

CITY OF PRINCE GEORGE

BYLAW NO. 9040, <date>

A *Bylaw* of the City of Prince George to provide for the regulation and licensing of business.

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

AND WHEREAS, when regulating business, Council may, pursuant to s. 15 (1) of the *Community Charter*, impose terms and conditions for obtaining, continuing to hold or renewing a license permit, or approval, and specify the nature of the terms and conditions and who may impose them;

AND WHEREAS Council may, pursuant to s. 154 of the *Community Charter*, delegate its powers, duties and functions to an officer or employee of the City, which delegation may under s. 60 (4) of the *Community Charter* include the authority to suspend or revoke a business license;

AND WHEREAS Council has given notice of its intention to adopt this *Bylaw* and provided an opportunity for persons who consider they are affected by this *Bylaw* to make representations to Council at a hearing pursuant to s. 59 of the *Community Charter*;

NOW THEREFORE, Council of the City of Prince George, in an open meeting assembled, ENACTS AS FOLLOWS:

1. SHORT TITLE

This *Bylaw* may be cited as the “City of Prince George Business Regulation and Licensing Bylaw No. 9040, <date>”.

2. SEVERABILITY

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 or phrase shall be struck from the *Bylaw* and its severance shall not affect the validity of the remaining portions of this *Bylaw*.

3. REPEAL

3.1 “City of Prince George Business Regulation and Licensing Bylaw No. 7851, 2007” is repealed.

3.2 A business license issued pursuant to City of Prince George Business License Bylaw No. 7851, 2007, that has not expired is deemed to have been issued under this *Bylaw*, and shall expire as if it was issued under this *Bylaw*, or the date specified in the license, if the date specified in the license is earlier.

3.3 This *Bylaw* shall not come into force or effect until _____, <date>.

4. DEFINITIONS

4.1 Unless otherwise defined in this Bylaw, all words and phrases in this Bylaw shall have the meaning given to them in the *City of Prince George Zoning Bylaw, Local Government Act* or the *Community Charter*.

4.2 In this *Bylaw*, the following terms and words have the meanings set out below:

Application: a written request by the Applicant for a new License in the form prescribed by the Authorized Person.

Applicant: the owner of a Business, or an authorized representative of an owner, that submits an Application.

Authorized Person: the person appointed by Council as head of the Department responsible for the business license function, or a person designated in writing by the head of the Department responsible for the business license function, to carry out any act or function under this *Bylaw*.

Business: the carrying on a commercial or industrial activity or undertaking of any kind, or the provision of professional, personal or other services for the purpose of gain or profit.

Bylaw Notice Enforcement Bylaw: the *City of Prince George Bylaw Notice and Enforcement Bylaw*.

Bylaw Enforcement Officer: an officer or employee of the City who has responsibility for inspection and enforcement relating to bylaw compliance including a member of the Royal Canadian Mounted Police or other Peace Officer.

City: the City of Prince George.

Community Charter: the *Community Charter, SBC 2003, c 26*, and any amendments thereto.

Council: the City's elected council.

Fees and Charges Bylaw: the *City of Prince George Comprehensive Fees and Charges Bylaw*.

Gross Floor Area (GFA): the total area of the Business Premises measured to the extreme outer limits of the building, and may include areas that provide access to the Premises, such as corridors, hallways, landings, foyers, staircases and stairwells.

Home Business: the accessory use of a principal dwelling by a Person who lives in such dwelling to conduct a Business in accordance with the *Zoning Bylaw*. This use does not include passenger directed vehicle uses.

License: a business license issued under this *Bylaw*.

License Base Fee: the base fee for every License that is payable to the City upon Application approval or License renewal by the Authorized Person. The **License Category Fee(s)** are identified in the *City of Prince George Comprehensive Fees and Charges Bylaw*.

License Category: the license category is identified on Schedule A of this *Bylaw*.

License Category Fee: the fee for a specific License Category that is payable to the City upon Application approval or License renewal by the Authorized Person. The License Category Fee(s) are identified in the *City of Prince George Comprehensive Fees and Charges Bylaw*.

