rental dwelling units when the rental tenure of the units is secured by a Section 219 Covenant, Section 483 Housing Agreement, or other legal means to the satisfaction of the City.
- c. CAC contributions may be waived 100% for non-market rental dwelling units that meet the following four criteria:
  - i. the dwelling unit is occupied by one or more individuals whose collective annual before-tax income does not exceed the Housing Income Limit for the City;
  - ii. where 12 months' rent for the dwelling unit does not exceed 30% of the occupants' collective before-tax annual income;
  - iii. the dwelling unit is owned or operated by a non-profit housing partner or public institution; and
  - iv. a Section 483 Housing Agreement is registered on the property title to secure the commitments listed above in (c) (i), (ii), and (iii) for the applicable dwelling units.

#### **PROCESS:**

##### Collection of CACs

Community amenity contributions will be secured prior to consideration of final adoption of the amendment bylaw or the respective final decision of Council.

In some circumstances payment of the monetary CAC may be made to the City at the time of issuance of a related development permit or at the time of issuance of a related building permit. The City, in its discretion, may accept one or more of the following prior to consideration of final adoption of the amending Bylaw:

- a. A Section 219 covenant registered on the certificate of title of the property which outlines the timing and details of the community amenity to be collected or secured; and/or
- b. An irrevocable, unconditional letter of credit in a form acceptable to the City, is delivered to the City for the full amount of the community amenity.

Community amenity contributions may, in some situations, be negotiated with the applicant and approved by Council, in a phased development agreement or amenity zoning bylaw.

##### Review of CAC Policy

This CAC policy should be reviewed every 4 years from its effective date.

**RELATED DOCUMENTS**

Official Community Plan and Neighbourhood Plans

Parks Recreation and Culture Master Plan, Creative Nanaimo, and Community Plan for Public Art

Transportation Master Plan

Affordable Housing Strategy

Community Sustainability Action Plan

Housing Legacy Reserve Fund Bylaw

**REPEAL OR AMENDMENT**

n/a

## ATTACHMENT B SUMMARY OF INPUT (MAY 2021)

1 of 2

### Summary of Comments Received in April and May 2021

<b>Summary of Comments from the Nanaimo Old City Association:</b>	<b>Staff Comment:</b>
<ul style="list-style-type: none"> <li>Supports waiving CAC 75% for a rezoning for non-market rental housing units, do not support waiving 100%.</li> </ul>	When non-market rental housing is proposed there is generally a very limited budget to bring the project to realization, and the City is typically requested to assist in making the project more viable. Waiving CACs 100% is one way that the City can support bringing much needed non-market housing to Nanaimo.
<ul style="list-style-type: none"> <li>Honour neighbourhood plans when allocating community amenity contributions.</li> </ul>	The CAC Policy references consideration of neighbourhood plans when allocating CAC funds.
<ul style="list-style-type: none"> <li>List of suggested ideas for amenities in the Old City neighbourhood.</li> </ul>	The list of acceptable public amenities is currently within the Official Community Plan and Neighbourhood Plans. Any additional input from the community can be forwarded to Staff for consideration in CAC negotiations with the applicant and for future planning processes.
<b>Summary of Comments from the Newcastle Neighbourhood Association:</b>	<b>Staff Comment:</b>
<ul style="list-style-type: none"> <li>Recommends that the CAC policy include a clause that a developer should consult with the neighbourhood association regarding how to direct the community amenity funds.</li> </ul>	Applicants are encouraged to engage with the neighbourhood prior to or during a rezoning process, and it is during this process that a neighbourhood can comment on the CAC. Also, the neighbourhood association has an opportunity to comment through the City referral process.
<ul style="list-style-type: none"> <li>Amend policy such that CAC funds not be directed to the Housing Legacy Reserve Fund when the rezoning is already for an affordable housing project.</li> </ul>	A sentence has been added to the CAC Policy to acknowledge this situation, such that when an affordable housing project is proposed the allocation of the CAC funds can be negotiated as appropriate for the situation.
<ul style="list-style-type: none"> <li>Does not support waiving the CAC contribution 100% for rezoning applications for non-market rental housing units.</li> </ul>	When non-market rental housing is proposed there is generally a very limited budget to bring the project to realization, and the City is typically requested to assist in making the project more viable. Waiving CACs 100% is one way that the City can support bringing much needed non-market housing to Nanaimo.
<b>Summary of Comments from the Stephenson Point Neighbourhood Association:</b>	<b>Staff Comment:</b>
CACs should be directed to pedestrian infrastructure improvements to improve pedestrian safety on public roads.	Section 7.3 of the Official Community Plan contains policy to allow the City to direct CAC funds to pedestrian safety on public roads, and CAC funds have been used for this purpose in the past.

CACs be required for properties previously rezoned to R10 'Steep Slope Residential'.	The city can only request CACs at the time of a rezoning application, and cannot require CACs at the time of a development permit or building permit application.
<b>Summary of Comments from representatives of the Nanaimo Development Community:</b>	<b>Staff Comment:</b>
Council should be aware of a development project's financial viability when creating overlapping policies (i.e. MOESS, Step Code rezoning policy, DCCs, and CACs).	Rollo & Associates Ltd. has considered the development costs in Nanaimo and has determined that the recommended CAC rates are supportable.
Council should strive to ensure that CAC rates do not discourage the creation of new housing units.	The proposed CAC rates are line with the current market, and are as recommended by land economist Rollo & Associates Ltd.. The Rollo & Associates Study (July 2020) states that CACs do not affect housing affordability, and that it is the housing market that establishes what the consumer is willing to pay for a unit. CACs are built into the developer's project budget and purchase price of the land. The objective of a CAC Policy and CAC rate is to provide greater certainty to developers in their land and project evaluations.
Recommend that a CAC model be based on the increased density. If the CAC rate is based on the increased density then the rate can be higher.	The Rollo & Associates Ltd. recommended CAC rates are based on the total number of units or total floor area for a property, which is consistent with the City's current practice.
Recommends that the CAC Policy be calculated by floor area for multi-family rezoning types, rather than per unit.	The CAC Policy presented for consideration includes the CAC per unit rates as recommended by the GPC on 2021-MAR-08, and as recommended by Rollo & Associates Ltd. Using a metric based on floor area would favor smaller units and unintentionally penalize larger family sized units and units designed for accessibility. Instead, the recommended per unit rate is based on an average unit size that is typical for new developments in Nanaimo.
Recommends that the CAC Policy allow for flexibility to allocate funds to community priorities as they change over time. Supports directing CAC funds to the Housing Legacy Reserve fund at this time.	This recommendation is inline with the current practice of allocating CAC funds based on OCP policy, neighbourhood plans, and other City policy documents.
Recommends that the 50% reduction for market rental dwelling units should occur when the vacancy rate is 3-4% to prevent future housing crisis.	The 'Special Considerations' section of the CAC Policy does not contain a vacancy rate, such that the 50% CAC reduction can be applied to secured market rental dwelling units at any time.
Recommends CAC incentives for private developers who propose affordable housing units.	Clause (c) of the 'Special Considerations' section can apply to private developers if the required criteria can be met for the proposed non-market rental dwelling units.

**ATTACHMENT C**  
**EMAIL FROM NANAIMO DEVELOPMENT GROUP**

1 of 3

**Lisa Brinkman**

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**From:** Nanaimo Development Group [REDACTED]  
**Sent:** Wednesday, May 5, 2021 10:10 PM  
**To:** Lisa Brinkman; Jeremy Holm  
**Subject:** Fwd: CAC Policy - NDG Thoughts

Hello Lisa and Jeremy,

As discussed, please find below the email that the NDG sent to Council. This email captures our commentary on the current version of the CAC policy, so hopefully it will suffice as our input as part of the current public process.

Thank you,

Darren

Mayor & Council,

Further to the March 8 GPC and subsequent communications regarding the CAC policy, the Nanaimo Development Group (NDG) would like to share a few thoughts and recommendations for Council's consideration.

We believe it is important to phrase the conversation around the intent and benefits of a well thought out rezoning. Rezoning, or zoning amendments, are a process where a property owner or developer is looking to have the zoning of a property revised to allow for a change of use or an increase in density for a property. Although issues such as building height, setbacks or appearance are often quoted as being important issues for a development, these are not rezoning issues, and are more appropriately discussed as part of the development permit process. If approved, the rezoned property benefits the owner or developer by allowing more flexibility in the use of the land or more density (more building per area of land), each of which provide more economic value. The municipality also benefits from this density increase through less infrastructure costs per area of building, as well as a higher tax base. The benefits for rezoning are not just economic, but can be social and environmental as well. A mix of uses promotes social interaction between inhabitants which leads to a higher degree of mutual understanding between individuals and cultures. Higher densities can further promote this interaction, and also make for a more efficient use of the land base and use of materials, lowering the overall development's carbon footprint. While there are limits for both use and density depending on the context, citizens stand to benefit the most in the long term by municipalities allowing more varied uses and densities that exceed the current average.

The CAC policy plays an important role as it sends a signal to the development community to what sort of rezoning the City wants to encourage and adds project costs if a rezoning is being considered. Unfortunately, as we read the current draft of the CAC Policy the message we take away is that Nanaimo is discouraging creative rezoning for moderate density increases in multi-family and does not encourage small unit sizes, which we do not believe aligns with Council long term objectives. Below are a few points we feel need to be re-visited if the CAC policy is aligned with what we understand of the City's long term development objectives. We feel the best way to explore these would be to meet and discuss, but understanding that may not be feasible, we have tried to capture our thoughts below:

1. **Development Realities:** A development needs to pass multiple tests to get to construction. One the more difficult of these steps is financing. To pass this step a project must demonstrate to a lending partner that projected incomes (Based on an appraisal of current and past sales) less projected project costs (Projected forward to allow for escalation) leaves adequate anticipated profit that the lending partners feels comfortable

taking on the risk of the project. Even in an escalating market, if projected construction costs exceed current market prices, most projects will not make it to construction. Final exit pricing is governed by the market at the time of completion. Unfortunately, we cannot escape that development costs lead the market escalation. The reality is that the sum of all project costs drive up the cost to the end consumer. We acknowledge that developers will sell to the market, but if all product in a region is increasing due to development/construction costs, then the exit pricing will continue to climb until the market cannot pay anymore at which point development stalls. *NDG recommends that Council be aware of this risk when developing overlapping policies like CAC, Step Code at Re-Zoning, DCCs, MOESS, etc;*

2. **CAC versus Property Tax:** While CACs can be an attractive quick source of funds for a City, the real long term win for the community and City budget is more density as these units house more residents living and working in our community and each unit generates additional property taxes in the future. Even at the single family scale, the example below demonstrates that a balanced municipal policy is critical as any unit discouraged by the CAC policy not only doesn't generate the CAC, but also doesn't generate any property tax:
  - a. Single Family Dwelling (SFD) CAC: \$8,000
  - b. SFD Property Tax (\$600,000 Value): \$4,200 per year or \$105,000 over 25 years

*NDG recommends that Council strive to find the balance when reviewing the CAC policy*
3. **"Net" vs "Gross":** CACs are intended to provide a mechanism for a City to capture a percentage of the value increase on the land when density increases are enabled by council and allocate these funds to meet the needs of the community. As such, we believe CACs should be calculated on the increased density, not the total building size. Below is an example of the cost impact of calculating on the "Gross Area" for moderate density increase in a multi-family building:
  - a. If a developer is planning a 50 unit building that meets current zoning for a site, and would like to rezone to accommodate 55 units, the CAC would look as follows:
 
$$55 \times \$5,000 = \$275,000$$

This equates to \$55,000 per additional unit, which is more than the highest current land value a developer would pay for a site in Nanaimo. In this scenario, the developer would not proceed with the application and the City would not benefit from the 10% increase in residential units and long-term income tax revenue.

*NDG strongly recommends a CAC model based on the "Net" increase in density rather than "Gross" building size;*
4. **CAC Rate:** NDG acknowledges that there is room to increase the current CAC rate without significant negative impact on local development. The rate needs to be considered after the decision between "Net" and "Gross" has been resolved. If the "Net" increase is the basis of calculation, the rate should be higher than if "Gross" building size is the basis of calculation. *NDG recommends working reviewing rates after the "Net" vs Gross" discussion is made and that the increase be phased over time with a 3-4 review period to assess market conditions.*
5. **"Per Door" vs "By Floor Area":** There is complexity here as it is impossible to capture all rezoning types with a single rule. Per door may work well for a single family to townhouse rezone, but it works poorly in a multi-family rezoning for a few reasons:
  - a. "By Door" CACs do not encourage smaller unit sizes: Below are two examples for a multi-family rezonings for the same building size with different unit sizes:
    - i. 50 unit building (900sqft 2bdrm units) rezones to add 10 more similar units. Net result is CACs are collected on 60 units, \$300,000;
    - ii. 100 unit building (450sqft bachelor units) rezones to add 20 similar units. Net result is CACs are collected on 120 units, \$600,000.

The smaller unit sizes cost \$300,000 more in CACs for the same building floor area;
  - b. "By Door" density does not align with the City's FAR based zoning bylaw for multifamily sites, so it is difficult to quantify what the density increase is or what units should count toward the increase;

*NDG recommends developing a model that account for both rezoning types, not calculate "By door" for all rezonings;*
6. **Use of CAC Funds:** *NDG recommends a CAC policy that allows flexibility to allocate funds to community priorities as they change over time. Currently we believe that lower cost housing is a critical priority for Nanaimo and funds should be directed towards that challenge;*

**7. Affordable Housing:**

- a. *NDG recommends that the reduction of CACs to 50% for market rate rental residential units should occur when the City vacancy rate is at 3-4% rather than 2% so that we are working preventively to avoid housing crisis rather than responding to it;*
- b. *NDG recommends expanding the Affordable Housing Special Considerations section to encourage private developers to push the boundaries of affordable housing as well as project partnered with BC Housing;*

Thank you for taking the time to consider our thoughts and recommendations. We look forward to future discussion and working with the City to ensure our policies align with Council's long term strategic objectives.

Darren, Donna, David & Toby  
The Nanaimo Development Group.

# ATTACHMENT D

## LETTER FROM STEPHENSON POINT NEIGHBOURHOOD ASSOCIATION

2021 – May 05

### RE: Community Amenity Contribution (CAC) Review – Stephenson Point Neighbourhood Association (SPNA) Response

Thank you for the request for input. This response is based on SPNA executive questions, conversations with City's Lisa Brinkman, and in the context of Stephenson Point (SP).

SPNA urges the City to reconsider the Draft Policy to allow the following:

1) **CAC's be used for pedestrian infrastructure improvements within road r.o.w.'s**, especially as it relates to major arterials. This would provide a new and critically needed revenue stream to fund elementary pedestrian improvements that are not adequately addressed through existing/proposed revenue streams. Using the context of SP's portion of Hammond Bay Rd (HBRd) as an example:

- *94.5% of its 3.5km frontage has no rolled curb or sidewalk,*
- *21.5% has no white fog line,*
- *50.0% of households have no access to a logical crosswalk location,*
- *2 of 4 major intersections have no crosswalk,*
- *4 critical points have a width less than the width of a walker/stroller,*
- *75.0% of households have no viable pedestrian route to get to neighbourhoods playgrounds or major parks.*

Currently, other revenue sources do not/will not address elementary and urgently required pedestrian infrastructure improvements in SP.

- **Capital/small-scale project funding** is not scheduled for SP's HBRd for the foreseeable future. Under current practices, funding will only take place if utility, vehicle lane, slope stabilization, or riparian area improvements are required; elementary pedestrian improvements are only undertaken as a consequence of the above being addressed. In addition, City gives priority to those roads within 'Mobility Hubs' and can not tell SPNA/residents where SP's HBRd, and its critical pedestrian needs in particular, sit on City's priority list.
- **Contributions from developers of HBRd frontage properties** have provided six short non-contiguous sections, limited to the frontage of the property being developed. Future opportunities for similar developer contributions are few, short in length, repeat the fractured non-contiguous pattern, and not in the areas which require the most urgent attention.
- **'Localized improvement' funding** not requiring Council approval would cover crosswalks, 'no parking zones', and paint lines, but would only partially address the solutions required.
- **Partner in Community (PIC) funding**, as currently proposed, will not be applied to pedestrian infrastructure in r.o.w.'s. Even if allowed, as a grant program, it would represent a danger precedent for addressing elementary pedestrian infrastructure.

