

ATTACHMENT A



Staff Report for Decision

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
Total licences issued	876
Revenue	\$124,659

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
Total licences issued	822
Revenue	\$109,873

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
Total licences issued	532
Revenue	\$68,185

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
Total open accounts	6,770

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

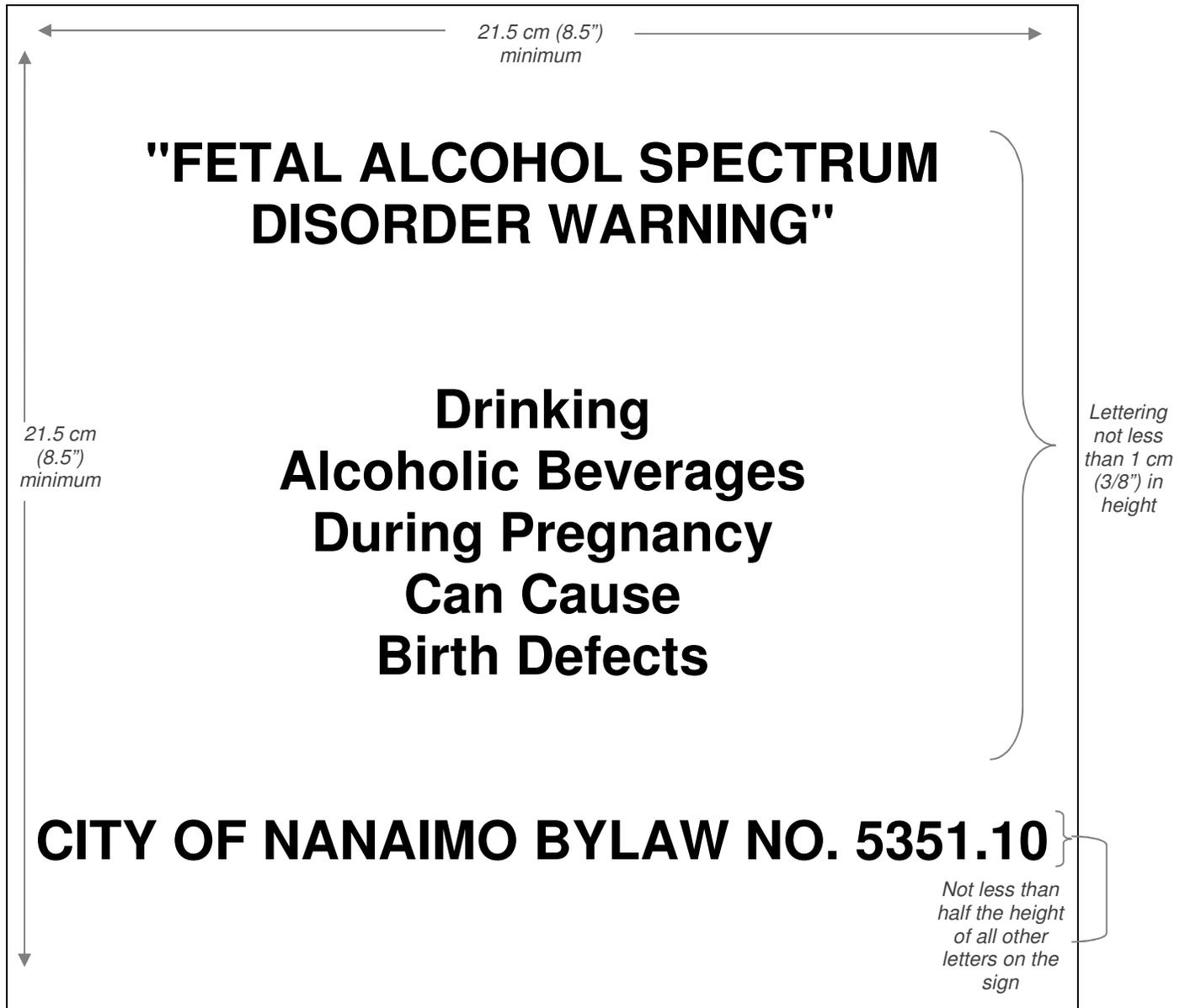
SCHEDULE 'D'

FINE SCHEDULE

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

<u>Description of Offence</u>	<u>Section #</u>	<u>Amount of Fine</u>
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 ² 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:

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

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;