Licensee: a holder of a current License.

Local Government Act: the *Local Government Act*, RSBC 2015, c 1, and any amendments thereto.

Local Government Bylaw Notice Enforcement Act: the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60, and any amendments thereto.

Not-for-profit organization: a charitable, philanthropic or religious organization where the whole of the proceeds of the activity are used solely for charitable, philanthropic or religious purposes.

Non-Resident License: a current license issued under this *Bylaw* to an applicant who does not reside in the City.

Offence Act: the *Offence Act*, RSBC 1996, c 338., and any amendments thereto.

Person: an individual, firm, partnership, association, company, corporation, or society.

Premises: a building or Lot, or a portion of a building or Lot where a Business is operated.

Mobile Business: includes a business that does not operate in a single Premises but moves to multiple locations for the purpose of selling a commodity or a service to the public.

Motor Vehicle Act Regulations: *Motor Vehicle Act Regulations B.C. Reg. 26/58* and any amendments thereto.

Trade Name: the name used to identify a Business.

Passenger Directed Vehicle: a business that offers the hiring of a motor vehicle, which is licensed under the laws of the Province of British Columbia, for the purpose of transporting passengers to a specific destination. Typical uses include taxicab, limousine and party bus. This use does not include services that are rented by the hour or chartered for a specific trip, which are typical of ambulances, hearses, drive-yourself vehicles and motor buses.

Zoning Bylaw: the *City of Prince George Zoning Bylaw*.

5. GENERAL LICENSE REGULATIONS

5.1 For the purpose of this *Bylaw*, any Person who, within the City:

- a) advertises or indicates by any means as being open for business of any kind;
- b) deals in, or buys, sells, barter, rents, or displays any commodity or offers by advertisement or otherwise, on behalf of himself or others; to buy, sell, barter or rent any commodity;
- c) renders or offers to render professional, personal, contractual, or other services to any person for the purpose of gain or profit; or

d) engages in repairing, restoration or servicing of automobiles, appliances or other commodities not owned or registered in the name of that person or firm;
shall be deemed to be carrying on a Business in the City.

5.2 No Person or his representative shall advertise the carrying on of a Business within the City without first obtaining a License.

5.3 Except as otherwise provided for in this *Bylaw*, no Person shall operate a business within the City unless the Business owner holds a current License for that Business.

5.4 Every License granted pursuant to this *Bylaw* shall state that the holder is licensed to carry on the Business stipulated therein:

- a) in a lawful manner;
- b) for the time-period specified in the License; and
- c) at the Premises specified in the License.

5.5 Person must not operate a Business after receiving notice that the Authorized Person has suspended or revoked the License for that Business.

License Exemptions

5.6 A License is not required for:

- a) a garage sale conducted by a Person on their own property. This use is limited to two (2) sale days per year per residence;
- b) any activity carried on by government, its agencies or government-owned corporations;
or
- c) an educational course or program provided by a community or continuing education facility, or by a school operated pursuant to the *School Act*, S.B.C. 1996 or successor legislation, including fundraising activities to support such programs.

6. AUTHORITY TO LICENSE

6.1 Council authorizes the Authorized Person to grant, refuse, suspend and revoke a License under this *Bylaw*.

6.2 Council delegates to the Authorized Person the powers of Council to grant a License under this *Bylaw* if the Authorized Person is satisfied that:

- a) the Applicant has fulfilled the requirements of this and all other City bylaws applicable to the Business and the Business Premises;
- b) the Applicant has fulfilled the requirements of all federal, provincial, local government, and first nation's legislation applicable to the Business;

- c) the Applicant has paid the License Fees for the Business; and
- d) the Applicant does not have any outstanding fees or fines owing to the City in relation to the Business, or any other Business operated by the same Applicant.

