

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2523

A bylaw for the licencing and regulation of businesses

WHEREAS, Council may, pursuant to s. 8(6) of the *Community Charter*, regulate in relation to business;

AND WHEREAS, Council has given notice of its intention to adopt this Bylaw by publishing such notice in the Comox Valley Echo on January 11th, 2008 and January 15th, 2008, and has provided an opportunity for persons who consider they are affected by this Bylaw to make representations to Council at a Council meeting pursuant to s. 59 of the *Community Charter* on January 21st, 2008;

NOW THEREFORE, The Council of the City of Courtenay in open meeting assembled, enacts as follows:

SECTION 1 - INTRODUCTION

1.1 TITLE

This bylaw may be cited for all purposes as "**Business Licence Bylaw No. 2523, 2008**".

1.2 DEFINITIONS

In this Bylaw:

"Auctioneer" means a person who conducts auctions for the sale of goods by calling for bids and declaring goods sold.

"City" means the Corporation of the City of Courtenay, or the area governed by it.

"Council" means the Municipal Council of the City of Courtenay.

"Intermunicipal business licence" means a business licence issued by a municipality that is party to the Courtenay-Comox Business Licence Agreement authorized by Intermunicipal Business Licence Agreement Authorization Bylaw No. 2464, 2006.

"Licence Inspector" means a person, or his designate, appointed by Council for the purpose of enforcing and carrying out the provisions of this bylaw and includes Building Inspectors and Bylaw Enforcement Officers.

"Mobile Stores and Restaurants" means a vehicle registered to operate on a highway, which is used in carrying on a business as a mobile store or a mobile restaurant.

"Mobile Vending Push Cart" means a vehicle not registered to operate on a highway, which is designed for use as a food and beverage vending outlet.

"Non-resident Business" means a business, other than a resident business, carried on in the City, or with respect to which any work or service is performed in the City.

“Person” includes a corporation, partnership, proprietorship, firm and the personal or other legal representative of a person to whom the context may apply under this bylaw.

“Resident business” means a business carried on, in or from a premises or place located within the City.

SECTION 2 - GENERAL REGULATIONS

- 2.1 No person shall carry on a business within the City without first:
- a. paying the fee for a business licence as described under Schedule A of this bylaw; and
 - b. obtaining a City business licence; or
 - c. being the holder of a valid intermunicipal business licence.
- 2.2 Any person carrying on more than one business shall obtain and pay for a separate business licence for each and every business.
- 2.3 Every person issued a licence to carry on a resident business shall keep the licence posted in a conspicuous place on the business premises named in the licence.
- 2.4 A business licence is not a representation or warranty that the licenced business complies with the bylaws of the City or with any other regulations or standards.
- 2.5 A licence inspector may grant a business licence when satisfied that the applicant has complied with the requirements of the bylaws of the City.
- 2.6 A licence inspector of the City may, subject to s. 16 of the Community Charter, enter at all reasonable times on any property that is subject to this bylaw to determine whether the regulations in this bylaw are being observed.
- 2.7 A licence inspector may refuse or suspend a licence for reasonable cause, including where a licensee:
- (a) has failed to comply with a term or condition of the licence,
 - (b) the licensee’s premises ceases to comply with a bylaw regulating building, land use, health, fire, environmental or business issues, or
 - (c) is convicted of an offence under an Act or bylaw in respect of the business for which the licence has been issued or with respect to the premises named in the licence.
- 2.8 Where an applicant has been refused a licence, or a licence is suspended in accordance with this bylaw, the applicant may appeal the decision to Council. The licence inspector must notify the applicant or the licensee affected by the decision of their right to have the matter reconsidered by Council. On appeal, Council may confirm or set aside the refusal or suspension on any terms it may think fit.
- 2.9 No licence shall be transferred from one person in respect of certain premises to that same person in respect of other premises without the prior approval of the licence inspector and the payment of Twenty Dollars (\$20.00) for the required transfer fee. Such transfer fee shall

be refused by the licence inspector where the premises to which the applicant wishes to transfer the licence does not comply with the requirements of the bylaws of the City.

- 2.9 Every holder of a licence shall notify the licence inspector of any change in the mailing and/or business address, the classification of the business, area of premises, or any alteration to the premises in which the business is carried out, and upon termination of the carrying on of business by the Licence Holder, he or she shall notify the licence inspector that the licence is no longer required and shall surrender the licence to the licence inspector.
- 2.10 No person shall offer for sale any goods or merchandise on a highway within the boundaries of the City except as provided elsewhere in this bylaw.