The addition of funding through CAC's, while not assuring a solution to SP's issues, would:

- **provide one more possible revenue source**, to make up for the inability of the other existing/proposed funding sources to address issues.
- **address the reality on the ground**; that the extent of the problem can not be adequately addressed solely by the "subsidization of existing property owners".
- **address the Policy's stated purpose** of "meeting the needs of a growing community", and "to address increased demand or pressure..., by adding, improving and expanding public facilities and services". Specifically, as it relates to SP, improvements limited to parks/playgrounds are of little or no value when the primary need to be addressed is that 75.0% of SP households have no viable/safe pedestrian access to those same playgrounds and parks.
- **would strategically and clearly provide "a proportional and demonstrable link between the amenity and the impacts of development"** and "ensure that amenities are responsive to market realities and community needs".

2) **CAC's be applied to those properties previously rezoned through the City's introduction of the R-10 zoning.**

The Draft Policy, as written:

- **is biased in favour of 'Mobility Hub's, or inner-City areas**, and more likely to see rezoning applications. This effectively denies revenue sources to all other areas to address stresses on their transportation and parks. Areas which, more likely than not, have pressures applied to them because of city-wide park users or because they are part of a city-wide arterial road network.
- **does not acknowledge that large areas were relatively recently rezoned** through the introduction of R-10 zoning, to govern development on steep slopes. This in effect means that those properties which most likely would have been, in SP's case, the source for CAC funding are no longer.

To exacerbate SP's situation, the three R-10 development approvals granted have not adequately considered on-site parking or vehicle circulation. While the frontage of these properties provided a few short lengths of fractured HBRd pedestrian infrastructure, the inadequacies on-site have caused problems with off-site parking on lawns, around bus stops, and most critically, on already compromised pedestrian areas – including well beyond the frontage of the properties approved for development.

SPNA/residents brought this problem to City's attention clearly and pro-actively, during the approvals process, during construction of development phases, and since completion. The City has acknowledged the inadequacies and undertaken mitigative measures. It has been marginally successful in the immediate area, but also pushed the problem further down HBRd. Importantly, the City to date has not responded as to how not to replicate these problems in regard to possible future development applications on remaining R-10 zoned properties.

Allowing the remaining R-10 rezoned properties to be a CAC funding source for pedestrian improvements beyond the frontage of the property in question would help safeguard further problems to residents of SP and other areas.

From:

Barry Lyseng (Chair – SPNA)

# ATTACHMENT E

## EMAIL FROM NANAIMO OLD CITY NEIGHBOURHOOD ASSOCIATION

**Lisa Brinkman**

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**From:** Janet Wright [REDACTED]  
**Sent:** Friday, May 7, 2021 11:25 AM  
**To:** Lisa Brinkman  
**Cc:** Joy Adams Bauer  
**Subject:** Feedback/suggestions re: new CAC policy

Hello Lisa,

Joy Adams Bauer, President of the Nanaimo Old City Association, forwarded your email and draft CAC policy for my interest and review. I have a few ideas and comments:

- In general, I don't have knowledge or expertise to disagree with the proposed rates of amenity contribution by developers, and noted that the amounts were decided upon through a market analysis process for Nanaimo, which seems appropriate to me.
- On p. 4 of the Draft CAC policy, item c at top of page, I disagree that CAC amounts could be waived 100% for certain non-market developments. I think that all developments should contribute something toward the community in which they are built. I would support a waiver of 75% of the usual CAC amount for the proposed size of these developments.
- As the policy states, the City **MUST** honour neighbourhood plans in the provision of community amendments. To me, this is non-negotiable.
  
- As far as the type of amenities (and I'm speaking in particular to improvements I would like to see in the Old City), here are some suggestions:
  - the Old City needs more City garbage cans in strategic locations: e.g. the seating area at Franklyn and Milton streets; at each street access to the paved pedestrian path joining Franklyn and Fitzwilliam streets (between Prideaux and Selby). While it seems that many people just drop their garbage on the street, those (like me) who regularly pick up garbage would appreciate that a garbage can is near-by and would use them.
  - require all bus stops (or **AT LEAST** those with seating) have a garbage can at the stop. In this day and age of "commuter coffee" and snack foods, there is a need for public receptacles for garbage.
  - replace all older City garbage cans (ones with the "push flap" top) with the black metal type can. I've seen the tops of the older cans dislocated and dangling from their chains and give the impression of a lack of caring. The black metal ones are far more "sightly".
  - ensure CACs include lighting in strategic areas (e.g. pathways, secluded public areas) to promote a feeling of safety and reduce opportunities/likelihood for petty crime
  - public seating in neighbourhoods (e.g. benches) in view areas or for resting while walking up hilly streets
  - installation of traffic roundabouts with sustainable landscaping (e.g. not like the one at Hecate and Prideaux streets, which is overrun by blackberries and weeds much of the time and looks uncared for)
  - add active bicycle transportation lanes in the neighbourhood of proposed developments
  - community signage as appropriate, including increased and visible-to-traffic street signs at all intersections

- addition of boulevards and trees (dogwood, Japanese plum, Japanese cherry), including, in some cases, to replace trees that might be removed because of the development
- improved pathways linking neighbourhood streets (am thinking specifically of the pathway that links Machleary St. with Albert St.), but there are probably others

Thank you for the opportunity to provide input.  
Janet Wright [REDACTED]

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**ATTACHMENT F**  
**EMAIL FROM NEWCASTLE NEIGHBOURHOOD ASSOCIATION**

1 of 2

**Lisa Brinkman**

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**From:** Nancy Mitchell [REDACTED]  
**Sent:** Friday, May 7, 2021 9:39 AM  
**To:** Lisa Brinkman  
**Subject:** Community Amenity Contribution Policy: Newcastle Community Association Comments

To Lisa Brinkman:

Thank you for asking for comments from neighbourhood associations on the draft Community Amenity Contribution policy. The Newcastle Community Association would like to offer the following for consideration:

1. The proposed policy notes that reference will be made to neighbourhood plans to determine what kinds of amenities might be reflective of the community interest and the Newcastle-Brechin Neighbourhood Plan does have a list of amenities for consideration in rezoning and comprehensive development approvals. We consider it essential, however, that the city and/ or developer actually consult with the neighbourhood association about which amenity might fit a specific situation. As such, we would like to see a **requirement for such consultation with the neighbourhood be included in the revised CAC policy.**
2. The policy suggests that for monetary contributions, a minimum of 40% of the total would be diverted to the City's Housing Legacy Reserve Fund. While we appreciate the rationale for this proposed policy and certainly support building up a housing reserve fund, **we suggest this policy should be waived when the development proposal under consideration actually adds to the affordable housing stock** so that any potential negative impact to the neighbourhood could be mitigated through community amenities.
3. The policy also proposes that CAC contributions "may be waived" 100% for non-market rental dwellings including those units "owned or operated by a non-profit housing partner". This would presumably mean that the Newcastle neighbourhood could conceivably get nothing in the way of amenities under this policy if the proposed supportive housing development at 250 Terminal went through a rezoning process. **If this is so, then it would be difficult for us to support this element of the proposed policy.** We have already seen that 250 Terminal has put added pressure on public services and required property owners and renters to take measures to mitigate the impacts. The inability to receive anything in return would be very disappointing for the neighbourhood.

Regards, Nancy Mitchell, Newcastle Community Association, Development Director  
cc: Newcastle Community Association Executive Committee

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**From:** Lisa Brinkman <Lisa.Brinkman@nanaimo.ca>  
**Sent:** Friday, April 9, 2021 1:36:13 PM  
**To:** Lisa Brinkman <Lisa.Brinkman@nanaimo.ca>  
**Subject:** CAC Project - Seeking Your Input

Hello Neighbourhood Association,

The City of Nanaimo values your input, and we are seeking your input regarding a draft Community Amenity Contribution (CAC) Policy and new CAC rates that would apply to a developer at the time of a rezoning application. Attached to this email is a letter and the draft CAC Policy. Information about the Community Amenity Contribution (CAC) project can be found at this link: <https://www.nanaimo.ca/your-government/projects/projects-detail/community-amenity-contribution-review>

We respectfully request that you provide your comments by May 7, 2021. Please feel free to contact me if you have any questions.

Regards,

**Lisa Brinkman, MCIP, RPP  
Planner**

250-755-4460 ext. 4332

411 Dunsmuir Street, Nanaimo BC

[lisa.brinkman@nanaimo.ca](mailto:lisa.brinkman@nanaimo.ca)

mail to: 455 Wallace St., Nanaimo BC V9R 5J6



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## Community Amenity Contribution (CAC) Rate Discussion

	CAC Rate 2010 to present	Proposed CAC Rate presented to GPC 2021-MAR-08	Current Proposed CAC Rate starting 2022-JAN-01	Current Proposed CAC Rate starting 2023-JAN-01	Current Proposed CAC Rate starting 2024-JAN-01
<b>Single Residential Dwelling</b>	\$1,000 per unit	\$2,500 per unit	\$3,000 per unit	\$5,500 per unit	\$8,000 per unit
<b>Townhouse Residential Dwelling</b> A dwelling that shares one or more walls with another unit, with no unit above, and has a ground-level entrance.	\$1,000 per unit	\$30 per m <sup>2</sup> of Gross Floor Area	\$2,500 per unit  <i>(\$30 per m<sup>2</sup> of Gross Floor Area)</i>	\$5,000 per unit  <i>(\$60 per m<sup>2</sup> of Gross Floor Area)</i>	\$7,500 per unit  <i>(\$90 per m<sup>2</sup> of Gross Floor Area)</i>
<b>Multiple Family Dwelling</b> (other than Townhouse)	\$1,000 per unit	\$30 per m <sup>2</sup> of Gross Floor Area	\$2,000 per unit  <i>(\$24 per m<sup>2</sup> of Gross Floor Area)</i>	\$3,500 per unit  <i>(\$42 per m<sup>2</sup> of Gross Floor Area)</i>	\$5,000 per unit  <i>(\$60 per m<sup>2</sup> of Gross Floor Area)</i>
<b>Commercial and Industrial</b>	\$34 per m <sup>2</sup> of Gross Floor Area	\$34 per m <sup>2</sup> of Gross Floor Area	\$34 per m <sup>2</sup> of Gross Floor Area	\$34 per m <sup>2</sup> of Gross Floor Area	\$34 per m <sup>2</sup> of Gross Floor Area
<b>Cannabis and Liquor Retail Store</b>	\$10,000 per store	\$10,000 per store	\$10,000 per store	\$10,000 per store	\$10,000 per store
<b>Student Housing</b>	\$1,000 per bed	\$1,000 per bed	\$1,000 per bed	\$1,000 per bed	\$1,000 per bed

*The text in orange presents an alternative CAC rate based on floor area (m<sup>2</sup>) rather than per unit.*

## Delegation Request

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### **Delegation's Information:**

Darren Moss has requested an appearance before Council.

City: Nanaimo

Province: BC

### **Delegation Details:**

The requested date is July 12, 2021.

The requested meeting is:

GPC

Bringing a presentation: Yes

Details of the Presentation:

Present Nanaimo Development Group's feedback on the CAC policy for Council's consideration as they review the policy.

DATE OF MEETING July 12, 2021

AUTHORED BY HEIDI DAVIDSON, MANAGER, PERMIT CENTRE AND BUSINESS LICENSING

**SUBJECT PROPOSED AMENDMENTS TO THE BUSINESS LICENCE BYLAW**

## **OVERVIEW**

### **Purpose of Report**

To provide Governance and Priorities Committee with information pertaining to the proposed amendments to the Business Licence Bylaw, the Fees and Charges Bylaw and the Bylaw Notice Enforcement Bylaw and to seek direction regarding next steps.

### **Recommendation**

That the Governance and Priorities Committee recommend that Council direct Staff to proceed with finalizing the “Business Licence Bylaw 2021 No. 7318”, and that once finalized, return to a future Regular Council meeting for first, second and third readings of the “Business Licence Bylaw 2021 No. 7318”, along with amendments to the “Fees and Charges Bylaw 2007 No. 7041” and the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.

## **BACKGROUND**

The *Community Charter*, Section 8 (6) provides municipalities with the authority, by bylaw, to regulate business. In addition to determining what defines business, a business licence bylaw also provides for:

- collection of fees
- terms of licences
- approvals, rejections, suspensions, or cancellations of licences
- violations and penalties; and
- regulations or requirements for specific and/or specialized business types.

The current “Business Licence Bylaw 1998 No. 5351” (the “Bylaw”), was adopted on 1998-NOV-02 and took effect 1999-JAN-01. Although amendments have been incorporated into the Bylaw over the years to accommodate changes, the Bylaw is in need of an update to accurately reflect current business trends and business operating requirements. As well, provide a bylaw that’s more concise and easier to read. This also provides an opportunity to incorporate and adhere to current City of Nanaimo bylaw formatting standards, including the practice of keeping all bylaw fees in the “Fees and Charges Bylaw 2007 No. 7041” (the “Fees and Charges Bylaw”) and all fines in the “Bylaw Notice Enforcement Bylaw 2012 No. 7159” (the “Bylaw Notice Enforcement Bylaw”).

## **DISCUSSION**

In preparing to update the Bylaw, a review of business licence bylaws from municipalities of comparable size to Nanaimo was undertaken that included the cities of Kamloops, Kelowna, Prince George, Victoria, and the District of Saanich.

Based on the best practice research and suggestions received over several years, the following proposed changes to the Bylaw include:

- Definition updates
- Bylaw updates, including language, regulatory, and legal requirements
- Regulations for specific businesses – as a new schedule
- Fee schedule – removed (to be incorporated into the Fees and Charges Bylaw)
- Fine schedule – removed (to be incorporated into the Bylaw Notice Enforcement Bylaw)
- Updated maps

## **Definitions**

Staff recommend the Definitions section be amended to clearly define the use of language within the Bylaw and to re-word definitions that were previously confusing or subject to misinterpretation. As such, the following definitions have been either updated or added:

“Business”	means carrying on a commercial or industrial undertaking of any kind or providing professional, personal or other services for the purpose of gain or profit, but does not include an activity carried on by the government, its agencies or government-owned corporations.	Updated to exclude business carried on by the government.
“City Licence”	means a business licence issued by the Licence Inspector for operating a business in or from a premises within the City.	Added to better differentiate from an Inter-Community and a Non-resident licence.
“Commercial Landlord”	means a person who owns or operates any premises within City boundaries and leases, lets or rents such premises to any other person or entity for the purpose of operating a business.	Added as a result of new requirement for licence under Section 3.2.1.
“Council”	means the municipal Council of the City.	Added to expand on references to Council within the bylaw.
“Escort Service”	means a business which provides persons as escorts for social, business, cultural or recreational occasions, but does not mean a person providing assistance to another person because of that person’s age or disability.	Updated to exclude social assistance escorts.

“Inter-Community Business Licence”	means a business licence issued for the purpose of conducting business in a municipality that participates in the inter-community business licence program as described in the Inter-Community Business Licence Bylaw 2013 No. 7176.	Added as a result of new reference in Section 3.1.
“Liquor-Primary Establishment”	means a business licensed under the <i>Liquor Control and Licensing Act</i> of British Columbia where the service of liquor is the primary focus of the business.	Added to replace reference to Liquor-Licensed (Schedule A, Section 11).
“Mobile Business”	means a business that performs or provides a service or activity by moving from client to client within the City, but does not include operating in another municipality.	Added to differentiate between mobile and inter-community.
“Non-Profit”	means an organization registered as a legal entity under Provincial or Federal legislation whose constitutional purposes do not include gain or profit.	Added as a result of new requirement for non-profits to obtain a business licence (Section 3.1).
“Non-Resident Business”	means a business, other than a business carried on, in or from premises within the City, that is carried on in the City or with respect to which any work or service is performed in the City.	Added to differentiate between a resident business and a non-resident business.
“Special Event”	means an event such as a concert, performance, festival, exhibition, trade show or similar business activity operating for 5 or fewer consecutive days.	Updated to include activities.

The following definitions are either outdated or redundant and have been removed from “Business Licence Bylaw 2021 No. 7318” (the “New Bylaw”):

“Carrying on Business”	means selling, bartering or advertising for sale, any product or service for profit or gain.	Replaced by updated definition for Business.
“Licencee”	means a business entity which holds a licence to operate a business within the City of Nanaimo under this bylaw.	Standard definition that does not require an explanation.
“Liquor Licensed Establishment”	means a Liquor business licenced under the <i>Liquor Control and Licensing Act</i> of British Columbia”.	Not required if Fetal Alcohol Spectrum Disorder regulation is removed from bylaw.