7. APPLICATION

- 7.1 An Applicant must complete and submit an Application, including only true and accurate information, in the form prescribed by the Authorized Person. The Applicant must also submit the necessary fee(s) in accordance with the *Fees and Charges Bylaw*.
- 7.2 An Application must be completed by the owner of the Business or an authorized agent. If a Business is owned by a partnership or has multiple owners, any one partner or owner may complete the Application. The owner or partner who applies will be deemed to be the only authorized agent of all the owners or partners.
- 7.3 Upon receipt of the items identified in this *Bylaw*, the Authorized Person will review the Application, and verify general compliance with this *Bylaw* and other enactments. If the Authorized Person verifies that the Application complies with this *Bylaw*, and the other enactments, the Authorized Person may grant the Applicant a License.
- 7.4 The Authorized Person will classify the Business in accordance with Schedule A of this *Bylaw*.
- 7.5 The Authorized Person may grant, refuse and impose terms and conditions on a License as indicated in this *Bylaw*.

Compliance with other Approval Agencies

- 6.6 If a Business is subject to any requirements, approvals, or restrictions of the federal, provincial, local government, the Applicant must meet all requirements, acquire such approvals, and adhere to such restrictions prior to submitting an Application.
- 6.7 The City's issuance of a License is not a representation by the City to the Applicant or any Person that the Applicant's Business complies with legislation or other enactments that apply to the Business, and if the City issues a License, the Licensee is solely responsible for ensuring that its Business complies with all applicable legislation and enactments.

Terms and Conditions

- 6.8 The Authorized Person may grant a License that includes terms and conditions related to the following:
 - a) hours of operation;
 - b) the term of the License;
 - c) the physical condition of the Business Premises;

- d) the potential or actual nuisance and negative impacts on the community surrounding the Business Premises, including nuisance or negative impacts caused by employee and patron behavior;
- e) health or safety issues;
- f) compliance with the requirements of this *Bylaw*, other applicable bylaws, and federal, provincial, local government, or first nation's legislation, regulations, or enactments;
- g) other terms and conditions that the Authorized Person considers necessary to ensure compliance with this *Bylaw* or any other legislation, regulations, or enactments; and
- h) It is a term and condition of every License that the Business must be operated in strict compliance with all applicable *Bylaws* of the City and all relevant federal, provincial, local government and first nations legislation, regulations, and enactments.

8. BUSINESS LICENSE REGULATIONS

Effective Period of License

- 8.1 The City will grant Licenses for a period of no greater than one year, and, except as otherwise outlined in this *Bylaw*, the License period will begin on the first day of January.
- 8.2 A new License issued after the first day of January will commence on the day the City issues the License. The License Fee prescribed in this *Bylaw* shall be pro-rated quarterly during the course of a calendar year as follows:
 - a) January 1 to March 31- 100% of the License Fee;
 - b) April 1 to June 30 - 75% of the License Fee;
 - c) July 1 to September 30 - 50% of the License Fee; or
 - d) October 1 to December 31 - 25% of the License Fee.
- 8.3 Regardless of the new License issuance date, the below mentioned section shall apply.

License periods will terminate on the earlier of:

 - a) the last day of December of the year that the License is issued;
 - b) the date the Authorized Person revokes the License; or
 - c) the date on which the Business ceases to operate.
- 8.4 The City will not refund License Fees for any reason.

Display of License

- 8.5 Unless exempted by this *Bylaw*, a Licensee must display a Business's current License in a location on the Premises where the Public can easily see and read the License.
- 8.6 The following Persons are exempt from the License Display requirements outlined in the above section:
- a) **Mobile Business:** the Licensee must display the license on the vehicle, push cart, and/or any other vehicle or mobile structure that the Licensee uses to carry out their business; or
 - b) **Non-Resident License:** A Non-Resident License Holder must carry their License on his or her person, or display the license in their vehicle or other mobile structure that the Licensee uses to carry out their Business.

License Renewal

- 8.7 Every Licensee must renew their annual License by paying the applicable License Fee within seven (7) days following the date upon which it expires.
- 8.8 If a Licensee fails to renew their License, within seven (7) days as identified in Section 8.7, their License shall expire. After this date, the Licensee is required to submit a new Application to the Authorized Person in order to carry on their Business within the City. If the Licensee continues to carry on their Business after the License expires, the Licensee shall be subject to a fine in accordance with this *Bylaw*.

