



## **CITY OF PORT ALBERNI**

### **Business Licence Regulation Bylaw, No. 4951, 2017**

**(with amendments to March 25, 2019)**

**Consolidated for convenience only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

This Bylaw has been consolidated for convenience only and includes amendments from:

**Bylaw No. 4951-1 – March 25, 2019**

**CITY OF PORT ALBERNI**

**BYLAW NO. 4951**

**Consolidated to Include Bylaw No. 4951-1**

**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. Bylaw #4951-1 adds the definitions of Cannabis, Cannabis Accessories and Cannabis Retail**

“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

“Cannabis” Means a cannabis plant belonging to the genus Cannabis and including the following:

- (a) Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- (b) Any substance or mixture of substances that contains or has on it any part of such a plant; or
- (c) Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

But does not include:

- (a) A non-viable seed of a cannabis plant;
- (b) A mature stalk, without any leaf, flower, seed or branch, of such a plant;
- (c) Fibre derived from a stalk referred to in item 2; or
- (d) The root or any part of the root of such a plant.

“Cannabis Accessories” Means rolling papers or wraps, holders, pipes, water pipes, bong and vaporizers, that is represented to be used in the consumption of cannabis.

“Cannabis Retail” Means the retail sales of *cannabis* and *cannabis accessories*.

### **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 31<sup>st</sup> 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.

**Bylaw #4951-1 adds removes previous Section 11 and replaces it with the following:**

## **11. Retail Cannabis Stores**

(1) The owner or operator of a Retail Cannabis Store must:

- (a) hold a valid and subsisting non-medical retail cannabis provincial licence, issued by the Liquor and Cannabis Regulation Branch of British Columbia;
- (b) provide proof of all related federal and provincial certifications;
- (c) comply with all related federal, provincial and local regulations and enactments;
- (d) operate between the hours of 9:00am and 11:00pm; and
- (e) comply with the provisions set forth in the City's Zoning Bylaw.

## **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 23<sup>rd</sup> DAY OF OCTOBER, 2017.**

**READ A SECOND TIME THIS 23<sup>rd</sup> DAY OF OCTOBER, 2017.**

**READ A THIRD TIME THIS 23<sup>rd</sup> DAY OF OCTOBER, 2017.**

**FINALLY ADOPTED THIS 14<sup>TH</sup> 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