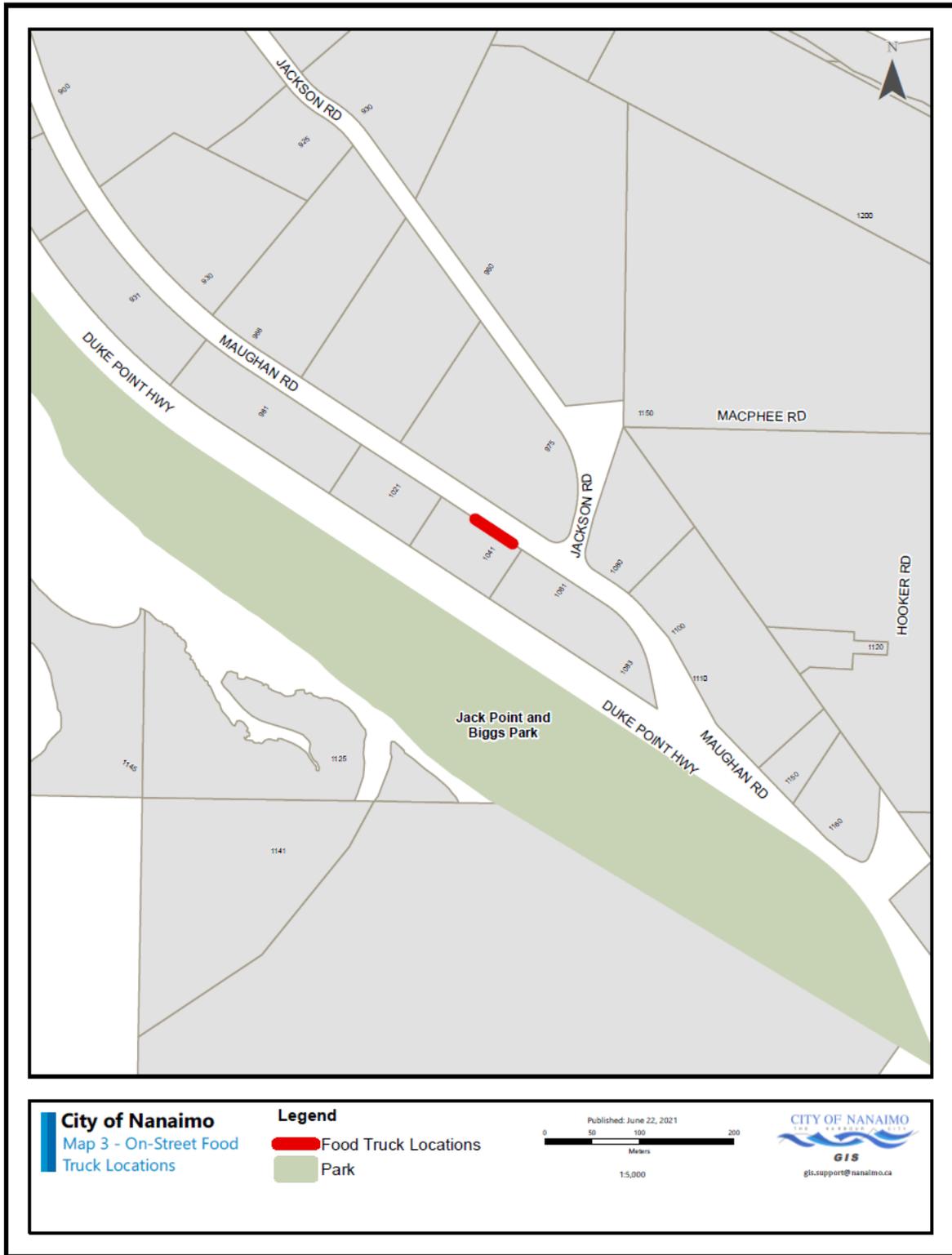
3.4 Special Zones:

- (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.