Separate License

- 8.9 A Person who operates more than one Business in a Premises must obtain a separate License for each Business.
- 8.10 If a Licensee operates a single Business in multiple different Premises, each Business is a separate Business for licensing purposes, and the Person operating the Businesses must obtain a separate license for each Business.
- 8.11 Where there is more than one Trade Name displayed within one Premises, each Trade Name shall be deemed to indicate the operation of a separate Business, for which a separate license is required.

Transfer a Business License

- 8.12 Every License is a personal license to the Licensee and must not be transferred to any other Person.

Change a Business License

8.13 If any of the following changes occur, an application shall be made to the Authorized Person in accordance to this *Bylaw*.

- a) a change of ownership;
- b) a change in the location of the Business' Premises or mailing address;
- c) the classification of the Business;
- d) a change that would increase the License Fee payable in respect of the Business;
- e) a change to the area of the Premises upon which the Business is carried out; or
- f) any alterations of the Premises upon which the Business is carried out.

Cease Business Operations

8.14 If a Business ceases operations, the Licensee shall notify the Authorized Person in writing that the License is no longer required and shall surrender the License to the Authorized Person.

9. REFUSAL, SUSPENSION AND REVOCATION

9.1 Council delegates to the Authorized Person the authority to refuse an Application or suspend or revoke a License for reasonable cause by providing the Applicant or Licensee with:

- a) written notice of and reasons for the refusal, suspension, or revocation; and
- b) an opportunity to be heard by Council.

9.2 Without limiting what constitutes reasonable cause for the refusal of an Application or the suspension or revocation of a License, the following may constitute reasonable cause:

- a) the Applicant or Licensee fails to comply with this *Bylaw*;
- b) the Applicant or Licensee fails to comply with a term or condition of the License;
- c) the Applicant or Licensee is convicted of an offence that, in the opinion of the Authorized Person, directly relates to the Business;
- d) the Applicant or Licensee violates any *Bylaw* of the City that is, in the opinion of the Authorized Person, in any way related to the Business or the Business Premises;
- e) the Applicant or Licensee fails or ceases to meet the lawful requirements to carry on the Business at the Premises; or
- f) the Licensee has engaged in misconduct with respect to the Business or the Business Premises, which in the opinion of the Authorized Person, warrants the suspension or revocation of the License.

9.3 When exercising the authority to refuse, suspend, revoke or make a License subject to terms

and conditions, the Authorized Person may consider, without limitation, any information provided by another governmental authority in respect of the Business or License.

- 9.4 If the Authorized Person suspends a License:
- a) the suspension is for such period of time as the Authorized Person may determine; and
 - b) the Authorized Person may impose additional terms and conditions that the Licensee must meet in order to obtain a License at the end of the suspension period.
- 9.5 If the Authorized Person suspends or revokes a License, the Authorized Person must provide notice of the suspension, or revocation to the Licensee pursuant to the notice provisions outlined in this *Bylaw*.
- 9.6 Notwithstanding the notice provisions in this *Bylaw*, the Authorized Person may post notice of the suspension or revocation of a License upon the Premises of the Business for which the License was issued, and such notice shall not be removed until:
- a) the License is reinstated,
 - b) the Licensee or former Licensee ceases to occupy the Premises; or
 - c) a different Business begins operating in the Premises.

Notice

- 9.7 The Authorized Person may deliver written notice to an Applicant or Licensee personally or by mail by:
- a) if the Applicant or Licensee is a corporation, delivering or mailing the notice the corporations registered office; or
 - b) by delivering or mailing the notice to the address of the Applicant provided on the Application or the address of the Business subject to the License.
- 9.8 Notice delivered in accordance with this section is presumed to have been received by the Applicant or Licensee, if delivered personally, on the date of delivery and, if delivered by mail, on the seventh day after the notice is mailed.