“Pub”	means a business primarily engaged in the sale of alcoholic beverages to the public.	Standard definition that does not require an explanation.
“Rave”	includes dance, entertainment, performance or other event, commencing or continuing after 2:00 A.M.; or an event the duration of which is in excess of six hours, where 30 or more persons assemble at any time and that is undertaken without obtaining a Liquor Licence issued under the <i>Liquor Control and Licensing Act</i> ”.	Included in the definition of Special Event.
“Temporary Business”	means a business that does not operate for more than 30 days in a calendar year.	Being deleted at this time as a temporary licence fee is \$165 which is the same fee as the general business licence fee.
“Trade Show”	means an event carried on to promote and sell products from a fixed premises, the activity of which is intended to promote further sales; and which does not operate for more than five (5) consecutive days at a time.	Included in the definition of Special Event.
“Video Store”	means a business primarily engaged in the rental of videos to the public.	Redundant business.

## Bylaw Updates

For the most part, the content of the Bylaw remains the same; however, it has been reorganized for better readability and cohesiveness. In addition, the following sections have either been updated or added to provide more clarity, or to introduce the requirement to obtain a licence.

### *Inclusion of Non-Profit Sector*

Section 3.1 has been added to include non-profit organizations. To date, non-profit organizations do not require a licence; however, if amendments are being considered, it is an opportune time to include non-profits in the licensing process. In doing so, the City has the ability to accumulate and utilize the data provided with regard to number of people employed and which sector of the community is being serviced, such as health, education, social, housing, sports and recreation, to name a few.

In addition to the valuable statistical information provided, it also provides an opportunity to ensure non-profit businesses are complying with land-use and occupancy requirements and that the space in which they conduct business is to the standards of the building and fire codes. Currently, inspections of premises occupied by non-profits are not being completed.

The newly-created section reads as follows:

- 3.1 *A person, including without limitation a Non-Profit, must not carry on any Business in the City without first obtaining either a City Licence or a business licence issued by another Vancouver Island municipality to which the Inter-community Business Licence has been added.*

#### *Commercial Leased Property*

Section 3.2.1 has been added in order to provide a consistent approach to licensing commercial lease properties. Historically, commercial lease properties were treated as one business regardless of how many properties an individual owned and despite the Bylaw stating that a separate business licence was required for each location. Recent practice has been to require a separate business licence for each commercial lease property.

A commercial lease property includes a building containing commercial rental units as well as residential rental units (apartment buildings).

As such, Section 3.2.1 has been added to Section 3.2 which is already existing in the current Bylaw.

- 3.2 *A separate City Licence is required for each location where a business operates within the City.*

- 3.2.1 *For certainty, a Commercial Landlord must obtain a City Licence for each building identified by a separate civic address.*

#### *Business Licence Application*

Section 4.3 has been added to clearly outline the information required to be disclosed when making application for a business licence. Of particular importance is the requirement to provide documents supporting government approval, if required (f), which will relieve Staff from having to research operational requirements or even potentially missing other regulatory requirements when reviewing an application.

- 4.3 *Every application for a business licence must include the following information:*

- (a) the full name and contact information of the applicant;*
- (b) the type and description of the business, and related activities;*
- (c) the relationship of the applicant to the business;*
- (d) the trade or operating name of the business;*
- (e) if incorporated, the corporate name, address of its registered and records office, business telephone number and name of a corporate officer or manager who may be contacted;*
- (f) any Provincial or Federal enactments that apply to the business, and whether applicable approvals under those enactments have been obtained;*
- (g) proposed date of commencement and times of operation;*

### *Prorating of Fees*

Section 5.2 (h) has been added to ensure businesses that have closed and re-opened are not eligible for the pro-rated business licence fee. This is more relevant to home-based businesses that close for periods of time, normally for reasons of a personal or economic nature.

*5.2 Business licence fees for new businesses starting after the first, second, and third quarter periods of a business licensing period shall be pro-rated accordingly, except*

*(a) businesses that have closed and re-opened under the same business name and ownership are not eligible for prorated fees, regardless of how long the business was not operating.*

### *Business Licence Renewals*

Section 9 has been added to provide information on the requirement to renew the business licence and also to provide the ability to terminate a licence in the event that the licence is not renewed. Currently, there is no provision in the Bylaw to be able to close a licence despite repeated attempts to obtain outstanding fees or to locate a moved business. Currently, the practice is to keep an account open for two years, and then only when all attempts to contact the business owner have failed, will the outstanding fees be reversed and the account closed. This practice leads to inaccurate data and stats regarding the number of open accounts and licensing fee receivables.

*9.1 Each business operator whose business activity is intended to or does continue in the year following issuance of their business licence must ensure that their business licence is renewed annually by December 31st, whether notice is given by the City or not, and the business operator must pay the annual renewal fee as set out in the City's Fees and Charges Bylaw.*

*9.2 If a licence is not renewed as required by this Bylaw, the licence shall be terminated and the licensee who wishes to continue to carry on the business shall submit an application form and supporting documentation in the same manner as an application for an initial licence.*

*9.3 Business licence applications received as a result of the licence being terminated shall not be eligible for the prorated rate as laid out in Section 5.2 and shall pay any outstanding fees before the licence is reinstated.*

### **Regulations**

In the proposed New Bylaw, regulations for specific businesses are included as a separate schedule instead of listing them within the body of the bylaw, as is the case in the current Bylaw. The benefit of separating the regulations will provide for an easier-to-read, concise, and streamlined bylaw and will allow any future updates regarding additions, deletions, or changes to regulations to be done more easily and without affecting the body of the bylaw.

In addition to providing a separate schedule listing all specific business regulations, the following regulations have been added:

- **Adult Store**

- (a) No person carrying on the business of an adult entertainment store shall permit any person to be on the premises at any time unless such a person is 19 years of age or older.
- (b) No person carrying on the business of an adult entertainment store shall exhibit or permit to be exhibited any graphic sexual material or sex paraphernalia that is visible from the outside of the premises.

Rationale: It was discovered when licensing a new adult store that there were no regulations in place with respect to restricting admittance of minors or displayed material in windows. Establishing a regulation provides a means of adding a condition to the licence and ensuring compliance.

- **Assisted Living Residence**

In accordance with the *Community Care and Assisted Living Act*, any person(s) operating an assisted living residence for three or more unrelated adults must first obtain approval and be licensed to operate through the Ministry of Health (British Columbia).

Rationale: In working with Community Care, it was discovered that assisted living residences where more than two unrelated adults are being supported requires a licence from the Ministry of Health. Working in collaboration with Community Care ensures that the businesses licensed to provide support have been pre-approved by the Ministry to operate.

- **Cannabis – Cultivation, Processing, Testing, Research**

- (a) Every Business Entity that carries on business pertaining to cannabis cultivation, processing, analytical testing, or research must provide proof that the operation is approved by Health Canada before a business licence can be issued.
- (b) Every Business Entity that carries on business pertaining to cannabis research and if said business relocates after a business licence has been issued, must provide proof that Health Canada has approved the new business location.
- (c) Every Business Entity that carries on business pertaining to cannabis research and remains operating after five years must provide proof that Health Canada has renewed its research licence.

Rationale: In researching the Health Canada website and the requirements for cannabis cultivation, processing, testing and research, it was discovered that Federal Government approval is required before a business operates and that a new licence is required every five years. In establishing the requirement through the regulations section, it provides for a means to add it as a condition to the licence.

- **Commercial Landlord**

As a condition of continuing to hold a business licence in respect of carrying on business as a Commercial Landlord, no business licence holder or operator shall permit a commercial tenant or renter to carry on business on the same business premises without the tenant or renter holding a valid business licence.

Rationale: Added as a regulation to ensure that commercial property owners are aware that business licences are required for each business that operates in a commercial rental unit and that the business is legitimate and able to be licensed. Without a designated inspector, it is impossible for business licensing administrative staff to monitor and ensure that all commercial businesses are licensed.

- **Security Services**

As a condition of issuance of a business licence in respect of carrying on the business of watching, guarding, or patrolling for the protection of persons or property, or as a private detective, the Licence Inspector may require each person involved in the business to:

- (a) hold a licence as set out in the *Security Services Act*; and
- (b) provide confirmation of a satisfactory criminal record check.

Rationale: Security services and private investigators are regulated under the *Securities Act*. In establishing a regulation, it provides for a means to add it as a condition of the licence.

Removed from the Regulations section:

- **Raves**

Rationale: A business licence for a rave has not been issued in the past four years and is, in Staff's opinion, considered an event that no longer takes place within City limits and, therefore, the regulation is no longer required.

- **Fetal Alcohol Spectrum Disorder**

Rationale: The Fetal Alcohol Spectrum Disorder (FASD) regulation was adopted as an amendment to "Business Licence Bylaw 1998 No. 5351" by Council 2013-MAY-27 and came into affect 2014-JAN-01 (attached). As per the Bylaw, all liquor-licensed establishments were required to post signs advising of the harmful effects of consuming alcohol while pregnant.

Provisions for FASD awareness are important; however, in consultation with legal counsel, these provisions will require input from the Public Health Officer and must be deposited with the Ministry of Health. As such, they should be addressed through a separate Public Health bylaw, if Council wishes to proceed.

## Business Licence Fees

In 1998, and shortly after the current Bylaw was adopted, Council directed Staff to undertake a thorough review of business licence fees in conjunction with business community representatives with the objective of establishing a clear, consistent, simplistic, and equitable fee structure. At that time, and as part of the Bylaw, fees associated with operating a business were tiered and based on the type and size of the business. The review established that the general consensus of the business community was that the fee structure was confusing, inconsistently applied, and not business-friendly.

After the conclusion of the review, a report was presented to Council that provided a comparison of possible fee structures; however, Staff recommended a selective flat fee that addressed concerns previously raised by the business community and eliminated tiered fees. The following excerpt from the report provides a better understanding of the review findings:

“The Selective Flat Fee option would result in a fee schedule which would be simple to administer, eliminate inconsistency in application of business licence fees, be readily understandable by the business community and enable Council to adjust fees in future for specific exceptions, in order to cover certain regulatory costs or community goals”.

The recommendation to amend the Bylaw to incorporate the selective flat fee schedule was ultimately approved by Council and continues to be utilized today.

It is Staff’s opinion that the current fee structure is preferred to that of other municipalities that do not use a flat fee for business licensing. It is, therefore, recommended that the current selective flat fee structure as it pertains to the general licence fee of \$165 is retained as it remains consistently easy to manage and requires less Staff time in regard to administration and explaining to business owners how to calculate fees.

Business licence fees are as follows:

- Casinos/Escort Services/Massage Parlours - \$3,000
- Nightclubs/Pubs/Banks/Credit Unions - \$1,100
- Mobile Food Vending - \$165 - \$365
- General - \$165
- Childcare - \$50

Earlier this year, Council directed Staff to reduce the liquor-primary business licence fee of \$1,100 to \$165. Should Council choose to adjust the liquor-primary fee permanently so that it is the same as what food-primary establishments pay, changes to the fee schedule can be completed at the time that it is incorporated into the Fees and Charges Bylaw.

*2019 Business Licence Stats*

Total Home-Based licences	348
Total Non-Resident licences	198
<i>Total Inter-Community licences</i>	<i>102</i>
Total Other	330
<b>Total licences issued</b>	<b>876</b>
<b>Revenue</b>	<b>\$124,659</b>

*2020 Business Licence Stats*

Following are the stats for the 2020 year illustrating that 50% of all applications received are for home-based businesses and only a small percentage are commercial, which would include those businesses listed above with the exception of mobile food vending and home-based childcare.

Total Home-Based licences	423
Total Non-Resident licences	202
<i>Total Inter-Community licences</i>	<i>145</i>
Total Other	197
<b>Total licences issued</b>	<b>822</b>
<b>Revenue</b>	<b>\$109,873</b>

*January 1 to June 29, 2021 Stats*

The following table illustrates the number of licences approved to June 29, 2021. As illustrated, the trend continues to indicate that home-based businesses provide the majority of revenue received from licence fees.

Total Home-Based licences	290
Total Non-Resident licences	115
<i>Total Inter-Community licences</i>	<i>103</i>
Total Other	127
<b>Total licences issued</b>	<b>532</b>
<b>Revenue</b>	<b>\$68,185</b>

*Total Open Business Licence Accounts*

Total Home-Based licences	2,685
Total Non-Resident licences	1,092
<i>Total Inter-Community licences</i>	<i>845</i>
Total Other	2,993
<b>Total open accounts</b>	<b>6,770</b>

**Fines**

Although there are established fines associated with contravening the Bylaw, it is Staff's current practice to encourage business owners who are in contravention of the Bylaw to come into compliance. In most cases, business owners are unaware that a business licence is required and once told, will comply. Only when it is evident that business owners do not intend to comply, will

a fine ticket be issued. As an example, a fine has not been issued yet for this year. Therefore, it is Staff's opinion the fines do not need to be amended at this time and recommend to Council the fine schedule remain unchanged.

For reference, the fine schedule is as follows:

Operating without a business licence	\$100
Operating in contravention of a business licence condition	\$100
Failure to supply sub trade list	\$50
Failure to notify of a change in business	\$50
Failure to change business address	\$50
Failure to post FASD signage	\$100
Disobey suspension order	\$200

As it is desired to keep all City bylaw fees in the Fees and Charges Bylaw, all fees related to licensing businesses as outlined in Schedule A, Business Licence Fees (attached), of the current Bylaw will not be included in the proposed New Bylaw. If approved, an amendment to the Fees and Charges Bylaw will be forwarded with the New Bylaw for first, second, and third readings at a future Council meeting.

Similarly, in maintaining the current practice of housing all City bylaw fines within one bylaw, the fine schedule contained within the current Bylaw will not be included in the proposed New Bylaw and instead will be added to the "Bylaw Notice Enforcement Bylaw 1984 No. 7159", if directed by Council. Again, an amendment will be brought forward for first, second, and third readings when the proposed New Bylaw returns to Council at a future Regular Council meeting.

As such, the draft "Business Licence Bylaw 2021 No. 7318", excluding the fee and fine schedules, is being presented at this time. In doing so, a more thorough review of business licensing fees and fines can be undertaken at a future date, if required, without affecting the Business Licence Bylaw.

## **OPTIONS**

1. That the Governance and Priorities Committee recommend that Council direct Staff to proceed with finalizing the "Business Licence Bylaw 2021 No. 7318", and that once finalized, return to a future Regular Council meeting for first, second, and third readings of the "Business Licence Bylaw 2021 No. 7318", along with amendments to the "Fees and Charges Bylaw 2007 No. 7041" and the "Bylaw Notice Enforcement Bylaw 2012 No. 7159".
  - Advantages: A review of best practices has been completed and the resulting changes to the Bylaw reflect current business trends. In allowing Staff to continue this course of action, the updated New Bylaw will be concise and provide a better regulatory framework, especially for the newly introduced regulations pertaining to specific business as outlined in Schedule A. In addition, the updated New Bylaw will provide Staff with the authority to close delinquent accounts, which will ultimately reflect in more up-to-date stats.
  - Disadvantages: It is Staff's opinion that there are no disadvantages to pursuing a Bylaw update.

- Financial Implications: Thus far, the only financial cost has been the consultation with legal counsel. If anything, adopting the proposed amendments will increase licensing revenue for the additional licences required by commercial property owners and non-profits if a fee is established.
2. That Council direct Staff to review the fees and fines associated with licensing businesses and return to a future Governance and Priorities Committee meeting with the results of the review.
- Advantages: Should this option be considered, it remains Staff's opinion that the New Bylaw be adopted before a review of fees and/or fines is undertaken. If the fees and fines are relocated to the Fees and Charges Bylaw and the Bylaw Notice Enforcement Bylaw, as noted above, then the results of a separate review can be reviewed by Council at a later date.
  - Disadvantages: It is Staff's opinion that there are no disadvantages to undertaking a review of fees and fines.
  - Financial Implications: None.
3. That Council provide an alternative direction. |

#### **SUMMARY POINTS**

- The existing Bylaw was adopted in 1998.
- An updated bylaw is proposed in order to reflect current business trends and requirements.
- Updates include the inclusion of non-profit organizations.
- The report includes clarification with regard to commercial lease properties, application requirements, proration of fees, renewals, and regulations.
- Staff recommend that fees associated with the Bylaw be removed from the bylaw and introduced into the Fees and Charges Bylaw without any changes at this time.
- Staff recommend that fines associated with contravening the Bylaw will be removed from the bylaw and introduced into the Bylaw Notice Enforcement Bylaw.
- Fees and fines, once introduced into the respective bylaws, be reviewed at a later date.