SECTION 3 - LICENCE FEES AND LICENCE PERIOD

- 3.1 Except as hereinafter provided, licences shall be granted for a one-year period to commence the first day of January and to terminate the thirty-first day of December in each year.
- 3.2 The licence fee prescribed in this bylaw shall be reduced by one-half in respect of a business that becomes liable to be licensed after the thirty-first day of July in any year.
- 3.3 If a licensee continues to carry on business within the City and does not renew and pay for its licence prior to March 1st of each licence period (January 1st to December 31st), a late payment fee calculated at 25% of the annual licence fee will be applied.
- 3.4 If a licensee continues to carry on business within the City and does not renew and pay for their licence prior to June 1st of each licence period (January 1st to December 31st), a late payment fee calculated at 50% of the annual licence fee will be applied.
- 3.5 No refund of the annual licence fee shall be made because the licensee ceases to do business at any time. A licence fee shall be refunded only if the application is withdrawn prior to issuance of the business licence or if issuance of a business licence is refused.

SECTION 4 - AUCTIONEERS

- 4.1 Every Auctioneer shall, whenever goods are put into his hands for sale, give a receipt containing an itemized statement of all such goods.
- 4.2 Every Auctioneer shall keep proper books of accounts of the business transacted by him as an Auctioneer, whether in public auction or elsewhere. The books shall record:
- (a) the names and addresses of persons entrusting goods to him for resale;
 - (b) an itemized list of all such goods; and
 - (c) the names and addresses of the persons purchasing any goods from him.
- 4.3 Every Auctioneer shall permit any police officer or a Licence Inspector to inspect the books referred to in the preceding sections, at all times during business hours, and to take extracts therefrom.

SECTION 5 - EXOTIC DANCING

- 5.1 In respect of cabarets, nightclubs and other premises licenced for the on-premises consumption of liquor, a licence inspector may impose terms and conditions on the business licence relating to exotic dancing.
- 5.2 Exotic dancing shall only be permitted to be operated for a maximum of 3 consecutive days once per calendar month.

SECTION 6 - CIRCUSES AND CARNIVALS

- 6.1 No licence shall be issued to any person for the purpose of holding an exhibition, circus or carnival, using ferris wheels, merry go rounds, or other similar rides until such person has filed with the Licence Inspector, evidence of his holding a Comprehensive Liability Policy of insurance for Five Million Dollars (\$5,000,000.00) inclusive limits covering bodily injury, death, and property damage including loss of use thereof. The insurance shall name the City as an additional insured.

SECTION 7 - CONTRACTORS

- 7.1 All General Contractors shall supply a list to the Licence Inspector of all sub trades employed by them to the City prior to applying for an occupancy permit.

SECTION 8 - DOOR TO DOOR AND/OR DIRECT SALES

- 8.1 Any door to door or direct sales person shall:
- (a) state to any person with whom he is conducting or attempting to conduct business, the name of the business or other organization with whom he is associated, affiliated or representing;
 - (b) state to any person with whom he is conducting or attempting to conduct business, his full legal name consisting of all personal names and his surname;
 - (c) when conducting or attempting to conduct business, have affixed to his clothing and clearly visible to the public, an identification card on which is printed his full legal name and on which is affixed his photograph, said photograph being of passport size, namely 5 cm x 5cm (2" x 2");
 - (d) display to any person with whom he is conducting or attempting to conduct business, a copy of the business licence issued hereunder.

SECTION 9 - ESCORT SERVICES

- 9.1 Every person carrying on the business of or operating an "Escort Service" shall:

- (a) obtain a business licence for the agency and pay an additional fee for each escort to whom customers are referred by the escort service; and
- (b) provide a Business Licence Inspector with the name, address and birth date for each escort to whom customers are referred by the escort service, for approval from the Licence Inspector.

SECTION 10 - MOBILE STORE, MOBILE RESTAURANTS AND MOBILE VENDING PUSH CARTS

- 10.1 Every vehicle used in the carrying on of a business as a mobile store or a mobile restaurant shall have a dust tight, well-lighted sanitary interior from which the business is to be carried out.
- 10.2 All mobile stores, mobile restaurants or mobile vending push carts shall be in good mechanical condition and meet all the food handling requirements of the provincial government and shall be in possession of valid permits issued by the provincial government authority having jurisdiction.
- 10.3 No vehicle used as a mobile store or mobile restaurant shall park or stop more than is necessary to serve customers, and at no time shall the mobile store or mobile restaurant remain stopped or parked for longer than fifteen (15) minutes at one specific location unless in receipt of a permit issued by the City for this purpose. When stopped for the serving of customers, the vehicle shall be parked on private property.
- 10.4 A Licence Inspector shall not issue any licence for a mobile store, mobile restaurant, or mobile vending push cart until the applicant has provided evidence that all vehicles intended for use as mobile stores, mobile restaurants, or mobile vending push carts by the applicant are insured under a comprehensive liability policy or insurance for Two Million Dollars (\$2,000,000.00) with the City named as additional insured. Coverage under the policy cannot be cancelled, or any provisions changed or deleted unless thirty (30) days prior written notice has been given to the City by the insurer.
- 10.5 No form of music or voice amplifying device shall be allowed for a mobile store, mobile restaurant, or mobile vending push cart.
- 10.6 No mobile vending push cart shall be operated in:
 - (a) any residential zone, or
 - (b) in any City park or green space.
- 10.7 No goods other than food and beverages shall be sold from a mobile restaurant or mobile vending push cart.
- 10.8 The operator or operator of a mobile vending push cart must provide waste receptacles and shall be responsible for cleaning all litter generated within 10 metres of the mobile vending push cart, while the push cart is stopped.