Reconsideration by Council

- 9.9 If the Authorized Person refuses to grant, suspends, revokes, or imposes terms and conditions upon a License, the Applicant or Licensee may request that Council reconsider the Authorized Person's decision, within seven [7] business days of the date of receiving notice of the Authorized Person's decision, deliver to the Corporate Officer a written request stating the grounds upon which the request for reconsideration is based.
- 9.10 Upon receipt of the written request for reconsideration by the Applicant or Licensee, the reconsideration process will accord with the following process:
- a) the Authorized Person shall prepare and forward a report to both the Applicant or

Licensee and Council. The report will set out the reasons for the Authorized Person's decision and will attach the Applicant or Licensee's written request for reconsideration.

- b) Following receipt of the Authorized Person's report, the Corporate Officer will set a date and time for the Authorized Person, and the Applicant or Licensee to present to Council. The Corporate Officer will inform the Authorized Person, and the Applicant or Licensee of this date and time in writing.
- c) Once the Applicant or Licensee has presented their reasons for appealing the Authorized Person's decision, Council shall review the decision proposed by the Authorized Person, and either confirm or set aside the refusal, suspension, or revocation on terms the Council sees fit.
- d) If Council elects to uphold the Authorized Person's decision to refuse, suspend, or revoke the Applicant's Application or the Licensee's License, the Corporate Officer will provide the Applicant or Licensee written notice of Council's decision.

10. Specific Business Regulations

Adult Orientated Entertainment

- 10.1 Every Applicant for a License to conduct adult-orientated performances, such as exotic dancing, strip shows must ensure:
- a) the display of products or materials related to the Business shall not be visible from outside of the Premises; and
 - b) display a sign containing the words "Adults Only" in a prominent location on or near all entries to the Business Premises.

Body Rub Parlour

- 10.2 Every Applicant for a License to conduct a body rub parlour must ensure:
- a) The display of products or materials related to the Business shall not be visible from outside of the Premises; and
 - b) Display a sign containing the words "Adults Only" in a prominent location on or near all entries to the Business Premises.

Dating or Escort Service

- 10.3 Every Applicant for a License to conduct a dating or escort service must ensure:
- c) The display of products or materials related to the Business shall not be visible from outside of the Premises; and
 - d) Display a sign containing the words "Adults Only" in a prominent location on or near all entries to the Business Premises.

Carnival & Midway

- 10.4 Every Applicant for a License for exhibition uses, such as amusement park, circus, carnival or midway, must provide written verification, satisfactory to the Authorized Person, that the business has obtained a comprehensive general liability insurance policy that:
- a) is in an amount not less than three million dollars (\$3,000,000) all- inclusive per occurrence for bodily injury, death and property damage or loss;
 - b) names the City as an additional insured; and
 - c) provides that the City will receive from the insurer at least 30 days prior written notice of any proposed revocation or termination or material alteration to the policy.
- 10.5 Every Licensee with a License for an amusement park, circus, carnival or midway must maintain the insurance outlined above for as long as they operate the amusement park, circus, carnival or midway.

Passenger Directed Vehicles

- 10.6 Every Applicant for a License to conduct a passenger directed vehicle Business must provide the Authorized Person the following items:
- a) proof that the vehicle and any driver is covered by an Insurance Policy for Public Liability in the amount of at least two million dollars (\$5,000,000);
 - b) the applicant has obtained the necessary permit(s) from the Provincial Authority responsible for passenger directed vehicles and abides by all conditions set by the Passenger Transportation Board; and
 - c) the name(s) of the vehicle owner(s) and the motor vehicle license number associated with that Business.
- 10.7 The interior and exterior of every passenger directed vehicle shall be kept clean and conforms to all requirements of the *Motor Vehicle Act*.
- 10.8 Fee collection will correspond with the rate authorized by the Provincial Authority responsible for passenger directed vehicles.

Tow Truck Operations and Car Storage

- 10.9 Every Applicant for a License to conduct a tow truck operation must provide the Authorized Person with proof that the vehicle and any driver is covered by an Insurance Policy for Public Liability in the amount of at least two million dollars (\$2,000,000);
- 10.10 The tow truck vehicle shall conform to all requirements of the *Motor Vehicle Act*.