**ATTACHMENTS:**

ATTACHMENT A: “Business Licence Bylaw 1998 No. 5351” Schedule A,  
Business Licence Fees

ATTACHMENT B: “Business Licence Amendment Bylaw 2013 No. 5351.1” -  
Fetal Alcohol Spectrum Disorder Amendment

Draft “Business Licence Bylaw 2021 No. 7318”

**Submitted by:**

Heidi Davidson  
Manager, Permit Centre and Business  
Licensing

**Concurrence by:**

Bill Corsan  
Director, Community Development

Dale Lindsay  
General Manager, Development Services

# ATTACHMENT A

Bylaw 5351 (Consolidated)  
 (Bylaws 5351.06, 5351.12 – effective 2016-MAR-01)

## SCHEDULE 'A'

### BUSINESS LICENCE FEES

Licence fees shall be as follows:

TABLE I

UNIT	FEE
Cabaret/Lounge/Pub	1,100.00
Bank/Credit Union/Trust Co.	1,100.00
Casino	3,000.00
Escort Service	3,000.00
Massage Parlour	3,000.00
Child Care	50.00

TABLE II - TEMPORARY BUSINESSES  
 (fees will not be prorated)

UNIT	FEE
Carnival	per day - 165.00
Circus	per day - 165.00
Christmas Tree Sales	41.25
Flea Markets/Craft Fairs	165.00
Home Handicrafts	per day - 6.00
Raves	per day - 165.00
Special Event (organizer)	41.25
Temporary (other)	165.00
Trade Show (organizer)	41.25

TABLE III – MOBILE FOOD VENDING BUSINESSES  
 (fees will not be prorated) (5351.13)

Mobile Food Vending Unit Type	Private Property (\$)	All Public Locations (\$)
Food Cart	165.00	165.00
Food Trailer	165.00	365.00
Food Truck	165.00	365.00

TABLE IV - ALL OTHER BUSINESSES

All other businesses	FEE 165.00
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# ATTACHMENT B

CITY OF NANAIMO

BYLAW NO. 5351.10

A BYLAW TO AMEND "BUSINESS LICENCE BYLAW 1998 NO. 5351"

---

WHEREAS pursuant to Section 8(6) of the *Community Charter*, as amended or re-enacted from time to time, Council may, by bylaw, regulate in relation to business and Section 8(3)(i) of the *Community Charter*, as amended or re-enacted from time to time, subject to the *Public Health Act*, Council may, by bylaw, regulate persons, their premises and their activities to further the care, protection, promotion and preservation of the health of the inhabitants of the City;

AND WHEREAS Council recognizes the dangers of Fetal Alcohol Spectrum Disorder (FASD) and information has proven to be an effective and efficient way to reduce the incidence of FASD;

AND WHEREAS Council deems it appropriate to require that FASD warning signs be posted in premises where alcohol is consumed or sold;

THEREFORE, BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

## Title

1. This Bylaw may be cited as "BUSINESS LICENCE AMENDMENT BYLAW 2013 NO. 5351.10".

## Amendments

2. "BUSINESS LICENCE BYLAW 1998 NO. 5351" is hereby amended as follows:

- (a) by adding the following definitions to Section 2, Definitions:

*"post" includes the act of keeping continuously displayed; and*

*"proprietor" means the person who controls, governs or directs the activities carried on within the building, place or premises referred to in this bylaw and includes the person actually in charge thereof; and,*

*"sign" means any structure, painting or device that identifies, describes, promotes, advertises or directs.'*

- (b) by adding Section 8.11.3 as follows:

8.11.3 Provisions for the warning of the dangers of Fetal Alcohol Spectrum Disorder (FASD), a continuum of permanent birth defects caused by maternal consumption of alcohol during pregnancy, which includes, but is not limited to FASD. The proprietor of every Liquor-Licensed establishment shall post signs that warn drinking alcoholic beverages during pregnancy can cause birth defects as follows:

(a) Sign Locations

- (i) In Liquor-Licensed establishments that are permitted to sell alcoholic beverages for off-premises consumption, there shall be at least one sign displayed in a conspicuous place that is clearly visible to customers as they enter the premises where the sale or dispensing of the alcoholic beverage takes place.
- (ii) In Liquor-Licensed establishments that permit the consumption of alcoholic beverages on the premises, one sign shall be conspicuously displayed in each public washroom located within the premises and a least one sign shall be displayed in a conspicuous place that is clearly visible to customers as they enter the premises where the sale or dispensing of the consumption of the alcoholic beverage takes place.
- (iii) In all Provincial Government liquor outlets that sell alcoholic beverages for off-premises consumption, there shall be at least one sign displayed in a conspicuous place that is clearly visible to customers as they enter the premises where the sale of the alcoholic beverage takes place.

(b) Sign Specifications

All signs required to be posted pursuant to this bylaw shall conform to the following specifications:

- (i) All signs shall include the text "City of Nanaimo Bylaw No. 5351.10" in letters not less than one-half of the height of all other letters on the sign.
- (ii) Each sign shall have a minimum dimension of 21.5 cm (8.5" inches) by 21.5 cm (8.5" inches).
- (iii) Except for the text specified in Sub-section (a), the size of lettering shall not be less than 1 cm (3/8" inch) in height.
- (iv) Lettering may be either upper or lower case or a combination thereof, but "letter height" when used in this section means the actual height of a letter whether or not it is in upper or lower case.
- (v) The wording on the sign shall be as follows:  
**"FETAL ALCOHOL SPECTRUM DISORDER  
WARNING – DRINKING ALCOHOLIC  
BEVERAGES DURING PREGNANCY CAN  
CAUSE BIRTH DEFECTS"**

And it shall be substantially in the form and style as shown on Schedule 'G' attached to and forming part of this bylaw.

- (c) by deleting in its entirety Schedule 'D' and substituting, therefore, the attached Schedule 'D', which forms part of this bylaw.

3. Effective Date:

This bylaw shall come into full force and effect on the first day January 2014.

PASSED FIRST READING 2013-APR-08  
PASSED SECOND READING 2013-APR-08  
PASSED THIRD READING 2013-APR-08  
RESCINDED THIRD READING 2013-MAY-13  
PASSED THIRD READING 2013-MAY-13  
ADOPTED 2013-MAY-27

\_\_\_\_\_  
J. R. RUTTAN  
MAYOR

\_\_\_\_\_  
D. W. HOLMES  
DEPUTY CORPORATE OFFICER

**SCHEDULE 'D'**

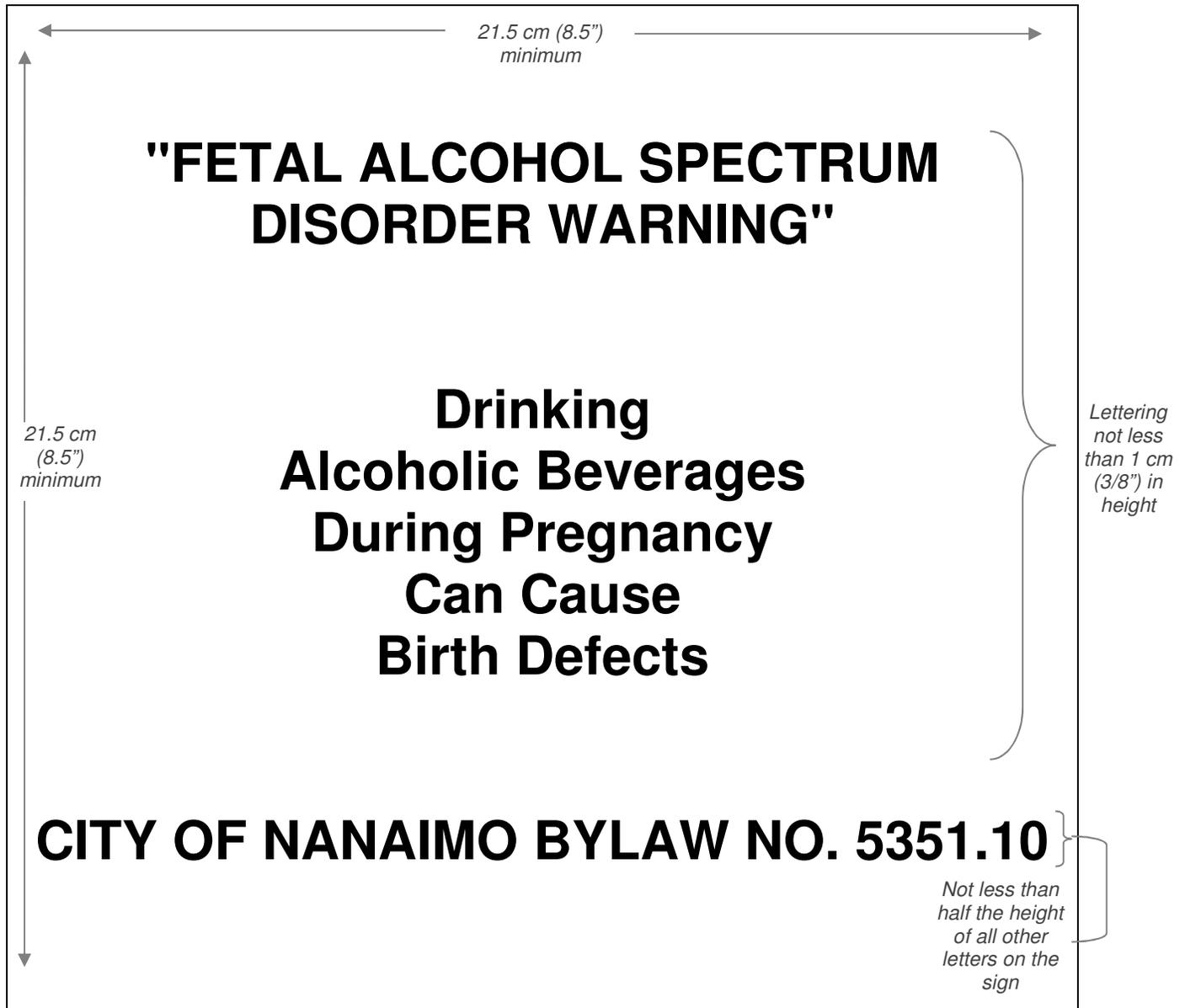
**FINE SCHEDULE**

Fines for tickets issued pursuant to this Bylaw, shall be as follows:

<b><u>Description of Offence</u></b>	<b><u>Section #</u></b>	<b><u>Amount of Fine</u></b>
No Business Licence	3.1	\$100.00
Operating in contravention of Business Licence	3.3	\$100.00
Fail to supply subtrade list	8.3	\$50.00
Fail to notify change in business	7.1	\$50.00
Fail to change business address	7.4	\$50.00
Fail to post FASD signage	8.11	\$100.00
Disobey suspension order	10.4	\$200.00

**SCHEDULE 'G'**

**SIGN SPECIFICATIONS**



CITY OF NANAIMO

BYLAW NO. 7318

A BYLAW RESPECTING BUSINESS LICENCES

---

Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. TITLE

This Bylaw may be cited for all purposes as "Business Licence Bylaw 2021 No. 7318".

2. INTERPRETATION

In this Bylaw:

"Business"	means carrying on a commercial or industrial undertaking of any kind or providing professional, personal or other services for the purpose of gain or profit, but does not include an activity carried on by the government, its agencies or government-owned corporations.
"Business Entity"	means a sole proprietorship, partnership, cooperative or limited company.
"Campground"	means a site intended for the temporary accommodation of travelers for vacation or recreational purposes in recreational vehicles or tents which are not occupied as principal residences.
"City"	means the City of Nanaimo.
"City Licence"	means a business licence issued by the Licence Inspector for operating a Business in or from a premises within the City.
"Commercial Landlord"	means a person who owns or operates any premises within City boundaries and leases, lets or rents such premises to any other person or entity for the purpose of operating a Business.
"Council"	means the municipal Council of the City.
"Escort Service"	means a Business which provides persons as escorts for social, business, cultural or recreational occasions, but does not mean a person providing assistance to another person because of that person's age or disability.

"Flea Market/Craft Sale"	means a market where one or more persons sell or offer for sale crafts, handicrafts, or used goods, wares, merchandise or other items from individual booths or tables.
"Food Cart"	means a non-motorized mobile cart with a maximum area of 4.65m <sup>2</sup> from which food and/or drink is dispensed, and where the entire stock of goods offered for sale is carried and contained in the cart and which may change locations from time to time, and which is not located in a permanent building or structure, and is removed from public access when not in use.
"Food Trailer"	means a portable, self-contained trailer that is equipped to cook, prepare and/or serve food or beverages, but does not include a Food Cart.
"Food Truck"	means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare and/or serve food or beverages but does not include Food Trailers or Food Carts.
"Food Service Business"	means a Business primarily engaged in the sale of food and beverages for immediate public consumption on the premises of the Food Service Business.
"Hours of Operation"	means the hours that the Business is open for the public.
"Inter-Community Business Licence"	means a business licence issued for the purpose of conducting Business in a municipality that participates in the inter-community business licence program as described in the Inter-Community Business Licence Bylaw.
"Licence Inspector" or "Inspector"	means a person appointed as Licence Inspector or Deputy Licence Inspector by City Council.
"Liquor-Primary Establishment"	means a Business licensed under the <i>Liquor Control and Licensing Act</i> of British Columbia where the service of liquor is the primary focus of the Business.
"Mobile Business"	means a Business that performs or provides a service or activity by moving from client to client within the City, but does not include operating in another municipality.
"Mobile Food Vending"	means the operation of a Food Service Business from a Food Cart, Food Trailer or Food Truck.
"Non-Profit"	means an organization registered as a legal entity under Provincial or Federal legislation whose constitutional purposes do not include gain or profit.

- “Non-Resident Business” means a Business, other than a Business carried on, in or from premises within the City, that is carried on in the City or with respect to which any work or service is performed in the City.
- “Retail” means a Business where goods, wares, merchandise, substances, articles or things are offered or kept for sale or rental to the public.
- “Special Event” means an event such as a concert, performance, festival, exhibition, trade show or similar business activity operating for 5 or fewer consecutive days.

- 2.2 Except as otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter, Local Government Act* and *Interpretation Act*, as the context and circumstances may require. Every reference to a statute in this Bylaw refers to a statute of the Province of British Columbia and every reference to a statute, regulation or bylaw refers to that enactment as amended or replaced from time to time.
- 2.3 If any section, subsection, paragraph or subparagraph of this Bylaw is declared invalid by a court of competent jurisdiction, then the section, subsection, paragraph or subparagraph, as applicable, shall be severed from the Bylaw without affecting the remainder of the Bylaw.

### 3 BUSINESS LICENCE REQUIRED

- 3.1 A person, including without limitation a Non-Profit, must not carry on any Business in the City without first obtaining either a City Licence or a business licence issued by another Vancouver Island municipality to which the Inter-community Business Licence has been added.
- 3.2 A separate City Licence is required for each location where a Business operates within the City.
- 3.2.1 For certainty, a Commercial Landlord must obtain a City Licence for each building identified by a separate civic address.
- 3.2.2 Notwithstanding Section 3.2, an operator of a Mobile Food Vending unit is only required to obtain one City Licence per vending unit in operation.
- 3.3 Every person who owns or operates a Business within the City must comply with this Bylaw, the City of Nanaimo Zoning Bylaw and other applicable bylaws, and with any and all terms, conditions, restrictions and limits of the required business licence.
- 3.4 A business licence issued under this Bylaw must not be construed as a representation by the City to the licence holder that the Business or proposed Business complies with any or all applicable bylaws or other enactments. It is the sole responsibility of the licence holder to ensure compliance with City bylaws and other standards, regulations and enactments.

- 3.5 A business licence issued under this Bylaw must not be construed as a representation by the City to patrons, consumers or members of the public that in issuing a business licence, the Business or proposed Business complies with any or all applicable bylaws or other enactments.

#### 4 BUSINESS LICENCE APPLICATION

- 4.1 A person applying for a business licence must submit an application to the Licence Inspector, providing complete, accurate and current information as required, on a form prescribed by the City, together with applicable business licence fees as outlined in the City's Fees And Charges Bylaw.
- 4.2 Every application, other than for a Non-Resident Business, a Special Event or a Mobile Food Vending business, must include a detailed description of the premises in or upon which the applicant intends to carry on Business.
- 4.3 Every application for a business licence must include the following information:
- (a) the full name and contact information of the applicant;
  - (b) the type and description of the Business, and related activities;
  - (c) the relationship of the applicant to the Business;
  - (d) the trade or operating name of the Business;
  - (e) if incorporated, the corporate name, address of its registered and records office, business telephone number and name of a corporate officer or manager who may be contacted;
  - (f) any Provincial or Federal enactments that apply to the Business, and whether applicable approvals under those enactments have been obtained;
  - (g) proposed date of commencement and times of operation;
- and must provide documentation of the above information at the request of the Licence Inspector.
- 4.4 When the issuance of a licence requires insurance coverage, proof of that insurance coverage in a form acceptable to the Licence Inspector must be submitted prior to the issuance of the licence.
- 4.5 If requested by the Inspector, the applicant must, at the expense of the applicant, undergo a criminal record search by a police force, or provide for the Licence Inspector to access records in the possession of the police, about the Business or its directors or operators that may be relevant to lawful operation of the Business.