- 10.9 If a mobile vending push cart is located on a City sidewalk or boulevard, 1.5 metres (5') of the sidewalk or boulevard shall be provided at all times for passing pedestrians.
- 10.10 The owner or operator of a mobile vending push cart shall remove push carts and any materials associated with the mobile vending operation each evening by 11:00 p.m.

SECTION 11 - OFFENCES AND PENALTIES

- 11.1 Any person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of the bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw shall be liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2000.00) and not less than the amount set out with respect to each section in Schedule 1 of Municipal Ticket Information Bylaw No. 2435, 2006 and amendments thereto. For each day that a violation is permitted to exist, it shall constitute a separate offence.

SECTION 12 - SEVERABILITY

- 12.1 If any section, subsection, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid, unlawful or unenforceable by the decision of any Court of competent jurisdiction, that section subsection, clause, sub-clause of phrase shall be struck from the Bylaw and its severance shall not affect the validity of the remaining portions of this Bylaw.

SECTION 13 - REPEAL AND ADOPTION

- 13.1 “Business Licence Bylaw No. 1351, 1984” and all amendments thereto, are hereby repealed.
- 13.2 This bylaw shall come into full force and effect on adoption.

Read a first time this 7th day of January, 2008
 Read a second time this 7th day of January, 2008
 Read a third time this 7th day of January, 2008
 Finally passed and adopted this 21st day of January, 2008

 Mayor

 Manager of Corporate Administration

**SCHEDULE A
 BYLAW NO. 2523, 2008**

Business categories and annual licence fees payable:

- 1. Apartments, Hotel, Motel, Hostel, Mobile Home Park, etc.(10 units or more)\$150.00

	<i>Under 10 Units</i>	\$50.00
	<i>(a person having not more than two rooms for rent shall not be required to take out or hold a licence under this section)</i>	
2.	Auctioneer/Pawn Brokers/ Secondhand Dealer.....	\$150.00
3.	Automotive Dealer.....	\$250.00
	<i>(includes new and used vehicles, recreational vehicles, motorcycles, etc.)</i>	
4.	Automotive Repair, Service Station	\$150.00
5.	Banks, Credit Unions	\$1,500.00
6.	Bingo Facility	\$1,500.00
	<i>(as defined in Zoning Bylaw No. 2500)</i>	
7.	Brokers, Mortgage and Investment Companies.....	\$250.00
8.	Business Service	
	<i>(operating as a non-resident or resident business, but not including retail)</i>	
		\$100.00
9.	Exhibition/Circus/Carnival/Door to Door Sales	\$100.00 per day
10.	Escort Service	\$500.00
	+ <i>per escort</i>	\$100.00
11.	Intermunicipal	\$150.00
	<i>(as set out in Intermunicipal Business Licence Agreement Authorization Bylaw No. 2464, 2006)5</i>	
12.	Home Occupation.....	\$75.00
	<i>(As defined in Zoning Bylaw No. 2500, 2007)</i>	
13.	Mini-Storage Facility	\$150.00
14.	Nightclub/Cabaret/Neighbourhood Pub	\$1,000.00
15.	Professional.....	\$100.00
	<i>(a person carrying on a business that is governed by a Special Act, statute, etc)</i>	
16.	Radio/TV Station/Private Utility Company.....	\$150.00
17.	Retail/Wholesale	
	<i>every business which has a floor area (the area of which customers have normal access for shopping purposes) of:</i>	
	<i>(a) under 4,000 sq.ft.</i>	\$100.00
	<i>(b) 4,001 sq.ft. to 10,000 sq.ft.</i>	\$250.00
	<i>(c) 10,001 sq.ft. to 20,000 sq.ft.</i>	\$450.00
	<i>(d) over 20,001 sq.ft.</i>	\$650.00

18.	Restaurant	\$150.00
19.	Snack Bar	\$50.00
20.	Theatre/Movie Theatre/Concert Hall.....	\$250.00
21.	Unclassified	\$100.00