10.11. The Licensee of a tow truck operation shall report to the Chief of Police the following information within twenty-four (24) hours of towing a vehicle(s):

- a) the license number, vehicle identification number, make, model, colour and year of that vehicle;
- b) the place or origin of the tow; and
- c) the destination of the tow.

10.12 The Licensee of a car storage compound for towed vehicles shall report to the Chief of Police the following information within twenty-four (24) hours of receiving a vehicle(s):

- a) the license number, or vehicle identification number, make, model, colour and year of that vehicle; and
- b) the towing company that towed that vehicle to the compound.

11. INSPECTION, ASSESSMENT AND ENFORCEMENT

11.1 The Authorized Person and/or Bylaw Enforcement Officer is authorized to enter, at any reasonable time, upon any Premises in order to ascertain whether the provisions of this *Bylaw* are being obeyed or to enforce this *Bylaw*.

11.2 When entering on to a Business Premises, the Authorized Person and/or Bylaw Enforcement Officer shall carry proper credentials confirming his or her status as the Authorized Person and/or Bylaw Enforcement Officer.

11.3 At any time, the Authorized Person and/or Bylaw Enforcement Officer may require a Licensee to provide proof of any certification, approval, or qualification that may be required by this *Bylaw*, or by a federal, provincial or municipal authority with respect to the Business.

11.4 No person shall obstruct an Authorized Person and/or Bylaw Enforcement Officer engaged in the administration or enforcement of this *Bylaw*.

12. OFFENCE AND PENALTY

12.1 This *Bylaw* may be enforced by the *Offence Act*, a Bylaw Offence Notice in accordance with the *Local Government Bylaw Notice Enforcement Act*, or a combination of both methods.

12.2 A Bylaw Offence Notice shall be pursuant to the *Local Government Bylaw Notice Enforcement Act*, and the fines specified in the *Bylaw Notice Enforcement Bylaw*.

12.3 Except as otherwise provided in this *Bylaw* or the *City of Prince George Bylaw Notice Enforcement Bylaw*, any person who violates any of the provisions of this *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 of not less than Two Thousand (\$2000.00) and not exceeding Ten Thousand Dollars (\$10,000.00), the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* or the *Offence Act*. Each day that an offence against the *Bylaw* continues or exists shall be deemed to be a separate and distinct offence.

12.4 Each day on which any violation, contravention or breach of this *Bylaw* continues shall be deemed a separate offence.

13. SCHEDULES

13.1 Schedule "A" Attached to this *Bylaw* are incorporated in and form part of this *Bylaw*.

READ A FIRST TIME THIS THE DAY OF , 2020.

READ A SECOND TIME THIS THE DAY OF , 2020.

READ A THIRD TIME THIS THE DAY OF , 2020.

ADOPTED THIS THE DAY OF , 2020,
BY A DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

MAYOR

CORPORATE OFFICE

Schedule "A" Business License Category

Adult Orientated Entertainment
Bed and Breakfast
Body Rub Parlor
Campground
Cannabis Production Facility and Retail
Cannabis Retail
Commercial Recreation (>1000 m2 in size)
Commercial Recreation (<1001 m2 in size)
Commercial Service (< 100 m2 GFA)
Commercial Service (>101 m2 GFA)
Commercial Retail (<1000 m2 GFA)
Commercial Retail (>1001 m2 GFA)
Commercial Service (>100 m2 GFA)
Commercial Service (>101 m2 GFA)
Community Care Facility
Dating or Escort Service
Carnival and Midway
Financial Institution
Gaming Facility
Gasoline Service Station
Home Business 1
Home Business 2
Home Business 3
Hotel
Motel
Industry, Light (>100 m2 GFA)
Industry, Light (>101 m2 GFA)
Industry, Medium (>100 m2 GFA)
Industry, Medium (>101 m2 GFA)
Industry, Heavy
Liquor Primary Establishment
Food Primary Establishment
Manufactured Home Park
Mobile Vender
Not-for Profit
Office
Parking Non-Accessory
Passenger Directed Vehicles
Pawn Shop/Second Hand Dealer
Vehicle Wash
Vehicle Repair
Vehicle Sale
Vehicle Rental
Commercial Education
Financial Institution