#### 5 BUSINESS LICENCE FEES

- 5.1 Business licence fees as established in the City's Fees and Charges Bylaw shall be paid in full to the City by the applicant at the time of application for the original licence.

- 5.2 Business licence fees for new businesses starting after the first, second, and third quarter periods of a business licensing period shall be pro-rated accordingly, except
- (a) temporary, Special Event and Mobile Food Vending businesses are not eligible for prorated fees.
  - (b) businesses that have closed and re-opened under the same business name and ownership are not eligible for prorated fees, regardless of how long the Business was not operating.
- 5.3 A business licence is not valid until it has been issued by the Licence Inspector and the licence fee has been paid.

## 6 REFUNDS

- 6.1 The City will refund business licence fees in full only where a business licence application is refused by the City.
- 6.2 Business licence fees are not refundable after the licence has been issued.

## 7 TERM OF A LICENCE

- 7.1 Regardless of the date it is issued, a business licence is valid for a calendar year and expires on the 31st day of December in each year except as indicated on the licence for a Business that is operated as a Special Event or on a temporary basis for 30 days or less.

## 8 CHANGE OF LICENCE

- 8.1 A licence holder must not change or operate in contravention to any condition upon which the business licence was originally issued, including the type or nature of the Business, goods or services provided, or business location, without first making an application and obtaining a new licence.
- 8.1.1 Despite Section 8.1, mobile food vendors, except for those located on private property, are not required to advise the Licence Inspector of a change in location.
- 8.2 A business licence is deemed to belong to the person to whom the licence was issued, and must not be transferred to any other person.
- 8.3 A licence holder must notify the City in writing of any change to information provided on the business licence application form.

## 9 BUSINESS LICENCE RENEWAL

- 9.1 Each business operator whose business activity is intended to or does continue in the year following issuance of their business licence must ensure that their

business licence is renewed annually by December 31st, whether notice is given by the City or not, and the business operator must pay the annual renewal fee as set out in the City's Fees and Charges Bylaw.

- 9.2 If a licence is not renewed as required by this Bylaw, the licence shall be terminated and the licensee who wishes to continue to carry on the Business shall submit an application form and supporting documentation in the same manner as an application for an initial licence.
- 9.3 Business licence applications received as a result of the licence being terminated shall not be eligible for the prorated rate as laid out in Section 5.2 and shall pay any outstanding fees before the licence is reinstated.

## 10 AUTHORITY

- 10.1 The Licence Inspector may issue, suspend or cancel a business licence.
- 10.2 In accordance with Section 16 of the *Community Charter*, the Licence Inspector, a bylaw enforcement officer or other person employed by the City and designated by the Inspector may enter onto and into property to inspect and determine whether all regulations, prohibitions, and requirements established by this Bylaw are being met, and as the Inspector considers warranted, may be accompanied and assisted by a police officer, a public health official, a member of the City's Fire Department, a building inspector, or a person who, in the opinion of the Inspector, has the knowledge, skill or expertise relevant to making a determination as to matters pertaining to the Business at issue.
- 10.3 The Licence Inspector may require confirmation or approval, in a form satisfactory to the Licence Inspector, that the Business will be operated in a safe and lawful manner from any or all of the following:
  - (a) a public health official,
  - (b) the Royal Canadian Mounted Police,
  - (c) officials of the City's Fire, Building Inspections or Planning departments respecting a business licence application or operation, and in such cases, Licence Inspector may refuse to issue the business licence until such confirmation or approvals are received from those officials.

## 11 REFUSAL, SUSPENSION OR CANCELLATION OF BUSINESS LICENCE

- 11.1 The Licence Inspector may refuse to issue a business licence in any specific case, provided that a business licence shall not be unreasonably refused.
- 11.2 The Licence Inspector may suspend or cancel a licence for reasonable cause including, but not limited to, failure to comply with a term or condition of a business licence or failure to comply with this or any other City bylaw or other enactment applicable to the operation of the Business.
- 11.3 In the case of refusal, suspension or cancellation of a business licence by the Licence Inspector, the Licence Inspector will advise the applicant or licence holder

of the right to reconsideration by Council, and on request, will provide written reasons for the decision to refuse, suspend or cancel the licence.

- 11.4 A person must not carry on a Business for which a business licence is required by this bylaw during a period of suspension of such business licence or if the licence has been cancelled.

## 12 APPEAL OF DECISION OF LICENCE INSPECTOR

- 12.1 Any person who has been refused a licence, or whose licence has been suspended or cancelled may arrange for Council to reconsider the decision by giving written notice of appeal to the City's Corporate Officer within 30 business days of the date the Inspector's decision was delivered, stating the grounds upon which the appeal is made.
- 12.2 The Corporate Officer will notify the person seeking reconsideration of a date and time when Council will consider the appeal. On receiving a request for reconsideration, Council may require any and all information that it considers may be relevant, and may hear from the licence applicant or holder, and any other person whom Council considers may have information relevant to the matter under reconsideration.
- 12.3 After hearing the appeal, Council may confirm, vary or set aside such decisions made by the Inspector, as it may deem appropriate. The person subject to Council's decision must comply with any terms, restrictions and requirements imposed by Council.

## 13 POSTING LICENCE

- 13.1 A licence holder shall post and keep continuously displayed the licence issued under this Bylaw in a conspicuous area of the premises to which the public has access or in another area designated by the Licence Inspector.

## 14 OFFENCE AND PENALTY

- 14.1 Every person who:
- (a) contravenes or violates any of the provisions of this Bylaw,
  - (b) causes, suffers or allows any act of thing to be done in contravention or in violation of any of the provisions of this Bylaw,
  - (c) neglects or refrains from doing anything required to be done under this Bylaw, or a licence issued under this Bylaw,

commits an offence, and each day that the offence continues amounts to a separate offence.

14.2 On being found guilty of an offence, a person is liable to pay:

- (a) if a proceeding is brought under the *Offence Act*, a fine not exceeding \$50,000, the costs incurred by the City in investigating and prosecuting, and compensation for any damage or loss sustained by the City or other person because of the commission of the offence, as may be ordered by the Provincial Court; or
- (b) if issued a bylaw notice under the Bylaw Notice Enforcement Bylaw 2012 No. 7159, the person is liable to pay the maximum penalty set out in that bylaw and an applicable administration fee as authorized under the *Local Government Bylaw Notice Enforcement Act*.

15 SCHEDULES

15.1 Schedules A, B, C, D and E to this Bylaw form part of and are enforceable in the same manner as this Bylaw.

16 REPEAL

"Business Licence Bylaw 1998 No. 5351" and all amendments thereto are repealed upon adoption of this Bylaw.

PASSED FIRST READING:  
PASSED SECOND READING:  
PASSED THIRD READING:  
ADOPTED:

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MAYOR

---

CORPORATE OFFICER

SCHEDULE A  
SPECIFIC BUSINESS REGULATIONS

**1. Accommodation and Food Services**

No Business Entity shall sell, offer for trade, sale or distribution, shark fins or their derivative within the City.

**2. Adult Store**

- (a) No person carrying on the business of an adult entertainment store shall permit any person to be on the premises at any time unless such a person is 19 years of age or older.
- (b) No person carrying on the business of an adult entertainment store shall exhibit or permit to be exhibited any graphic sexual material or sex paraphernalia that is visible from the outside of the premises.

**3. Assisted Living Residence**

In accordance with the *Community Care and Assisted Living Act*, any person(s) operating an assisted living residence for three or more unrelated adults, must first obtain approval and be licensed to operate through the Ministry of Health (British Columbia).

**4. Blasting Contractors**

Every Business Entity carrying out activities involving the use of explosives shall provide the Licence Inspector with a certified copy of:

- (a) Liability insurance coverage in the amount of \$2,000,000; and
- (b) Worker's Compensation Board certification.

**5. Campgrounds**

Every Business Entity that carries on a campground business must maintain a register that is kept onsite, updated daily and shall be made available to the Licence Inspector and BC Assessment Authority personnel for inspection, immediately upon request. The register must provide:

- (a) the make, model, year and vehicle licence plate number of any recreational vehicle located within the campground;
- (b) the site or location assigned to the recreational vehicle or tent;
- (c) the name and home address of the person who brought the recreational vehicle or tent to the campground; and
- (d) the date the recreational vehicle or tent first entered the campground and every date thereafter that the recreational vehicle or tent was located within the campground.

**6. Cannabis – Cultivation, Processing, Testing, Research**

- (a) Every Business Entity that carries on business pertaining to cannabis cultivation, processing, analytical testing or research must provide proof that the operation is approved by Health Canada before a business licence can be issued.
- (b) Every Business Entity that carries on business pertaining to cannabis research and if said business relocates after a business licence has been issued, must provide proof that Health Canada has approved the new business location.
- (c) Every Business Entity that carries on business pertaining to cannabis research and remains operating after five years, must provide proof that Health Canada has renewed its research licence.

**7. Commercial Landlord**

As a condition of continuing to hold a business licence in respect of carrying on business as a Commercial Landlord, no business licence holder or operator shall permit a commercial tenant or renter to carry on business on the same business premises without the tenant or renter holding a valid business licence.

**8. Contractors and Developers**

A building/construction contractor or land developer shall supply to the Licence Inspector a written list of the names, addresses and telephone numbers of the sub trades in the form prescribed in Schedule 'B' to this bylaw.

**9. Escort Service**

A person carrying on the business of operating an escort service must not:

- (a) employ any persons under the age of 19 years of age; or
- (b) make any reference to specific sexual activity in any advertisement.

**10. Flea Market/Craft Sales**

- (a) A person operating a Flea Market or Craft Sale must obtain a valid business licence for the premises where the Flea Market or Craft Sale is to be held or conducted.
- (b) A business licence for each user or occupier is not required if the operator of the Flea Market or Craft Sale holds a valid business licence for that location.

**11. Liquor-Primary Establishment**

A person operating a business that is required to be licensed as a Liquor-Primary Establishment is required to adhere to the following:

- (a) Patron behaviour control, both inside and outside a licensed establishment, including but not limited to:
  - 1. Orderly entrance and disbursal
  - 2. Noise
  - 3. Vandalism
  - 4. Unlawful activities
  - 5. Nuisance behaviour.

- (b) Safety and security of patrons and the public both inside and outside the licensed establishment, including but not limited to:
  - 1. Patron screening and door control
  - 2. Provision of security staff and monitoring conduct of patrons
  - 3. Full cooperation with the RCMP and City staff in the performance of their duties and in resolving concerns related to the establishment that may arise
  - 4. The wearing of identification nameplates by on-duty staff and asking the list available to the RCMP and City staff upon request.
- (c) Responsible service of alcoholic beverages including but not limited to:
  - 1. Over-service of patrons
  - 2. Patron capacity
  - 3. Price reductions and promotions
  - 4. Free telephone available for making transportation arrangements
  - 5. Designated Driver Program, including the sale of non-alcoholic beverages.
- (d) Condition of premises and nearby surrounding area including but not limited to:
  - 1. Exterior condition and appearance of premises
  - 2. Inspection and cleanup of litter.
- (e) Entertainment
  - 1. Stripping and exotic dancing are only permitted in establishments that are zoned for this activity
  - 2. When permitted, advertising must not be offensive to the general community.
- (f) Good Neighbour Agreement
  - 1. A Good Neighbour Agreement substantially in the form set out in Schedule 'C' of this bylaw may be required and, when signed by the Licence Inspector, the Agreement will become a condition of the business licence.

## **12. Mobile Food Vending**

- (a) A person intending to carry on a Mobile Food Vending business within the City must first obtain and maintain a valid Mobile Food Vending licence for each Mobile Food Vending unit in operation.
- (b) A person applying for a Mobile Food Vending licence must provide the Licence Inspector with documents proving that the following permissions have been obtained, and regulations met:
  - 1. Island Health Authority approval
  - 2. Technical Safety BC approval
  - 3. Motor vehicle insurance (Food Trucks and Food Trailers)
  - 4. Discharge Management Plan that describes how and where fats, oils and grease will be disposed
  - 5. Liability insurance coverage which meets the following minimum requirements:
    - (i) Inclusive limit of \$2,000,000 and Public Liability & Property Damage
    - (ii) Cross liability clause
    - (iii) City named as joint insured under the policy
    - (iv) Provide that the coverage under the policy cannot be canceled or any provisions changed or deleted unless thirty days' prior written notice is given to the City by the Insurer.

- (c) Specified Mobile Food Vending locations shall be designated as follows:
  - 1. on-street locations: daily, on a first come, first served basis
  - 2. City park locations: through an online scheduling process
  - 3. Food Cart locations: daily, on a first come, first served basis.
- (d) Before commencing operations on private property, a Mobile Food Vending business operator must first supply the Licence Inspector with a written letter of permission from the owner of the property on which the vendor will be locating.
- (e) A person must not carry on a Mobile Food Vending business on public property unless located in a location specified in Schedule 'D'.
- (f) A person carrying on a Mobile Food Vending business must comply with the regulations set out in Schedule 'D' of this bylaw.

### **13. Retail**

The operator of a business where goods, wares, merchandise, substances, articles or things are offered or kept for sale or rental to the public on a Retail basis must adhere to the following:

- (a) The Hours of Operation of all Retail businesses within the area shaded on Schedule 'E' are restricted to the hours between 6:00 a.m. and 11:00 p.m.
- (b) Despite paragraph (a), a Retail business may extend its Hours of Operation beyond the restricted times from midnight on the first day until 6:00 a.m. the following day on two occasions during each calendar year.
- (c) Despite paragraph (a), restricted hours do not apply to a Food Service Business or a pub.

### **14. Security Services**

As a condition of issuance of a business licence in respect of carrying on the business of watching, guarding or patrolling for the protection of persons or property, or as a private detective, the Licence Inspector may require each person involved in the business to:

- (a) hold a licence as set out in the *Security Services Act*, and
- (b) provide confirmation of a satisfactory criminal record check.

### **15. Special Events**

- (a) A person intending to hold a Special Event must obtain a Special Event City Licence for the location where the Special Event is to be held or conducted.
- (b) A business licence for each user or occupier is not required if the organizer of the Special Event holds a valid business licence for that location.
- (c) If the applicant for a Special Event licence is a registered charitable organization, the licence fee is waived.

SCHEDULE B

SUB-TRADE LIST

GENERAL CONTRACTOR: \_\_\_\_\_

BUSINESS LICENCE NO.: \_\_\_\_\_

SITE ADDRESS: \_\_\_\_\_

BUILDING PERMIT NO.: \_\_\_\_\_

SUB-TRADE	TRADE NAME	OWNER'S NAME	ADDRESS	PHONE #
Excavating				
Concrete / forms				
Framing				
Roofing				
Doors and windows				
Insulation				
Electrical				
Plumbing				
Drywall				
Painting				
Heating & air conditioning				
Flooring				
Mechanical equipment installation				
Landscaping				
Masonry / bricklaying				
Metalwork				
Exterior finishing				

## SCHEDULE C



### CITY OF NANAIMO

# GOOD NEIGHBOUR AGREEMENT

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WHEREAS the City of Nanaimo ("the City"), the RCMP Nanaimo Detachment ("the RCMP") and the Owners of \_\_\_\_\_ ("the Licensed Establishment") (collectively "the Parties") recognize that liquor-licensed establishments have a civic responsibility, beyond the requirements of the *Liquor Control and Licensing Act*, to control the conduct of their patrons; and

WHEREAS the Licensed Establishment wishes to demonstrate to the citizens of Nanaimo its desire to be a responsible corporate citizen; and

WHEREAS the Parties wish to promote Nanaimo as a vibrant, safe and attractive community for the enjoyment of everyone, including residents, visitors, businesses and their workers;

NOW THEREFORE the Licensed Establishment agrees with the City and the RCMP to enter into this Good Neighbour Agreement, the terms and conditions of which follow:

#### **Noise and Disorder**

1. The Licensed Establishment shall undertake to ensure that noise emissions from the Establishment do not disturb surrounding residential developments, businesses and neighbourhoods, as provided by the City of Nanaimo *Noise Control Bylaw*.
2. The Licensed Establishment shall undertake to monitor and promote the orderly conduct of patrons immediately outside of the Establishment, particularly those congregating outside during open hours, as well as at closing time, and to discourage patrons from engaging in behaviour that may disturb the peace, quiet and enjoyment of the neighbourhood.
  - 2.1 In cases where the presence of employees does not facilitate the orderly conduct of patrons, staff shall contact the RCMP to request assistance in dealing with any persons or crowds.

