

CITY OF PORT ALBERNI

BYLAW NO. 4951

A BYLAW TO REGULATE BUSINESS LICENCES

NOW THEREFORE the Council of the City of Port Alberni in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the "Business Licence Regulation Bylaw No.4951, 2017."

2. Definitions

"Business"	Means the carrying on of a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal or other services, but does not include an activity carried on by the government, its agencies or government owned corporations.
"Director of Development Services"	Means the person appointed by Council to administer this bylaw.
"Licence"	Means a Licence to carry on business issued pursuant to Section 7 of this Bylaw.
"Building Official"	Means the person or persons appointed from time to time by Council as the Building Inspector and includes duly authorized delegates.
"Bylaw Enforcement Officer"	Means a Peace Officer, as defined in the <i>British Columbia Interpretation Act</i> , and those persons designated by the City as Bylaw Enforcement Officers from time to time.
"Medical Marijuana Dispensary"	Means a retail business in which marijuana for medicinal purposes is offered for sale directly to the public

3. Licence Requirement

- 3.1 No person shall carry on a business within the City of Port Alberni unless a valid and subsisting licence has been issued for the Business.
- 3.2 A person who carries on business from more than one location shall obtain a licence under this Bylaw for each business location.

4. Licence Application

- 4.1 The owner or operator of every business shall make application to the City of Port Alberni on the prescribed forms for a business licence prior to commencing operation.

- 4.2 The Director of Development Services may require an applicant for a licence to provide proof of certification, approval, or qualification required by a federal, provincial, or local government authority having jurisdiction over the proposed business.
- 4.3 It is an offence under this bylaw to provide incorrect or misleading information on an application for a licence or renewal of a licence.

5. Licence Fees

- 5.1 Business Licence fees shall be in accordance with those specified In Schedule 'A' attached hereto.
- 5.2 A penalty of 25% will be added to each unpaid business licence as at January 31st in each year or 30 days following issuance of a new licence.
- 5.3 For new businesses applying after July 1 in any year, the fee may be reduced to one-half the annual fee.
- 5.4 If an application for a licence is withdrawn in writing prior to issuance of the licence, the licence fee may be refunded to the applicant.
- 5.5 No licence fee shall be refunded after the issuance of a licence.
- 5.6 When a person begins to carry on a business prior to July 1 in any year and fails to apply for a licence until after July 1 in that year, the licence fee shall not be reduced.

6. Licence Periods

- 6.1 Business licences shall be issued for a calendar year and shall expire on December 31 of each year.

7. Licence Issuance and Conditions

- 7.1 When the Director of Development Services is satisfied that an applicant has complied with the requirements of this bylaw, and with the bylaws of the City of Port Alberni regulating building, zoning, health, sanitation and business, the Director of Development Services may issue the licence to the applicant in accordance with the application.
- 7.2 Every licence issued under this Bylaw is deemed to be a personal licence granted to the licensee, to carry on the business specified in the licence from the premises specified in the Licence, and is not transferable to any other person.
- 7.3 The owner or operator of a business shall not change the location of the business without first obtaining a transfer of the licence for that business in accordance with Section 8 of this Bylaw.

- 7.4 Every owner or operator of a business shall notify the Director of Development Services of any change in that person's mailing address and any change in the name of the business within 14 days of such change.
- 7.5 The owner or operator of every business shall post and maintain in a conspicuous place on the business premises or the chattel in respect of which the licence is issued, the licence issued for that business.
- 7.6 Every owner or operator of a business shall comply with all bylaws of the City of Port Alberni and all applicable laws, rules, codes, regulations, and orders of all federal or provincial authorities having jurisdiction over such business.

8. Licence Transfers

- 8.1 No person shall change the location of a business unless application for a licence transfer is made to the Director of Development Services and is approved by the Director of Development Services prior to the change in location.
- 8.2 A licence transfer shall not be approved unless the Director of Development Services is satisfied that the premises to which the Business is proposed to be relocated complies with the building, zoning, health, sanitation and Business regulation bylaws of the City of Port Alberni.

9. Licence Renewals

- 9.1 Each year following the calendar year in which a licence is first issued, a licence renewal form may be forwarded to the holder of every licence.
- 9.2 No licence holder shall carry on business without renewing the licence and paying the annual fee prior to January 31 in each year that the business is carried on.
- 9.3 When the annual licence fee is not paid in accordance with Section 9.2, the licence shall be deemed to be revoked.

