

# ATTACHMENT B

CITY OF NANAIMO

BYLAW NO. 5351.10

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

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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 at 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

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J. R. RUTTAN  
MAYOR

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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**