#### **Criminal Activity**

3. The Licensed Establishment shall not knowingly allow any criminal activity within the Establishment.
  - 3.1 The Establishment shall make every reasonable effort to scrutinize patrons as they enter the building to ensure that items of contraband, including weapons and controlled substances, are not brought onto the premises.

### **Minors**

4. The Licensed Establishment shall not allow any person under the age of 19 into the Establishment.
  - 4.1 The Establishment shall check two pieces of identification for any person who appears to be under the age of 25; one piece must be picture identification and may be a driver's licence, a government identification card or a passport.

### **Sale and Consumption of Alcohol**

5. While it is recognized that there may be occasional price reductions or promotions for specific alcoholic beverages, the Licensed Establishment shall not offer deep discounts (i.e., "cheap drinks") or across-the-board discounts.
  - 5.1 When offering price reductions and promotions, the Establishment shall be particularly mindful of its legal and moral obligation to refuse service to persons who may, based on appearance or amount of alcohol consumed, be intoxicated.
6. The Licensed Establishment shall not allow patrons to carry or consume open beverages in areas that are not licensed for such purposes, including areas outside of the Establishment.

### **On-Duty Employees**

7. Each on-duty employee of the Licensed Establishment shall wear a clearly visible nameplate showing his or her first name and/or employee number.
8. The Licensed Establishment shall maintain a work schedule showing each on-duty employee and shall make the work schedule available to the RCMP, upon request.

### **Cleanliness**

9. The Licensed Establishment shall assign staff to inspect the outside of the premises each night after closing to ensure that there is no litter, garbage, broken glass or other foreign objects associated with the Establishment left within the general area of the Establishment.
10. The Licensed Establishment shall undertake to remove, as soon as is practicable, any graffiti from the building's exterior.
11. The Licensed Establishment agrees to work with the City and its departments, including the RCMP, to resolve any concerns that arise with respect to the operation of the Establishment.
  - 11.1 The Licensed Establishment agrees to attend a formal meeting, as required, with the City and the RCMP to discuss issues and concerns.
12. The Licensed Establishment shall demonstrate complete support for the RCMP and its members.
  - 12.1 When incidents occur which require RCMP involvement, all staff of the Licensed Establishment shall cooperate fully with RCMP members, and shall not impede or obstruct members in performing ~~ing~~ their duties.

13. The Licensed Establishment shall participate as an active member in the local Hospitality Industry Liquor Licensing Advisory Committee.
14. If the Licensed Establishment is a nightclub located within the downtown core, the Establishment will be strongly encouraged to participate in the Nanaimo Bar Watch Program.
15. The Licensed Establishment shall support programs which aim to eliminate occurrences of drinking and driving.
  - 15.1 A free telephone shall be available to patrons for the purpose of contacting a taxi or arranging other transportation from the Establishment.
  - 15.2 Non-alcoholic beverages shall be provided at prices which are below those set for alcoholic beverages.

#### **Amendment and Transferability**

16. Any proposed changes to the terms of the Good Neighbour Agreement shall be discussed and resolved among the Parties.

#### **Enforcement**

17. Obtaining a business licence is contingent upon accepting and signing this Agreement; notwithstanding this fact, the Parties recognize that the success in reaching the objectives of the Good Neighbour Agreement is largely dependent upon each establishment's willingness to make a concerted effort to support and adhere to the principles outlined in the Agreement.
  - 17.1 Any failure on the part of the Licensed Establishment to comply with the terms outlined herein will result in the following:
    - (a) the City will attempt to resolve the matter by requesting a meeting with the licensee.

If the matter is not satisfactorily resolved during a meeting, the City will provide a written warning. The letter will clarify what action is needed in order for the licensee to comply with the terms of the agreement. The letter will also specify how much time will be provided for the licensee to comply. The length of time will depend on the nature of the infraction.
    - (b) Continued non-compliance may be brought to the attention of City Council, which may in turn require the owners of the Establishment to attend a "show cause" hearing related to the suspension of their business licence.

It should be noted that a "show cause" hearing would only be used when all other reasonable attempts to gain compliance have failed.

18. Nothing contained or implied in this Good Neighbour Agreement shall prejudice or affect the City's rights and authorities in the exercise of its functions pursuant to the *Community Charter* and *Local Government Act*, as amended, and the rights and powers of the City and the RCMP under provincial and federal statutes and regulations, and City bylaws.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_, in Nanaimo, British Columbia.

\_\_\_\_\_  
Licence Inspector

\_\_\_\_\_  
Mayor  
City of Nanaimo

\_\_\_\_\_  
OFFICER IN CHARGE  
Nanaimo Detachment, RCMP

## SCHEDULE D

### MOBILE FOOD VENDING

#### 1. GENERAL REGULATIONS

- 1.1 The Mobile Food Vending unit shall be maintained and be in good sanitary condition at all times.
- 1.2 The Mobile Food Vending unit shall supply its own power and water source. Generators used to provide power are only permitted if they do not create a disturbance.
- 1.3 No form of music or voice amplifying device will be permitted. All soliciting will be done at a level speaking voice with no shouting.
- 1.4 Vendors shall provide proper waste and recycling receptacles adequate to ensure the cleanliness of the adjacent area; and must clean up the surrounding area within a 10 metre radius after service at a location; and shall be responsible for removal of all collected garbage from the location.
- 1.5 Placement of any furniture (i.e. tables, chairs, benches, counters, etc.) associated with the Mobile Food Vending unit is not permitted in on-street locations.
- 1.6 Clearance on all sides of the Mobile Food Vending unit must be maintained such that pedestrians are able to easily and safely pass by without congestion.
- 1.7 Operation of the Mobile Food Vending unit shall be conducted in a manner that does not restrict or interfere with the ingress or egress of the adjacent property owner or constitute an obstruction to adequate access by fire, police, or sanitation vehicles.
- 1.8 Vendors shall attend the Mobile Food Vending unit at all times.
- 1.9 Overnight storage of the Mobile Food Vending unit on public property is prohibited.
- 1.10 Mobile Food Vending in public locations will be permitted during the following hours:
  - (a) On-street locations: 7:00 a.m. to 10:00 p.m.
  - (b) Parks: during park opening hours
  - (c) Diana Krall Plaza: 7:00 a.m. to 3:00 a.m.

#### 2. FOOD TRUCKS & FOOD TRAILERS

##### Size and Configuration:

- 2.1 A Food Truck or Food Trailer shall be no more than:
  - (a) 2.5 metres in width; and,
  - (b) 8 metres in length.
- 2.2 Service windows shall be oriented towards the sidewalk; service windows that face the street are not permitted.

- 2.3 In on-street locations, sign boards are to be placed against the Food Truck or Food Trailer to avoid any obstructions to vehicles or pedestrians.

Parking:

- 2.4 Food Trucks and Food Trailers may only park in legal parking spaces or in designated locations in parks.
- 2.5 Food Trucks and Food Trailers shall not operate in angle or nose-in parking stalls unless in a designated location in a park.
- 2.6 Food Trucks and Food Trailers are exempt from hourly parking limits on city roadways where applicable.
- 2.7 On-street parking spaces will not be reserved for Food Trucks or Food Trailers, and will be open for public use when the Food Truck or Food Trailer is not present.
- 2.8 Food Trucks and Food Trailers must be open for business at all times when parked in a designated on-street Food Truck location.

Locations:

- 2.9 Food Trucks may operate only in specified areas in Table 1 and Maps 1, 2, and 3 in this Schedule.
- 2.10 Food Trailers may operate only in specified areas in Table 1 of this Schedule: they are not permitted to operate in on-street locations.
- 2.11 Notwithstanding Subsections 2.9. and 2.10., Food Trucks must not be operated within:
- (a) 15 metres of an existing permanent food service establishment;
  - (b) 100 metres of any elementary school;
  - (c) 150 metres of a Special Event or festival (except where permission from the event coordinator has been obtained);
  - (d) 10 metres of any intersection, crosswalk or bus stop; or
  - (e) any residentially zoned area.

3. FOOD CARTS

- 3.1 Food carts must be hand propelled, but may be delivered to their site by vehicle.
- 3.2 A maximum of one additional employee will be permitted to assist the operator of a Food Cart at any time.
- 3.3 Food Carts are permitted in the following locations:
- (a) Fixed Locations
    - (i) Dallas Square;
    - (ii) Church Street and Chapel Street;
    - (iii) China Steps;
    - (iv) City of Nanaimo parks as authorized by the Director of Parks and Recreation or other location authorized from time to time by the Licence Inspector;
    - (v) Specified parks in Table I of this Schedule;

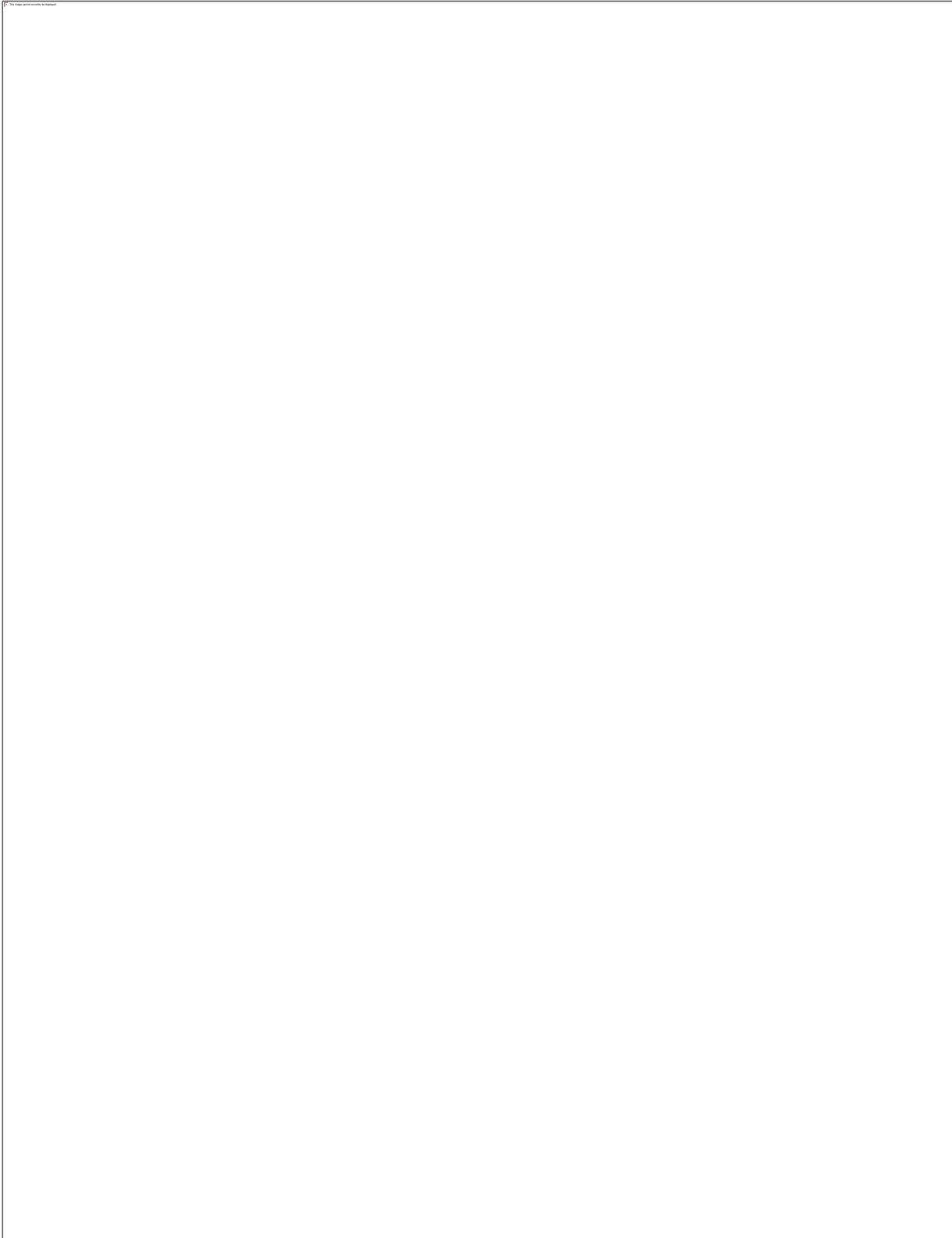
- (b) Special Zones
  - (i) Stewart Avenue - from Newcastle Avenue to Zorkin Road;
  - (ii) Queen Elizabeth Promenade;
  - (iii) Other location authorized from time to time by the Licence Inspector;

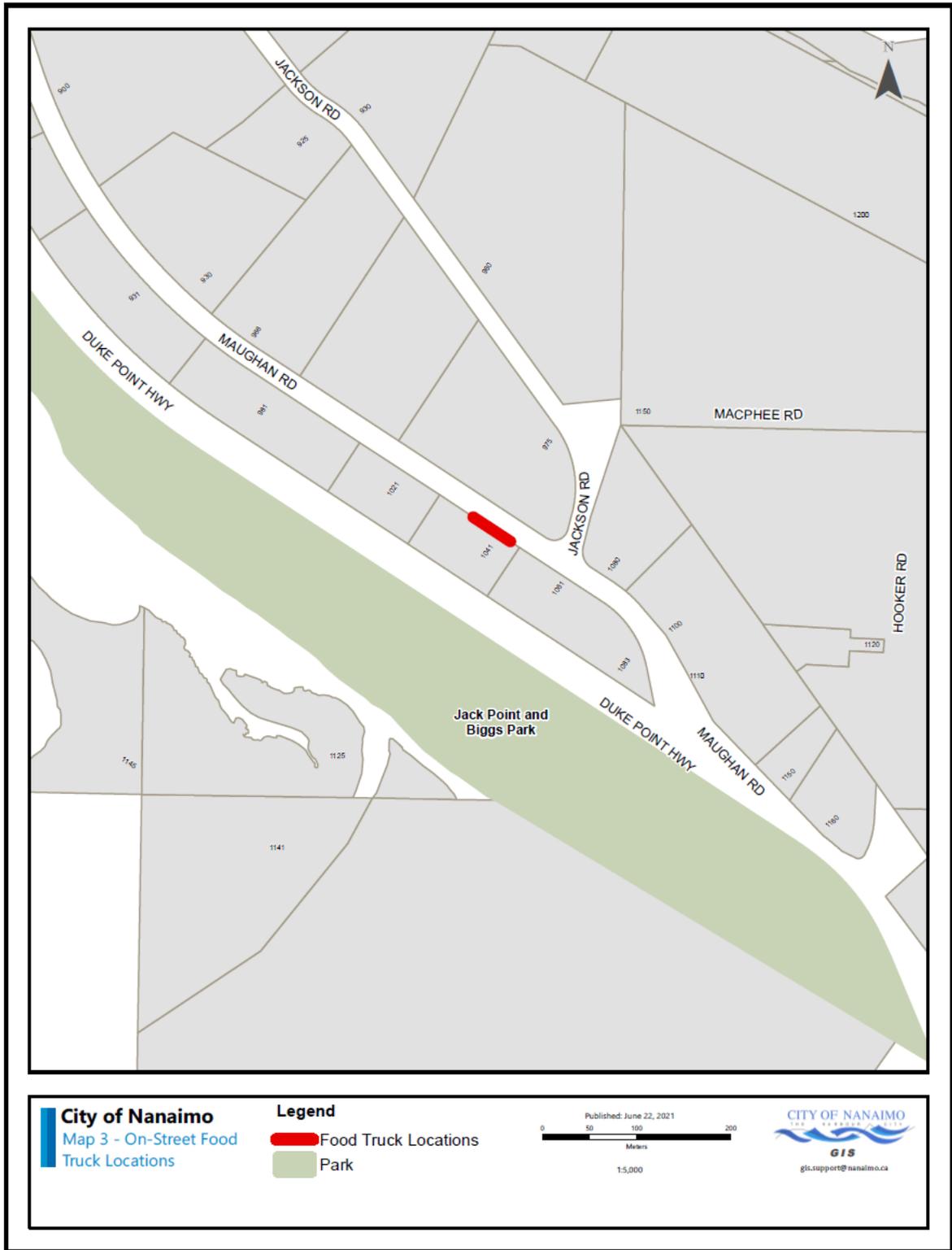
3.4 Special Zones:

- (a) Food Carts may be stopped for the purpose of directly dealing with a customer, but must resume moving immediately upon conclusion of a sale, and otherwise remain in motion at all times.
- (b) Food Carts are not permitted on the driven portion of a highway, except to cross at an intersection.