10. Licence Suspensions

- 10.1 The Director of Development Services may, in accordance with Section 60 of the *Community Charter* and subject to the right of reconsideration provided in Section 60(5) of the *Community Charter*, suspend a licence for the period determined by the Director of Development Services if the holder of the licence:
- (a) is not in compliance with any municipal bylaw or applicable laws, rules, codes, regulations, or orders of a federal or provincial authority having jurisdiction over such business or premises for which the holder is licenced; or
 - (b) has ceased to meet the lawful requirements to carry on the business or with respect to the premises named in the licence.

- 10.2 When a licence has been suspended or revoked, the Director of Development Services may post a notice of suspension or notice of revocation on the premises in respect of which the licence was issued, prohibiting the continued operation of the business from those premises.

11. Medical Marijuana Dispensary Requirements:

- 11.1 The provisions of this section apply to all persons carrying on business as a Medical Marijuana Dispensary.

- a) No person shall carry on business as a Medical Marijuana Dispensary without having first obtained a business licence from the City of Port Alberni.
- b) No person shall carry on business as a Medical Marijuana Dispensary without having signed an acknowledgment that a business licence is only a representation that the dispensary complies with local government bylaws and is not a representation that the dispensary complies with all other laws, including provincial and federal laws.
- c) A Medical Marijuana Dispensary business shall be conducted within a completely enclosed building.
- d) No person shall permit a minor (under 19 years of age) to enter or remain on the business premises of a Medical Marijuana Dispensary.
- e) No person shall carry on business as a Medical Marijuana Dispensary between the hours of 8 p.m. and 8 a.m. the following day.
- f) No person shall smoke or consume marijuana in a Medical Marijuana Dispensary or within 3 metres of any doors of a dispensary.
- g) No person shall block the windows of the business premises of a Medical Marijuana Dispensary with opaque material, artwork, posters, shelving or similar elements.

- 11.2 The following signage shall be installed and maintained on the business premises of a Medical Marijuana Dispensary:

- a) Signage at the entrance of a Medical Marijuana Dispensary, prohibiting minors (under the age of 19 years).
- b) "Product Warning" signage at the entrance and service counter of a Medical Marijuana Dispensary. The size and content of the signs shall be determined by the City of Port Alberni.

- 11.3 The following security measures shall be installed and maintained on the business premises of Medical Marijuana Dispensary.

- a) Video surveillance cameras that monitor all entrances and exits and the interior of the business premises.

- b) Video camera data shall be retained for a least 21 days after it is gathered.
- c) A security and fire alarm system that is monitored at all times.

12. Inspections

12.1 The Director of Development Services or Building Official are authorized to enter upon any property at all reasonable hours, to ascertain whether the requirements of this Bylaw are being observed.

13. Enforcement and Penalties

13.1 Bylaw Enforcement Officers are authorized to enforce this Bylaw

13.2 A Bylaw Enforcement Officer is authorized to enter onto any property or into any building without warrant to ascertain that the provisions of this bylaw are being met.

13.3 Any person who contravenes a provision of this bylaw commits an offence and is liable upon summary conviction of a fine of not less than \$1000.00 and not more than \$10,000;

13.4 This Bylaw is designated, pursuant to section 264 of the *Community Charter*, S.B.C. 2003, c.26, as a Bylaw that may be enforced by means of a ticket in the prescribed form;

13.5 Each day a person is in contravention of this Bylaw constitutes a separate offence.

14. Repeal

14.1 "Business Licence Bylaw No.4543" and all amendments thereto are hereby repealed.

READ A FIRST TIME THIS 23rd DAY OF OCTOBER, 2017.


READ A SECOND TIME THIS 23rd DAY OF OCTOBER, 2017.

READ A THIRD TIME THIS 23rd DAY OF OCTOBER, 2017.

FINALLY ADOPTED THIS 14TH DAY OF NOVEMBER, 2017.



Mayor



Clerk

SCHEDULE "A"

CATEGORY: 1. Service FEE: \$132.00

DESCRIPTION

All businesses except those identified in Categories 2-7 of this schedule.

CATEGORY: 2. Escort Service FEE: \$2,200.00

DESCRIPTION

Escort Service

CATEGORY: 3. Financial Institutions FEE: \$550.00

DESCRIPTION

Banks
Trust Companies
Finance Companies

CATEGORY: 4. Liquor Outlets FEE: \$220.00

DESCRIPTION

Public houses
Lounges
Cabarets
Night Clubs
Liquor Stores, etc.

CATEGORY: 5. Pawnbrokers FEE: \$550.00

DESCRIPTION

Pawnbrokers

CATEGORY: 6. Special Events FEE: \$220.00

(per day, to a maximum of \$2,200.00 per event)

DESCRIPTION

Carnival
Circus
Exhibition
Horse/pony Show
Dog Show

CATEGORY: 7. Medical Marijuana FEE: \$550.00

DESCRIPTION

Medical Marijuana Facility
Medical Marijuana Dispensary