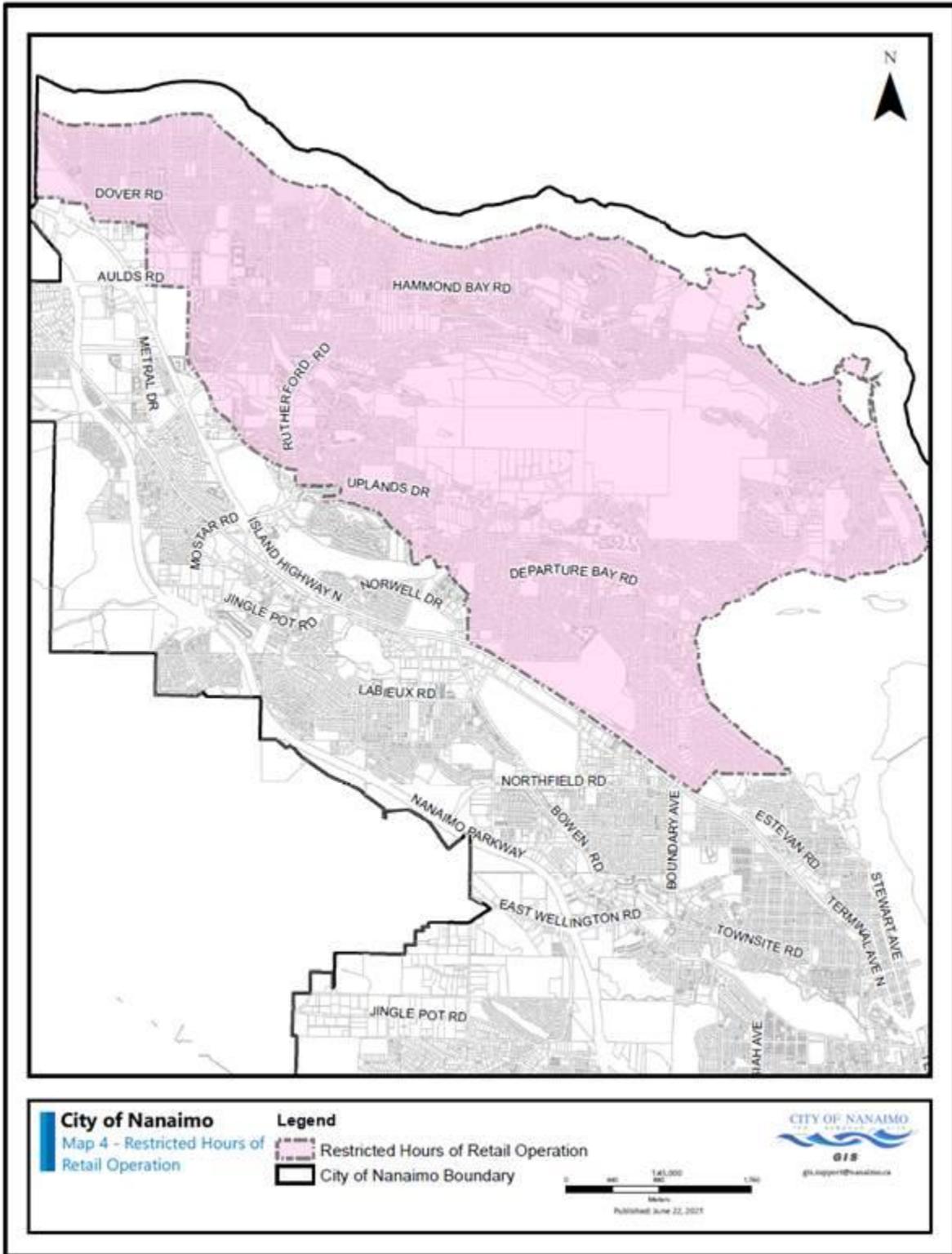
TABLE I – PERMITTED MOBILE FOOD VENDING LOCATIONS IN CITY PARKS	
At designated locations in the following city parks as authorized by the Director of Parks and Recreation:	
Bowen Park East Parking Lot	2 vendors
Brechin Boat Ramp	2 vendors
Departure Bay	3 vendors
Diana Krall Plaza	3 vendors
Harewood Centennial 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 ² GFA)	Commercial Retail (less than 1000 m ²)		\$280.00
Commercial Retail (>1001 m ² GFA)	Commercial Retail - Department Store (greater than 1000 m ²)		\$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 ² GFA)	Commercial Service (100 m ² or less floor area)		\$140.00
Commercial Service (>101 m ² GFA)	Commercial Service (more than 100 m ² 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, 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.

Definition	Description	Rationale
"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.

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, in consultation with legal counsel, these provisions will require input from the Public Health Officer and must be deposited with the Ministry of Health.</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