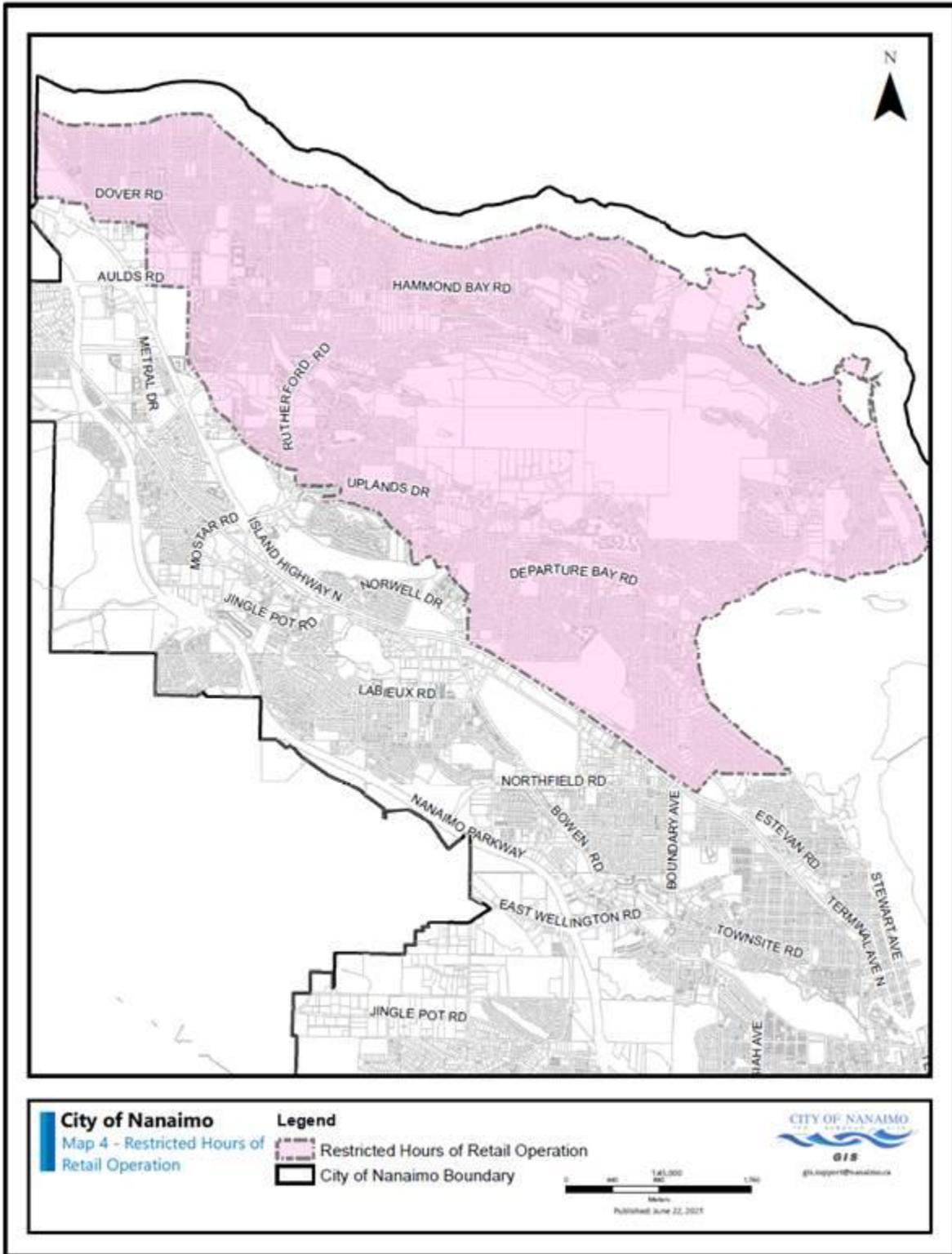
TABLE I – PERMITTED MOBILE FOOD VENDING LOCATIONS IN CITY PARKS	
At designated locations in the following city parks as authorized by the Director of Parks and Recreation:	
Bowen Park East Parking Lot	2 vendors
Brechin Boat Ramp	2 vendors
Departure Bay	3 vendors
Diana Krall Plaza	3 vendors
Harewood Centennial Park	3 vendors
Larry McNabb Sports Zone	1 vendor
Loudon Park	1 vendor
Maffeo Sutton Park	6 vendors
May Richards Bennett Pioneer Park	2 vendors
Merle Logan Field	2 vendors
Pipers Lagoon Park	1 vendor
Westwood Lake Park	2 vendors







SCHEDULE E



## Business Licence Bylaw Update

### A Business Licence Bylaw

A business licence bylaw establishes:

- the collection of fees
- terms of licences
- approvals, rejections, suspensions, or cancellations of licences
- violations and penalties
- regulations

## Current Bylaw and Business Licence Fees

- The current Business Licence Bylaw was adopted by Council in 1998.
- Shortly thereafter, Council directed Staff to undertake a review of fees with the goal of establishing a clear, consistent, simplistic and equitable fee structure.
- The review established that the general consensus of the local business community was the fee structure was confusing, inconsistently applied, and not business-friendly.
- Several options were presented; however, the Selective Flat Fee model was the preferred option.
- As a result, an amendment to the Business Licence Bylaw to change the fees from the Tiered Fee model to the Selective Flat Fee model was adopted.
- To date, no further changes have been made to the fee structure except to add food truck fees.

## Best Practice Review

In preparing to amend the bylaw, a best practice review of the following municipalities was completed:

- Kamloops
- Kelowna
- Prince George
- Victoria
- Saanich

## Business Licence Fees

- Most municipalities administer fees via the **Tiered Fee model**. Of the municipalities reviewed for best practices, only Saanich calculates fees using the Selective Flat Fee model.
- The **Selective Flat Fee** model works well and is easy for Staff to administer and for customers to understand. As such, **changes to fees are not being proposed at this time**.
- However, as it is desired to keep all City bylaw fees in one bylaw, Staff are recommending the fee schedule be removed from the Business Licence Bylaw and incorporated into the **Fees and Charges Bylaw**.
- If directed by Council to proceed with the amended Business Licence Bylaw, amendments to the Fees and Charges Bylaw will be forwarded to a future Council meeting for first, second, and third readings.

## Examples of a Tiered Fee Model

Kamloops:

BUSINESS LICENCE FEES BY CATEGORY	PRIMARY FEE	SECONDARY FEE
b) Call Centre, 1-100 Workstations	\$146.00	\$111.00
c) Call Centre, More Than 100 Workstations	\$280.40	\$245.40
d) Data Centre	\$280.40	\$245.40
e) Game Meat Cutting	\$196.40	\$161.40
f) Day Care Facility		
i) 1-10 Children in Care, Where the Location is Home-based, Principal Residence, and Owner Operated	\$ 67.20	n/a
ii) More Than 10 Children in Care	\$146.00	\$111.00

Bank, trust company, credit union, finance and loan company, brokerage company, cheque cashing services, payday loans services, independent stock broker, or independent mortgage broker:

a) 1-20 Employees	\$ 729.20	\$ 694.40
b) Over 20 Employees	\$1,234.40	\$1,199.40
c) Stand-alone Cash Machine(s)*	\$ 112.40 each	n/a
d) Cheque Cashing and Payday Loan Services	\$ 280.40	\$ 245.40
e) Independent Stock Broker or Mortgage Broker (maximum two people)	\$ 196.40	\$ 161.40

**Kelowna:**

FINANCIAL AND BROKERAGE COMPANIES

Bank, trust company, credit union, finance and loan company, brokerage company, cheque cashing services, payday loans services, independent stock broker, or independent mortgage broker:

a)	1-20 Employees	\$ 729.20	\$ 694.40
b)	Over 20 Employees	\$1,234.40	\$1,199.40
c)	Stand-alone Cash Machine(s)*	\$ 112.40 each	n/a
d)	Cheque Cashing and Payday Loan Services	\$ 280.40	\$ 245.40
e)	Independent Stock Broker or Mortgage Broker (maximum two people)	\$ 196.40	\$ 161.40

\*Stand alone cash machine(s) requiring a separate business licence are machines located in a separate premise(s) from a bank or under private ownership.

**Prince George:**

Commercial Retail (<1000 m <sup>2</sup> GFA)	Commercial Retail (less than 1000 m <sup>2</sup> )		\$280.00
Commercial Retail (>1001 m <sup>2</sup> GFA)	Commercial Retail- Department Store (greater than 1000 m <sup>2</sup> )		\$561.00
		Aircraft Sale and Rental	
		Business or Office Supplies	
		Retail, Convenience	
		Retail, General	
	Building or Garden Supplies	Building and Garden Supply	\$280.00
	Farmers Retail	Retail, Farmers Market	\$74.00
	Flea or Farmers Market (year)	Retail, Flea Market	\$421.00
	Direct Sales, Group	Direct Sales, Group	\$280.00
	Direct Sales, Individual	Direct Sales, Individual	\$74.00
Commercial Service (<100 m <sup>2</sup> GFA)	Commercial Service (100 m <sup>2</sup> or less floor area)		\$140.00
Commercial Service (>101 m <sup>2</sup> GFA)	Commercial Service (more than 100 m <sup>2</sup> floor area)		\$280.00

**Victoria:**

licensed food primary business with a lounge endorsement, as defined under B.C. Regulation 244/2002, located inside the Downtown Area shown on the map in Schedule C	\$200 plus \$7 per each unit of licensed liquor primary person capacity
licensed food primary business with a lounge endorsement, as defined under B.C. Regulation 244/2002, located outside the Downtown Area shown on the map in Schedule C	\$200 plus \$6 per each unit of licensed liquor primary person capacity
Any person carrying on the business of a bank	
(a) for the first business location	1,000.00
(b) for each additional business location	700.00

## Selective Flat Fee Model Adopted by Nanaimo

Business Type	Fee
Casino/Escort Service/Massage Parlour	\$3,000
Cabaret/Lounge/Pub/Bank/Credit Union	\$1,100
Food Truck/Trailer/Cart	\$165 - \$365
Childcare (home-based and commercial)	\$50
Special Event (up to 5 consecutive days)	\$41.25
All other businesses	\$165

## Business Licence Fines

- Changes to the fine schedule are **not being proposed at this time.**
- Similar to fees, the current practice is to have all City fines contained in the **Bylaw Notice Enforcement Bylaw.**
- If directed by Council, amendments to the Fines Bylaw will accompany the amended Business Licence Bylaw for three readings at a future Council meeting.

## Overview of Business Licence Fines

Fine Schedule	
Operating without a business licence	\$100
Operating in contravention of a business licence condition	\$100
Failure to supply sub trade list	\$50
Failure to notify of a change in business	\$50
Failure to change business address	\$50
Failure to post FASD signage	\$100
Disobey suspension order	\$200

## Proposed Amendments to the Bylaw

- **Definition updates**
- **Bylaw section updates**
- **Regulation updates**
- Fee schedule
- Fine schedule
- **Map updates**

## Definition Updates

Definition	Description	Rationale
"Business"	means carrying on a commercial or industrial undertaking of any kind or providing professional, personal or other services for the purpose of gain or profit, <b>but does not include an activity carried on by the government, its agencies or government-owned corporations.</b>	Updated to exclude business carried on by the government.
"City Licence"	means a business licence issued by the Licence Inspector for operating a business in or from a premises within the City.	Added to better differentiate from an Inter-Community and a Non-resident licence.
"Commercial Landlord"	means a person who owns or operates any premises within city boundaries and leases, lets or rents such premises to any other person or entity for the purpose of operating a business.	Added as a result of new requirement for licence under Section 3.2.1
"Council"	means the municipal Council of the City.	Added to expand on references to Council within the bylaw.

Definition	Description	Rationale
"Escort Service"	means a business which provides persons as escorts for social, business, cultural or recreational occasions, <b>but does not mean a person providing assistance to another person because of that person's age or disability.</b>	Updated to exclude social assistance escorts.
"Inter-Community Business Licence"	means a business licence issued for the purpose of conducting business in a municipality that participates in the inter-community business licence program as described in the "Inter-Community Business Licence Bylaw 2013 No. 7176".	Added as a result of new reference in Section 3.1.
"Liquor-Primary Establishment"	means a business licensed under the <i>Liquor Control and Licensing Act</i> of British Columbia where the service of liquor is the primary focus of the business.	Added to replace reference to Liquor-Licensed (Schedule A, Section 11)
"Mobile Business"	means a business that performs or provides a service or activity by moving from client to client within the City, but does not include operating in another municipality.	Added to differentiate between mobile and inter-community.
"Non-Profit"	<b>means an organization registered as a legal entity under Provincial or Federal legislation whose constitutional purposes do not include gain or profit.</b>	Added as a result of new requirement for non-profits to obtain a business licence (Section 3.1)
"Non-Resident Business"	means a business, other than a business carried on, in or from premises within the City, that is carried on in the City or with respect to which any work or service is performed in the City.	Added to differentiate between a resident business and a non-resident business.
"Special Event"	means an event such as a concert, performance, festival, exhibition, trade show or similar business activity operating for 5 or fewer consecutive days.	Updated to include activities.

## Definitions Removed

Definition	Description	Rationale
"Carrying on Business"	means selling, bartering or advertising for sale, any product or service for profit or gain.	Replaced by updated definition for Business.
"Licencee"	means a business entity which holds a licence to operate a business within the City of Nanaimo under this bylaw.	Standard definition that does not require an explanation.
"Liquor Licenced Establishment"	means a Liquor business licenced under the <i>Liquor Control and Licensing Act</i> of British Columbia".	Not required if FASD regulation is removed from bylaw.
"Pub"	means a business primarily engaged in the sale of alcoholic beverages to the public.	Standard definition that does not require an explanation.

Definition	Description	Rationale
"Rave"	includes dance, entertainment, performance or other event, commencing or continuing after 2:00 A.M.; or an event the duration of which is in excess of six hours, where 30 or more persons assemble at any time and that is undertaken without obtaining a Liquor Licence issued under the Liquor Control and Licensing Act".	This event type does not occur anymore.
"Temporary Business"	means a business that does not operate for more than 30 days in a calendar year.	A temporary licence fee is \$165 which is the same fee as the general business licence fee.
"Trade Show"	means an event carried on to promote and sell products from a fixed premises, the activity of which is intended to promote further sales; and which does not operate for more than five (5) consecutive days at a time.	Included in the definition of Special Event.
"Video Store"	means a business primarily engaged in the rental of videos to the public.	Redundant business.

## Bylaw Section Updates

### Inclusion of non-profit sector

***A person, including without limitation a Non-Profit, must not carry on any Business in the City without first obtaining either a City Licence or a business licence issued by another Vancouver Island municipality to which the Inter-community Business Licence has been added.***

- Currently, non-profits do not require a licence.
- Including non-profits provide information and data as to which sectors of the community are being serviced.
- Provides an opportunity to ensure that premises occupied by non-profits are compliant with land-use, building, and fire code requirements. Currently, this is not being completed.

## Commercial leased property

***For certainty, a Commercial Landlord must obtain a City Licence for each building identified by a separate civic address.***

- Provides a **consistent approach** to licensing commercial leased properties.
- Historically, commercial lease properties were treated as one business regardless of how many properties an individual owned and despite the requirement for a separate licence.
- A commercial leased property includes:
  - Industrial warehouses where there are two or more rental units
  - Commercial buildings where there are two or more rental units
  - Apartment buildings

## Business licence application

Every application for a business licence must include the following information:

- (a) *the full name and contact information of the applicant;*
- (b) *the type and description of the business, and related activities;*
- (c) *the relationship of the applicant to the business;*
- (d) *the trade or operating name of the business;*
- (e) *if incorporated, the corporate name, address of its registered and records office, business telephone number and name of a corporate officer or manager who may be contacted;*
- (f) ***any Provincial or Federal enactments that apply to the business, and whether applicable approvals under those enactments have been obtained;***
- (g) *proposed date of commencement and times of operation;*

- Expands on the current bylaw requirements by formalizing information requested on the application form; and
- Ensures that application submissions include any enactments that apply to the business.

## Prorating of fees

***Businesses that have closed and re-opened under the same business name and ownership are not eligible for prorated fees, regardless of how long the business was not operating.***

- Currently, most business licence fees are pro-rated for the first year of business only.
- The proposed bylaw will provide clarity that businesses that have closed and re-opened under the same business are not eligible to receive the pro-rated fee.

## Business licence renewals

***Each business operator whose business activity is intended to or does continue in the year following issuance of their business licence must ensure that their business licence is renewed annually by December 31st, whether notice is given by the City or not, and the business operator must pay the annual renewal fee as set out in the City's Fees and Charges Bylaw.***

- To establish the requirement to renew regardless of whether or not the annual invoice has been received.

### **Business licence renewals, cont**

***If a licence is not renewed as required by this Bylaw, the licence shall be terminated and the licensee who wishes to continue to carry on the business shall submit an application form and supporting documentation in the same manner as an application for an initial licence.***

- Provides the ability to close accounts where the fee has not been paid.
- Requesting a new application ensures that the information on file is correct and up-to-date.

### **Business licence renewals, cont**

***Business licence applications received as a result of the licence being terminated shall not be eligible for the prorated rate as laid out in Section 5.2 and shall pay any outstanding fees before the licence is reinstated.***

- Provides clarity and establishes that the business is not eligible for the prorated fee.
- If the business operated without a valid licence, any outstanding fees that were previously reversed will need to be paid before the licence can be reinstated.

## Regulation Updates

- Regulations for specific businesses have been **added as a separate schedule**.
- Currently, the regulations are contained within five pages in the middle of the bylaw.
- Removing them from the body of the bylaw and adding them as a separate schedule provides for a more succinct bylaw.

The following regulations have been added:

Regulation	Rationale
Adult Store	It was discovered when licensing a new adult store that there were no regulations in place with respect to minors or displayed material. Establishing a regulation provides a means of adding a condition to the licence and ensuring compliance.
Assisted Living Residence	In working with Community Care, it was discovered that assisted living residences where more than two unrelated adults are being supported requires a licence from the Ministry of Health. Working in collaboration with Community Care ensures that the businesses licensed to provide support have been pre-approved by the Ministry to operate.
Cannabis – Cultivation, Processing, Testing, Research	In researching Health Canada website and the requirements for cannabis cultivation, processing, testing and research, it was discovered that Federal Government approval is required before a business operates and that a new licence is required every five years. In establishing the requirement through the regulations section, it provides for a means to add it as a condition to the licence.
Commercial Landlord	Established business licences for commercial landlords have historically not been handled consistently. For instance, some landlords have a separate business licence for each building owned; whereas, other landlords have one business licence for multiple buildings on multiple properties. Establishing a regulation provides for a more consistent means of licensing commercial rental units.
Security Services	Security services and private investigators are regulated under the <i>Securities Act</i> . In establishing a regulation, it provides for a means to add it as a condition of the licence.

The following regulations have been removed:

Regulation	Rationale
Raves	A business licence for a rave has not been issued in the past four years and is, in staff's opinion, considered a redundant event and the regulation thereof is no longer required.
Fetal Alcohol Spectrum Disorder	<p>The Fetal Alcohol Spectrum Disorder (FASD) regulation was adopted as an amendment to the Business Licence Bylaw by Council 2013-MAY-27, and came into affect 2014-JAN-01 (attached). As per the bylaw, all liquor-licensed establishments were required to post signs advising of the harmful effects of consuming alcohol while pregnant.</p> <p>Provisions for FASD awareness are important; however, <b>in consultation with legal counsel, these provisions will require input from the Public Health Officer and must be deposited with the Ministry of Health.</b></p>

## Summary of Proposed Changes

In conclusion, the proposed changes are intended to:

- Reorganize the layout of the existing bylaw
- Update the bylaw to reflect current business trends ;  
and
- Provide an opportunity to adhere to current bylaw formatting standards.

## Business Licence Revenues

Trial balance totals as of April 30, 2021

REVENUE				
141900-6306-00000	Misc Rev - Collections	0.00 CR	0.00 CR	0.00 CR
151200-5530-00000	BL Revenue	1,067,203.75 CR	5,888.75 CR	1,073,092.50 CR
151250-5530-00000	Licencing - Inter-Community	131,702.50 CR	2,550.00 CR	134,252.50 CR
159300-4561-00000	City Parks Recoveries	150.00 DR	0.00 CR	150.00 DR
159800-5530-00000	BL Write Offs	0.00 CR	0.00 CR	0.00 CR

## Business Licence Stats 2019

Licence Type	Number of Licences
Home-based	348
Non-Resident	198
Inter-Community	102
Other	330
Total licences issued	876
Total Revenue	\$124,659

## Business Licence Stats 2020

Following are the stats for the 2020 year illustrating that 50% of all applications received are for home-based businesses and only a small percentage are commercial.

Licence Type	Number of Licences
Home-based	423
Non-Resident	202
Inter-Community	145
Other	197
Total licences issued	822
Total Revenue	\$109,873

## Business Licence Stats 2021

2021 stats up to June 29

Licence Type	Number of Licences
Home-based	290
Non-Resident	115
Inter-Community	103
Other (Commercial/Special Events)	127
Total licences issued	532
Total Revenue	\$68,185

## Business Licence Stats – Total Open

### Total Open Business Licence Accounts

Licence Type	Number of Licences
Home-based	2,685
Non-Resident	1,092
Inter-Community	845
Other	2,993
Total open accounts	6,770

**End of Presentation**





**REIMAGINE NANAIMO UPDATE**  
2021-JUL-12

# AGENDA

-  Phase 2 | Foundations Launch
-  Phase 2 | Scenario Launch
-  A Fun Surprise
-  Next Steps





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## Project Overview

**WE ARE HERE!**

 <p><b>PHASE 1</b> GATHERING IDEAS SUMMER - WINTER 2020</p>	 <p><b>PHASE 2</b> EXPLORING OPTIONS SPRING - FALL 2021</p>	 <p><b>PHASE 3</b> DEVELOPING PLANS FALL - WINTER 2021/2022</p>
<p>Phase 1 was about sharing information and listening to the community's ideas for Nanaimo's future.</p>	<p>Phase 2 is focused on identifying and evaluating different options for how our community can achieve its shared vision and goals.</p>	<p>Phase 3 will develop preferred directions into plans, policies, and actions that will guide Nanaimo's future.</p>



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## Phase 2 | Overview

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 <p>Phase 2: Exploring Options DRAFT FOUNDATIONS FEEDBACK FORM Our City, Our Choices.</p>	 <p>Phase 2: Exploring Options SCENARIOS Our City, Our Choices.</p>
<p><b>Launched   June 28</b></p>	<p><b>Launch   July 12</b></p>
<p><b>Phase 2   Closes September 20</b></p>	



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# Draft Foundations

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**Phase 2: Exploring Options**  
DRAFT FOUNDATIONS FEEDBACK FORM  
Our City, Our Choices.

**Launched |**  
**June 28**

**Seeking Input On:**  
**Draft Foundation**  
**Draft Goals**  
**Draft Indicators**



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# Draft Foundations | Feedback Form - Online

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# Draft Foundation | Feedback Form – Paper Version

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# Registration – Scenario Workshop Series

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**Option 1 |**  
**Workshop Series**

**Option 2 |**  
**Self-Guided Workshop**

**Workshop Alternative |**  
**Metroquest Platform**



**REGISTRATION**

**OUR CITY, OUR CHOICES SCENARIOS WORKSHOP SERIES**

Would you like to participate in a lively, interactive discussion about the future of our city? We are offering eight online **Our City, Our Choices Scenarios Workshops** at different times of the day - we're hoping one works for you! The information and agenda will be the same for all meetings.



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-  Phase 2 | Foundation Launch
-  Phase 2 | Scenario Launch
-  A Fun Surprise
-  Next Steps



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## Draft Scenarios

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Phase 2: Exploring Options  
SCENARIOS  
Our City, Our Choices.

Launch |  
July 12

Seeking Input On:

<p>Scenario 1   Current Path</p> 	<p>Scenario 2   Mobility Hubs</p> 	<p>Scenario 3   Central Focus</p> 
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## Draft Scenarios | Feedback Platforms

There will be 2 options to provide feedback on the draft scenarios.

<p>ONLINE FEEDBACK FORM</p>	<p>WORKSHOP SERIES</p>
	



## Draft Scenarios Feedback Platforms | Option 1

**8 Workshop Dates**

WORKSHOP SERIES  
| ONLINE ZOOMS





## Draft Scenarios Feedback Platforms | Option 2

Self-Guided Booklet



The slide features a background image of a coastal city at sunset. The 'reimagine NANAIMO' logo is positioned in the top left. The main title 'Draft Scenarios Feedback Platforms | Option 2' is centered in a large, bold font. Below the title, the text 'Self-Guided Booklet' is displayed. To the right, there is a white box containing the text 'WORKSHOP SERIES SELF-GUIDED' above an orange icon of an open book with a line graph on the left page.



## Draft Scenarios Feedback Platforms | Option 3

Metro Quest Platform

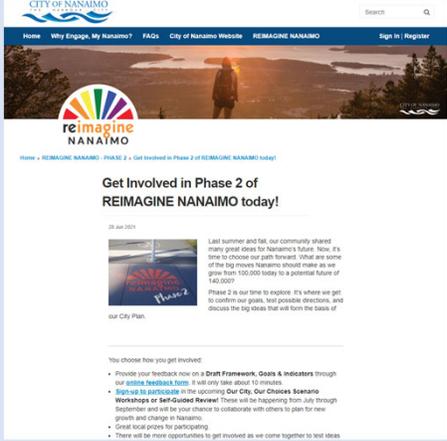


The slide features a background image of a coastal city at sunset. The 'reimagine NANAIMO' logo is positioned in the top left. The main title 'Draft Scenarios Feedback Platforms | Option 3' is centered in a large, bold font. Below the title, the text 'Metro Quest Platform' is displayed. To the right, there is a white tablet displaying a survey interface. The interface includes a 'Tradeoffs' section with a table of options: Road Priority, Safety, Parking, Transit Frequency, and Transit Modes. Below the table, there are navigation arrows and a 'More space for cars' vs 'More space for bikes, pedestrians & transit' choice. The tablet also shows a 'STANDARD SURVEY' sidebar and a 'WRAP-UP' button.



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# Scenario Review Now Open!



CITY OF NANAIMO

Home Why Engage, My Nanaimo? FAQs City of Nanaimo Website REIMAGINE NANAIMO Sign In Register

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Home » REIMAGINE NANAIMO » PHASE 2 » Get Involved in Phase 2 of REIMAGINE NANAIMO today!

### Get Involved in Phase 2 of REIMAGINE NANAIMO today!

28 Jun 2021



Last summer and fall, our community shared many great ideas for Nanaimo's future. Now, it's time to choose our path forward. What are some of the big moves Nanaimo should make as we grow from 100,000 today to a potential future of 140,000?

Phase 2 is our time to explore. It's where we get to explore our goals, test possible scenarios, and discuss the big ideas that will form the basis of our City Plan.

You choose how you get involved:

- Provide your feedback now on a **Draft Framework, Goals & Indicators** through our online feedback form. It will only take about 10 minutes.
- Register to participate in the upcoming **Our City, Our Choices Scenario Workshops or Self-Guided Review!** These will be happening from July through September and will be your chance to collaborate with others to plan for new growth and change in Nanaimo.
- Great local prizes for participating.
- There will be more opportunities to get involved as we come together to test ideas.



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# Promoting Wisely





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Our City Our Voices. When kind of city will Nanaimo be in 20+ years?

Phase 2 | Now Open! [getinvolved.nanaimo.ca](http://getinvolved.nanaimo.ca)

Let's Reimagine our Future - Together.



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## Committee Input



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## Fair and Accessible

1. Additional opportunities for those with barriers
2. Special engagement strategy aimed at youth (Underrepresented in Phase 1)
3. Two Representative Focus Groups (September 2021)





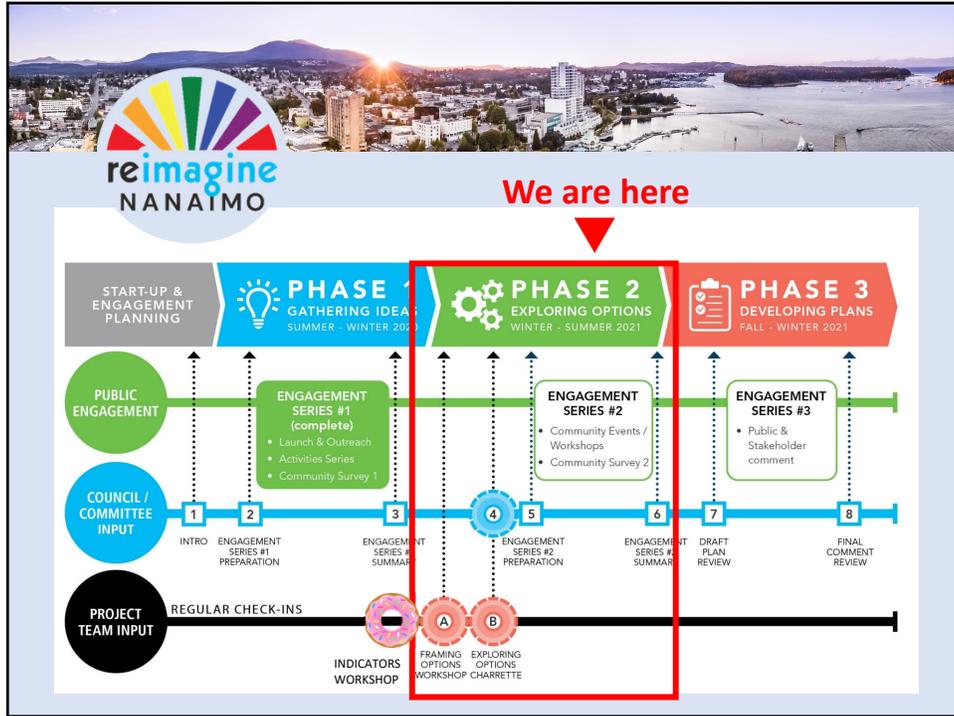
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- Phase 2 | Foundations Launch
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## KEY DATES

### DRAFT REIMAGINE NANAIMO – 2021-22 MILESTONE CALENDAR

	January	February	March	April	May	June	July	August	Sept
<b>PHASE 2 MILESTONES</b>	Phase 1 Public Engagement Summary Finalized	★ Feb 8 GPC ✓ Phase 1 Engagement Summary Presented	★ Mar 8 GPC ✓ Preliminary City Portrait & Indicators	Further model options/scenarios	★ May 10 GPC Draft City Portrait Approval	★ Jun 14 GPC ★ Jun 28 GPC Launch Phase 2 engagement	★ July 12 GPC ★ July 26 GPC	No GPC Mtgs Preferred scenarios confirmed	★ Sept 27 GPC Phase 2 Engagement Closes Sept 20
<b>INTEGRATED PLANNING</b>	Base Maps Finalized	★ Feb 22 GPC ✓ Staff discuss milestones and potential project outcomes	★ Mar 10 ✓ Targets & Indicators Workshop/Charrette	Prepare Phase 2 engagement materials <b>Committees Feedback</b>	★ May 31 Council workshop/Charrette on exploring options/scenarios to use for Phase 2 engagement	Committee Feedback Phase 2 online questionnaire launched Feedback Form Launched	Update on Phase 2 engagement numbers/ demographics <b>Committee Feedback</b> Draft Plans: internal staff review	Draft Plans refined & reviewed with internal team and <b>Committees</b> Update Climate modelling Phase 2 Engagement closes	Committees Feedback <b>Refining Plans</b>
<b>WSS</b>	Jan 19 - EDS Task Force recommend Council endorse	Prepare communication and engagement materials	Develop target indicators	Discuss alignment with REIMAGINE Milestones	Prepare Phase 2 public education materials	Finalize Phase 2 public education materials <b>Refining WSS</b>	Finalize Phase 2 public education materials <b>Drafting &amp; Refining WSS</b>	Preparation of summary of key plan directions and rationale <b>Refining Plans</b>	★ Sept 27 GPC Council review as part of key strategic plans <b>Refining WSS</b>
<b>EDS</b>	★ Feb 1 Council COMPLETE EDS Endorsed	★ Feb 1 Council COMPLETE EDS Endorsed	EDS priorities inform development of plan scenarios In house team starts EDS implementation Creation of External Economic Development Corporation					Draft REIMAGINE Plans to link clearly to EDS Implementation of External Economic Development Corporation tasks begin	

EDS and WSS, along with other documents like the Trail Implementation Plan, Culture Plan for a Creative Nanaimo, Various Park Master Plans, Food Security Plan, Health and Housing Action Plan, Age Friendly Plan etc. will inform scenario development/ options for drafting land use and policy directions in integrated plans



# REIMAGINE

## Steering Committee feedback

- Feedback?
- Thoughts on next steps?
- Other comments?



# Huy tseep q'u Siem

